



Legislation Text

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**File #: 991937, Version: 1**

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991937  
SUBSTITUTE  
951807  
THE CHAIR

Substitute resolution granting a special privilege to Cush Lounge, LLC for folding-type windows and a metal rail with lights on the north side of East North Avenue within the public right-of-way at 1806 East North Avenue, and to delete reference to Club Matisse, Inc. to keep a covered walk at the same address, in the 3rd Aldermanic District in the City of Milwaukee.

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- Analysis -

Substitute resolution granting a special privilege to Cush Lounge, LLC for folding-type windows and a metal rail with lights on the north side of East North Avenue within the public right-of-way at 1806 East North Avenue, and to delete reference to Club Matisse, Inc. to keep a covered walk at the same address, in the 3rd Aldermanic District in the City of Milwaukee.

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Whereas, Cush Lounge, LLC is seeking permission to install folding-type windows and a metal rail with uplights encroaching into the north sidewalk area adjacent to 1806 East North Avenue; and

Whereas, Said folding-type windows and metal rails with uplights may only legally occupy the public right-of-way by the granting of a special privilege resolution by the Common Council; and

Whereas, Club Matisse, Inc. was granted a special privilege under Common Council Resolution File Number 951807, on June 4, 1996, to erect and maintain a covered walk at the East North Avenue entrance to the premises located at 1806 East North Avenue and it has been removed; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 951807 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Cush Lounge, LLC, 1806 East North Avenue, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To install and maintain folding-type windows on the first floor level on the front of the building at 1806 East North Avenue, which open in a folding-type fashion into the 20-foot wide fully concrete paved sidewalk area on the north side of East North Avenue. When the windows are fully open, they will extend approximately 4 feet into the sidewalk area occurring approximately 9 feet above the sidewalk.
2. To install and maintain a 6-inch diameter metal rail placed approximately 9 feet above the sidewalk grade at the building known as 1806 East North Avenue. The metal rail commences on the building face, approximately 20 feet east of the eastline of North Oakland Avenue, then extends south into the 20-foot wide fully concrete paved sidewalk area approximately 4 feet and then extends east for a total distance of approximately 32 feet, then extends north approximately 4 feet to the building face. Uplights may be attached to the rail.

Said windows and metal rails shall be installed and maintained to the approval of the Commissioners of Neighborhood Services and Public Works. All required permits shall be procured prior to installation;

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Cush Lounge, 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 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 \$134.93. 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 66.045 of the Wisconsin Statutes (1979), 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.

Infrastructure Services Division

JJM:cjt

May 30, 2000

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