



Legislation Text

File #: 970341, Version: 1

970341
SUBSTITUTE
920255
THE CHAIR

Substitute resolution amending a special privilege granted to Au Bon Appetit Partnership, for a sidewalk cafe' in the public right-of-way abutting the premises at 1016 East Brady Street, to now change the name of the grantee of the special privilege to Au Bon Appetit, Ltd., in the 3rd Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege changes the name of the grantee of a special privilege allowing placement and maintenance of a sidewalk cafe' in the public right-of-way abutting the premises at 1016 East Brady Street from Au Bon Appetit Partnership, to Au Bon Appetit, Ltd.

Whereas, Au Bon Appetit Partnership was granted a special privilege to place a sidewalk cafe' adjacent to their business at 1016 East Brady Street; and

Whereas, Au Bon Appetit, Ltd. is the new name of that part of the business that now occupies the premises at 1016 East Brady Street and a name change on the existing special privilege is needed in order to reflect the current legal status; and

Whereas, Said sidewalk cafe' may only legally occupy the public way by the granting of a special privilege; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 920255 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Au Bon Appetit, Ltd., 1016 East Brady Street, Milwaukee, WI 53202, is hereby granted the following special privilege:

To establish and maintain a sidewalk cafe' area within the north sidewalk area of East Brady Street adjacent to the restaurant at 1016 East Brady Street. Said cafe' area shall be limited to occupy an area extending a maximum distance of 4 feet into the 13-foot wide fully concrete paved public sidewalk area and occupy space approximately 17.5 feet in length. Said area shall begin at a point approximately 114 feet east of the eastline of North Astor Street. Tables in the cafe' area should be placed abutting the building with the chairs placed at each end in such a manner so as their placement/usage will not infringe upon the through pedestrian movement at any time. Only two chairs per table shall be used.

Said tables and chairs shall be removed from the public right-of-way during nonbusiness hours. No business transactions shall take place within the public right-of-way.

The area about the sidewalk cafe' shall be kept clean by the coffee house personnel to the satisfaction of the Commissioner of Health.

Said cafe' shall be operated and maintained to the satisfaction of the Commissioners of Public Works, Building Inspection and Health; however, required permits shall be procured prior to operation of the facilities. Any permission and licenses that are required specifically pertaining to the sale of intoxicating liquor, wine and fermented malt beverages shall be obtained prior to beginning that type of activity. The cafe' area may be operated during normal business hours. Violation of the City's Noise ordinances or other verifiable evidence of nuisances or conduct of business operations resulting in same may result in restriction of operating hours by the Alderman or revocation of this privilege by the Council.

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Au Bon Appetit, Ltd., a Wisconsin Corporation, 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 \$1,000 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 \$35.00. 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 66.045 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

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July 10, 1997

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