



## Legislation Details (With Text)

<b>File #:</b>	000556	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	7/25/2000	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	9/22/2000
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting a special privilege to Stout Bros. Public House, LLC for light fixtures to encroach into the public right-of-way adjacent to 777 North Water Street, in the 4th Aldermanic District in the City of Milwaukee.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>			

Date	Ver.	Action By	Action	Result	Tally
7/25/2000	0	COMMON COUNCIL	ASSIGNED TO		
7/27/2000	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/8/2000	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/12/2000	1	CITY CLERK	DRAFT SUBMITTED		
9/14/2000	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/22/2000	1	COMMON COUNCIL	ADOPTED	Pass	17:0
10/3/2000	1	MAYOR	SIGNED		

000556  
SUBSTITUTE

### THE CHAIR

Substitute resolution granting a special privilege to Stout Bros. Public House, LLC for light fixtures to encroach into the public right-of-way adjacent to 777 North Water Street, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Stout Bros. Public House LLC for three wall-mounted light fixtures to encroach into the public right-of-way at 777 North Water Street in excess of the 1.0 foot maximum allowed by Code.

Whereas, Stout Bros. Public House LLC owns and occupies the premises at 777 North Water Street and has undertaken renovations to the building at this location, which include placement of three wall-mounted light fixtures encroaching into the sidewalk area on the west side of North Water Street; and

Whereas, The fixtures as selected and/or where mounted do not comply with Section 245-4-25 of the Milwaukee Code of Ordinances which allows a maximum encroachment of 1.0 foot for fixtures mounted between 7 and 10 feet above grade, therefore, Code relief is needed if they are going to remain; and

Whereas, Encroachment of the light fixtures into the public right-of-way, as existing, 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 Stout Bros. Public House LLC, 777 North Water Street, Milwaukee, WI 53202, is hereby granted the following special privilege:

To keep and maintain three wall-mounted light fixtures on the east face of the building at 777 North Water Street. The fixtures project approximately 2 feet into the 15-foot wide sidewalk area on the west side of North Water Street, with a clear height of approximately 7 feet 5 inches above the sidewalk. The lights are centered approximately 124, 162 and 200 feet north of the northline of East Mason Street.

Said light fixtures shall be used and maintained to the satisfaction of the Commissioners of Public Works and Neighborhood Services. Said items shall be removed from the public right-of-way at such future time as they are no longer needed, to the satisfaction of the Departments of Public Works and 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, Stout Bros. Public House, 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 \$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 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

September 8, 2000

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