Legislation Details (With Text)

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Type:	Resolution	**Status:**	Passed
File created:	11/4/1997	**In control:**	PUBLIC WORKS COMMITTEE
On agenda:		**Final action:**	1/20/1998
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Title: Substitute resolution granting a special privilege to Carlos and Angela Beaufrand d/b/a Tropical Pollo for one door-swing projection to encroach into the public right-of-way adjacent to the building at 701 West National Avenue, in the 12th Aldermanic District in the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments:

Date	Ver.	Action By	Action	Result	Tally
11/4/1997	0	COMMON COUNCIL	ASSIGNED TO		
11/4/1997		PUBLIC WORKS COMMITTEE	REFERRED TO		
1/5/1998	1	CITY CLERK	DRAFT SUBMITTED		
1/7/1998	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
1/20/1998	1	COMMON COUNCIL	ADOPTED	Pass	16:0
1/27/1998	1	MAYOR	SIGNED		

971137
SUBSTITUTE

THE CHAIR
Substitute resolution granting a special privilege to Carlos and Angela Beaufrand d/b/a Tropical Pollo for one door-swing projection to encroach into the public right-of-way adjacent to the building at 701 West National Avenue, in the 12th Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege grants Carlos and Angela Beaufrand d/b/a Tropical Pollo permission to keep and maintain one excess door-swing projection encroaching into the public right-of-way of West National Avenue adjacent to the building at 701 West National Avenue.

Whereas, One exterior door is located at the building at 701 West National Avenue which, when fully opened, encroaches into the public right-of-way of West National Avenue by more than the 12-inches allowable by Section 245-4-8 of the Code of Ordinances; and

Whereas, Said encroachment 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 Carlos and Angela Beaufrand, d/b/a Tropical Pollo, 523 East Lakeview Avenue, Milwaukee, WI 53217, is hereby granted the following special privilege:

To keep, use and maintain one door at the building known as 701 West National Avenue 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 door, located on the south side of West National Avenue, is centered approximately 35 feet west of the westline of South 7th Street and its maximum encroachment is approximately 3-feet into the 8-foot wide fully concrete paved sidewalk area.

Said door shall be used and 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.

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and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantees, Carlos & Angela Beaufrand d/b/a Tropical Pollo, 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 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 $35.00. 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 66.045 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.
Infrastructure Services Division
JJM:cjt
December 29, 1997
971137

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