



## Legislation Text

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**File #: 180641, Version: 1**

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180641  
SUBSTITUTE 1  
Ald. Bauman

Substitute resolution granting a special privilege to Brunch MKE LLC to install and maintain two dumpsters in the public right-of-way for the premises located at 800 North Plankinton Avenue, in the 4<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Brunch MKE LLC to install and maintain two dumpsters in the north-south located between 814-20 and 826 North Plankinton Avenue.

Whereas, Brunch MKE LLC, the applicant, which is a restaurant, does not have a location to store dumpsters on private property; and

Whereas, The applicant is requesting permission to keep and maintain two dumpsters in the east-west alley north of the premises and located between 814-20 and 826 North Plankinton Avenue; and

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

Resolved, By the Common Council of the City of Milwaukee that Brunch MKE LLC, 800 North Plankinton Avenue, Milwaukee WI 53203 is hereby granted the following special privilege:

To install and maintain two dumpsters in the 20-foot wide, east-west alley located between 814-20 and 826 North Plankinton Avenue in the block bounded by West Kilbourn Avenue, North Plankinton Avenue, West Wells Street, and the Milwaukee River. Said dumpsters are located along the northline of said alley adjacent to westline of the Milwaukee River.

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

Said dumpsters shall be maintained or removed from the public right-of-way, at such future time as they are 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, Brunch MKE 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 Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$100.00. 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 and 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 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 1<sup>st</sup> 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.
7. Ensure that the dumpsters do not have rusted surfaces or are otherwise in a state of disrepair.
8. Ensure that the lids of each dumpster remain closed at all times except when refuse is being placed in the dumpster or the dumpster is being emptied.
9. Ensure that no contents of a dumpster spill onto the public right-of-way.
10. Ensure that no refuse remains on the ground on the perimeter of any dumpster.

Department of Public Works  
Administration Division  
KAREN DETTMER/DAWN SCHMIDT  
August 15, 2018  
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