



Legislation Text

File #: 021089, **Version:** 1

021089

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Greenfield's to place two covered walks encroaching into the north side of East Royall Place and into the east side of North Farwell Avenue within the public rights-of-way at 1800 North Farwell Avenue, in the 3rd Aldermanic District in the City of Milwaukee.

This special privilege grants Greenfield's permission to place two covered walks encroaching into the north side of East Royall Place and into the east side of North Farwell Avenue within the public rights-of-way at 1800 North Farwell Avenue.

Whereas, The applicant desires to place and maintain two covered walks at 1800 North Farwell Avenue that will encroach into the public rights-of-way; and

Whereas, Said covered walks may only legally occupy the public right-of-way by the granting of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Greenfield's, 1800 North Farwell Avenue, Milwaukee, WI 53202, is hereby granted the following special privilege:

To install, keep and maintain two covered walks at the property known as 1800 North Farwell Avenue. Said covered walks, approximately 5 feet in width, are centered approximately 5 feet north of the northline of East Royall Place and approximately 5 feet east of the eastline of North Farwell Avenue. The covered walk on the east side of North Farwell Avenue encroaches approximately 9 feet 2 inches into the 11-foot wide sidewalk area on the east side of North Farwell Avenue and the covered walk on the north side of East Royall Place encroaches approximately 11 feet into the 15-foot wide sidewalk area on the north side of East Royall Place. The covered walks are to be supported by the building and by two vertical supports near each corner closest to the curb along each side of the covered walks. The vertical clearance between the skirt of the covered walks and the sidewalk below is approximately 9 feet.

Said covered walks shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frames shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Greenfield's, 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 \$150.00. 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 66.0425 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

January 27, 2003

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