



Legislation Text

File #: 020482, **Version:** 1

020482

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Larry Pachefsky to install, use and maintain excess door swing projections and movable planters encroaching into the public rights-of-way abutting the premises at 767 North Water Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to install, use and maintain excess door swing projections and movable planters encroaching into the public rights-of-way on the west side of North Water Street and the east side of North Front Street, both abutting the premises at 767 North Water Street.

Whereas, Larry Pachefsky has applied for a special privilege to install, use and maintain an excessive door swing projection encroaching on the west side of North Water Street adjacent to the premises at 767 North Water Street in conjunction with the building's renovation; and

Whereas, The plans submitted for the renovation indicate an additional existing set of double doors that encroach into North Front Street, the street behind and also abutting 767 North Water Street, which apparently have existed for many years; and

Whereas, During our field viewing Mr. Pachefsky orally asked to also receive permission at this time for 2 movable planters (or similar items) to be placed on North Water Street abutting the building on either side of the door; and

Whereas, Said encroachments 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 Larry Pachefsky, 6005 North 76th Street, Milwaukee, WI 53218, is hereby granted the following special privilege:

1. To install, use and maintain an excess door swing encroachment at the building known as 767 North Water Street that, when fully open, projects into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The doorway is centered approximately 129 feet north of the northline of East Mason Street and its maximum encroachment is approximately 3.5 feet into the approximate 15-foot wide sidewalk area.
2. To install, use and maintain a double door excess swing encroachment at the building known as 767 North Water Street that, when fully open, projects into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The doorway is centered approximately 91 feet north of the northline of East Mason Street and its maximum encroachment is approximately 2.5 feet into the approximate 5-foot wide sidewalk area.
3. To place and maintain 2 discretely-sized movable planters abutting the building on North Water Street on either side of the door indicated in item 1. above.

Said door shall be used and maintained to the satisfaction of the Departments 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, Larry Pachefsky, 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 \$1,000.00 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 \$57.98. 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 66.0915((3) 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

Drafter

Infrastructure Services Division

JJM:cjt

September 4, 2002

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