



Legislation Text

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041246

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Zarletti, LLC to construct and maintain a storm enclosure in the public right-of-way of East Mason Street for the premises at 741 North Milwaukee Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Zarletti, LLC to construct, keep and maintain storm enclosure in the public right-of-way of East Mason Street adjacent to 741 North Milwaukee Street.

Whereas, The applicant desires to construct, keep and maintain a storm enclosure at the East Mason Street entrance to the premises at 741 North Milwaukee Street; and

Whereas, Said storm enclosure may only legally encroach into the public right-of-way by the granting of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Zarletti, LLC, 741 North Milwaukee Street, Milwaukee, WI 53202, is hereby granted the following special privilege:

To erect and maintain a storm enclosure at the property known as 741 North Milwaukee Street. Said storm enclosure, approximately 6 feet in width, shall be centered approximately 15 feet 6 inches west of the westline of North Milwaukee Street and shall encroach 3 feet 6 inches into the south, 15-foot wide sidewalk area of East Mason Street.

The storm enclosure shall be supported by the building and by 2 vertical supports at each side of the covered walk, located approximately 3-feet 6-inches north of the southline of East Mason Street. There shall be two 3-foot doors, perpendicular to the curb face, one on the east face and one on the west face of the storm enclosure, respectively.

The storm enclosure frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted. The covering shall be of approved material.

All fixtures and materials for illumination of storm enclosures shall be indicated upon the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The business may be indicated only on the upper portion of the covering, near the roofline, and not to exceed 8 inches in height.

Said storm enclosure shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said storm enclosure shall be maintained or removed from the public right-of-way, at such future time as it is no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, Zarletti, LLC, 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 \$2,000.00 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 \$25,000.00 covering bodily injury to any one person and \$50,000.00 covering bodily injury to more than one person in any one accident and \$10,000.00 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 \$75.00. 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 66.0425 of the Wisconsin Statutes (1999), 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division
MDL:cjt
February 15, 2005
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