



## Legislation Text

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**File #:** 151179, **Version:** 1

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151179

### SUBSTITUTE 1

Substitute resolution granting a special privilege to Federal Commons South Second LLC to construct and maintain a fenced patio area in the public right-of-way for the premises at 838 South 2<sup>nd</sup> Street, in the 12<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Federal Commons South Second LLC to construct and maintain a fenced patio area with festoon lighting and bar rails in the public right-of-way for the premises at 838 South 2<sup>nd</sup> Street.

Whereas, Federal Commons South Second LLC, the applicant, requested permission to construct and maintain a fenced patio area in the public right-of-way for its tenant, which is an assembly hall operator; and

Whereas, Said fenced patio area 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 Federal Commons South Second LLC, 920 Circle Drive, Elm Grove, WI 53122 is hereby granted the following special privilege:

To construct and maintain a fenced patio area projecting 4 feet 9 inches into the north, 15-foot wide sidewalk area of West Walker Street. Said fence patio area commences at a point approximately 6 inches east of the east line of South 2<sup>nd</sup> Street and extends east 85 feet 9 inches. Said patio area is surrounded by a metal fence consisting of posts connected by chains and bar rails with 6-inch wide table tops. The posts support festoon lighting that is at least 10 feet above the adjacent sidewalk grade. The patio area varies in elevation in that it matches the adjacent sidewalk grade at the west end, but is 6 inches above the adjacent sidewalk grade at the east end.

Said fenced patio area 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, Federal Commons South Second 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 \$955.77. 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

Administration Division

JERREL KRUSCHKE/DAWN SCHMIDT

August 15, 2019

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