



Legislation Text

File #: 981542, Version: 1

981542
SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Michael Lee, d/b/a Judge's Irish Pub, for a set of steps, a concrete ramped entrance for barrier-free access, a concrete parapet wall and a building siding encroachment in the public right-of-way adjacent to 1431 East North Avenue, in the 3rd Aldermanic District in the City of Milwaukee.

- Analysis -

Substitute resolution granting a special privilege to Michael Lee, d/b/a Judge's Irish Pub, for a set of steps, a concrete ramped entrance for barrier-free access, a concrete parapet wall and a building siding encroachment all located in the public right-of-way at 1431 East North Avenue.

Whereas, Michael Lee is the owner of the building located at 1431 East North Avenue, which will be undergoing renovation; and

Whereas, A set of concrete steps, a concrete ramped entrance for barrier-free access and a concrete parapet wall which are part of the building renovation are proposed to encroach into the public right-of-way of North Cambridge Avenue; and

Whereas, Review of this request found that an existing portion of the siding on the east side of the building encroaches into the public right-of-way of North Cambridge Avenue; and

Whereas, Encroachment of the steps, handicap entrance, parapet wall and building siding into the public right-of-way can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Michael Lee, 1431 East North Avenue, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To construct and maintain a set of front porch steps within the west sidewalk area of North Cambridge Avenue, abutting the building at 1431 East North Avenue. Said steps shall encroach approximately 1 foot 10 1/2 inches into the 16-foot wide sidewalk area of North Cambridge Avenue, leaving approximately 14 feet 1 1/2 inches for pedestrian usage. Said steps shall be constructed abutting the building in such a manner that their use would not infringe upon the paved public sidewalk and interfere with through pedestrian movement at any time.
2. To construct and maintain an approximate 30-foot long and 5-foot 6-inch wide concrete ramp and platform with metal handrail on the west side of North Cambridge Avenue adjacent to the property known as 1431 East North Avenue. Said concrete ramp shall begin at a point approximately 26 feet 5 inches south of the southline of East North Avenue and encroach approximately 5 feet 6 inches into the public sidewalk area.
3. To maintain a building siding encroachment on the west side of North Cambridge Avenue, at 1431 East North Avenue, described as follows:
Wood siding on the building encroaches varying from 0.15 feet at the northeast corner of the building to 0.77 feet at the southeast corner of the building, on the west side of North Cambridge Avenue. The total length of the encroachment is approximately 53.5 feet.
4. To construct and maintain a concrete block parapet wall, approximately 1-foot thick, extending approximately 1.77 feet into the public right-of-way on the west side of North Cambridge Avenue, at the southeast corner of the building.

Said steps, handicap ramp, concrete parapet wall and building siding encroachment shall be constructed, used and/or maintained to the satisfaction of the Commissioners of Public Works and Neighborhood Services. All required permits shall be procured prior to beginning construction. Said items shall be removed from the public right-of-way in such future time as they are no longer needed to the satisfaction of the Commissioners of Public Works and Neighborhood Services.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Michael Lee, d/b/a Judge's Irish Pub, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$5,000.00 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee which has an initial amount of \$257.74. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works any curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

5. Waive the right to contest in any manner the validity of Section 66.045 of the Wisconsin Statutes (1979), or the amount of the annual fixed fee, payable on or before July 1st of each year.

6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

February 25, 1999

981542