



## Legislation Details (With Text)

**File #:** 130412      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 7/2/2013      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 9/24/2013  
**Effective date:**

**Title:** Substitute resolution granting a special privilege to Melanie Sobelman to install and maintain an awning with legs, line fences, moveable planters, and a bench in the public right-of-way for the premises at 1900 West St. Paul Avenue, in the 8th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Cover Letter, 2. Petition and Pictures, 3. Photos, 4. Map

Date	Ver.	Action By	Action	Result	Tally
7/2/2013	0	COMMON COUNCIL	ASSIGNED TO		
7/9/2013	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/6/2013	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/11/2013	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
9/24/2013	1	COMMON COUNCIL	ADOPTED	Pass	15:0
9/27/2013	1	MAYOR	SIGNED		

130412

### SUBSTITUTE 1

Substitute resolution granting a special privilege to Melanie Sobelman to install and maintain an awning with legs, line fences, moveable planters, and a bench in the public right-of-way for the premises at 1900 West St. Paul Avenue, in the 8<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Melanie Sobelman to install and maintain an awning with legs, two decorative line fences, six moveable planters and a bench in the public right-of-way for the premises at 1900 West St. Paul Avenue.

Whereas, The applicant has requested permission to install and maintain an awning with legs; and

Whereas, A site visit revealed the presence of two decorative line fences, six moveable planters and a bench that also occupy the public right-of-way; 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 Melanie Sobelman, 1900 West St Paul Avenue, Milwaukee, WI 53233 is hereby granted the following special privileges:

1. To install and maintain an awning with legs projecting 3 feet 7 inches into the north, 11-foot wide sidewalk area of West St. Paul Avenue. Said awning commences at a point approximately 12 feet east of the westline of vacated North 19<sup>th</sup> Street and extends 41 feet 9 inches to the west. During winter months, the applicant may install fabric sidewalls on the awning in order to provide protection from inclement weather.

The awning 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 awning 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 awning. 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.

2. To install and maintain two decorative metal line fences which are bolted to the north curb of West St Paul Avenue. Each fence is 6 feet long, 2 feet 8 inches tall and has a base plate that is 2 feet 2 inches wide.
3. To install and maintain six moveable planters of various sizes located in the north, 11-foot wide sidewalk area of West St Paul Avenue. Said planters are generally positioned at the north curb of West St Paul Avenue adjacent to the subject premises and between the aforementioned sections of decorative metal line fencing.
4. To install and maintain a decorative metal bench in the north, 11-foot wide sidewalk area of West St Paul Avenue. Said bench, which is centered approximately 8 feet 6 inches south of the north line of West St Paul Avenue, is 6 feet long, 2 feet 2 inches wide and 2 feet 8 inches tall.

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, Melanie Sobelman, 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 \$435.98. 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  
August 12, 2013  
130412