



Legislation Text

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**File #: 110013, Version: 1**

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110013  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to Shasha LLC to construct and maintain a storm enclosure and permanent fence in the public right-of-way for the premises at 2012-2026 East North Avenue, in the 3<sup>rd</sup> Aldermanic District.

This resolution grants a special privilege to Shasha LLC to construct and maintain a storm enclosure and permanent fence in the public right-of-way for the premises at 2012-2026 East North Avenue.

Whereas, The applicant is requesting permission to construct and maintain a storm enclosure; and

Whereas, A site visit revealed the presence of a fence, which acts as a boundary for the abutting sidewalk café, permanently affixed to the concrete sidewalk; and

Whereas, Said items 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 Shasha LLC, Attn: Gary Johnson, 2022 East North Avenue, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain a metal fence enclosing a sidewalk cafe projecting 8 feet into the north, 15-foot sidewalk area of East North Avenue. Said fence commences at a point approximately 86 feet east of the eastline of North Farwell Avenue and extends east 29 feet 10 inches. The corner posts of said fence include hooks for hanging flower baskets. Additionally, there are two metal planters mounted to two fence mid-posts.
2. To keep and maintain a storm enclosure projecting 6 feet 8 inches into the north, 15-foot wide sidewalk area of East North Avenue. Said storm enclosure commences at a point approximately 75 feet east of the eastline of North Farwell Avenue and extends 24 feet to the east.

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. The coverings shall be of approved material. All fixtures and materials for illumination of the storm enclosure shall be indicated on 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 storm enclosure. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

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

Said items 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, Shasha 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 \$125.00. 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.

Department of Public Works  
Infrastructure Services Division

MDL:clm

July 3, 2013

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