Legislation Details (With Text)

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File created:	9/23/1997	**In control:**	PUBLIC WORKS COMMITTEE
On agenda:		**Final action:**	1/20/1998
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Title: Substitute resolution to grant a special privilege to A & B Inc. for three double door swing projections and a sidewalk cafe' to encroach into the public rights-of-way of East Brady Street and North Cass Street, adjacent to 728 East Brady Street, in the 3rd Aldermanic District in the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments:

Date	Ver.	Action By	Action	Result	Tally
9/23/1997	0	COMMON COUNCIL	ASSIGNED TO		
9/23/1997		PUBLIC WORKS COMMITTEE	REFERRED TO		
1/5/1998	1	CITY CLERK	DRAFT SUBMITTED		
1/7/1998	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
1/20/1998	1	COMMON COUNCIL	ADOPTED	Pass	16:0
1/27/1998	1	MAYOR	SIGNED		

970838
SUBSTITUTE

THE CHAIR
Substitute resolution to grant a special privilege to A & B Inc. for three double door swing projections and a sidewalk cafe' to encroach into the public rights-of-way of East Brady Street and North Cass Street, adjacent to 728 East Brady Street, in the 3rd Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution grants permission to A & B Inc. for three double door swing projections and a sidewalk cafe' to encroach into the public rights-of-way of East Brady Street and North Cass Street, adjacent to the premises at 728 East Brady Street.

Whereas, The building located at 728 East Brady Street is currently undergoing exterior and interior renovation; and

Whereas, Three exterior double doors will be located at the building which, when fully opened, will encroach into the public rights-of-way of East Brady Street and North Cass Street by more than the 12-inches allowable by Section 245-4-8 of the Code of Ordinances; and

Whereas, The applicant desires to establish a sidewalk cafe' area in the public rights-of-way of the north side of East Brady Street and the west side of North Cass Street, adjacent to the premises at 728 East Brady Street; and

Whereas, Encroachment of the doors and placement of the sidewalk cafe' items within the public rights-of-way can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that A & B Inc., 1404 West Dorothy Place 126 N, Mequon, WI, 53092, is hereby granted the following special privileges:

1. To install, use and maintain three double doors at the building known as 728 East Brady Street that, when fully opened, will project into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The

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double door located on the north side of East Brady Street is centered approximately 18 feet west of the westline of North Cass Street and its maximum encroachment would be approximately 3 feet into the 13-foot wide fully concrete paved sidewalk area; the two double doors located on the west side of North Cass Street are centered approximately 21 and 30 feet north of the northline of East Brady Street, respectively, and their maximum encroachment would be approximately 3 feet into the 16-foot wide fully concrete paved sidewalk area.

Said doors shall be installed, used, maintained to the approval of the Commissioners of Public Works and Building Inspection. All applicable permits shall be obtained by the grantee prior to the installation of the doors.

2. To establish and maintain a sidewalk cafe' area within the north sidewalk area of East Brady Street and the west sidewalk area of North Cass Street adjacent to the premises at 728 East Brady Street. Said cafe' area shall be limited to occupy an area extending a maximum distance of two feet into the 13-foot wide fully paved public sidewalk area of East Brady Street and occupy space approximately 18 feet in length; and extending a maximum distance of two feet into the 16-foot wide fully concrete paved sidewalk area of North Cass Street and occupy space approximately 30 feet in length. Said areas shall begin at the

northwest corner of East Brady Street and North Cass Street and extend west and north, respectively.

Said sidewalk cafe shall be operated and maintained to the satisfaction of the Commissioners of Public Works, Building Inspection and Health.

All required permits shall be procured prior to operation of the facilities. Any permission and licenses that are required specifically pertaining to intoxicating liquor, wine and fermented malt beverage sales shall be obtained prior to beginning that type of activity. The cafe' area may be operated during normal business hours. Violation of the City's Noise Ordinances or other verifiable evidence of nuisances or conduct of business operations resulting in same may result in restriction of operating hours by the Alderman or revocation of this privilege by the Council.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, A & B Inc., 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 $54.99. 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

JJM:cjt
December 29, 1997
970838

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