



Legislation Text

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020246

SUBSTITUTE

971947

THE CHAIR

Substitute resolution amending a special privilege granted to Flannery's Pub Inc. for a sidewalk café area to encroach into the public right-of-way at 425 East Wells Street, to now revise the sidewalk café area in the 4th Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Flannery's Pub Inc. to establish a sidewalk café with wooden decks on the sidewalk encroaching into the public right-of-way at 425 East Wells Street to now revise the sidewalk café area.

Whereas, The applicant in the past placed tables and chairs within the public right-of-way thereby establishing a sidewalk café on the south side of East Wells Street adjacent to the premises at 425 East Wells Street known as Flannery's Pub & Restaurant; and

Whereas, The applicant installed wooden decks on the sidewalk in order that the tables and chairs be more level, for which permission was granted; and

Whereas, The applicant now wishes to remove the wooden decks and place tables and chairs on the sidewalk for a longer distance but in a configuration that has less than 6 feet of clearance at several parking meters, thereby requiring a special privilege rather than allow its existence as a sidewalk area dining facility; and

Whereas, Placement of these items within the public right-of-way with less than 6 feet of clearance 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 Flannery's Pub Inc., 425 East Wells Street, Milwaukee, WI 53202, is hereby granted the following special privilege:

To establish and maintain a sidewalk café consisting of two areas within the south sidewalk area of East Wells Street adjacent to the premises at 425 East Wells Street. The area east of the doorway shall extend a maximum distance of 4 feet into the 10-foot wide fully paved public sidewalk area and occupy space approximately 40 feet in length. The area west of the doorway shall extend a maximum distance of 4 feet into the sidewalk area and occupy space approximately 20 feet in length. All items shall be placed so as to provide a minimum of 5 feet of through path for pedestrians.

It is highly desirable that all tables and chairs within the public right-of-way be removed from the public right-of-way during nonbusiness hours unless secured in place. No business transactions shall take place within the public right-of-way.

Said café area shall be operated and maintained to the satisfaction of the Commissioners of Public Works, Neighborhood Services and Health.

All required permits shall be procured prior to operation of the facilities. Any permission and licenses that are required specifically pertaining to intoxicating liquor, wine and fermented malt beverage sales shall be obtained prior to beginning that type of activity. The café 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, Flannery's Pub Inc., 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 \$60.00. 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 66.0915((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
Infrastructure Services Division
JJM:cjt
September 4, 2002
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