



## Legislation Details (With Text)

<b>File #:</b>	040537	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	9/1/2004	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	12/21/2004
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution to grant a special privilege to Nefertari Beauty to place a covered walk on the east side of North Dr. Martin Luther King, Jr. Drive within the public right-of-way at 2372 North Dr. Martin Luther King, Jr. Drive, in the 6th Aldermanic District in the City of Milwaukee.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Special Privilege Petition and Picture.PDF, 2. Fiscal Note.pdf, 3. Cover letter.pdf		

Date	Ver.	Action By	Action	Result	Tally
9/1/2004	0	COMMON COUNCIL	ASSIGNED TO		
9/2/2004		PUBLIC WORKS COMMITTEE	REFERRED TO		
11/18/2004	1	CITY CLERK	DRAFT SUBMITTED		
12/1/2004	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/1/2004	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/8/2004	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
12/21/2004	1	COMMON COUNCIL	ADOPTED	Pass	15:0
12/23/2004	1	MAYOR	SIGNED		

040537

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Nefertari Beauty to place a covered walk on the east side of North Dr. Martin Luther King, Jr. Drive within the public right-of-way at 2372 North Dr. Martin Luther King, Jr. Drive, in the 6<sup>th</sup> Aldermanic District in the City of Milwaukee.

This special privilege grants Nefertari Beauty permission to place and maintain a covered walk on the east side of North Dr. Martin Luther King, Jr. Drive, encroaching into the public right-of-way abutting the premises at 2372 North Dr. Martin Luther King, Jr. Drive.

Whereas, The applicant desires to place and maintain a covered walk at the North Dr. Martin Luther King, Jr. Drive entrance to the premises located at 2372 North Dr. Martin Luther King, Jr. Drive; and

Whereas, Said covered walk may only legally encroach into the public right-of-way by the granting of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Nefertari Beauty, 2372 North Dr. Martin Luther King, Jr. Drive, Milwaukee, WI 53202, is hereby granted the following special privilege:

To erect and maintain a covered walk at the property known as 2372 North Dr. Martin Luther King, Jr. Drive. Said covered walk, 6 feet in width, is to be centered approximately 75 feet south of the southline of West Meinecke Avenue and shall encroach approximately 10 feet into the 12-foot wide fully concrete paved sidewalk area on the east side of North Dr. Martin Luther King, Jr. Drive at the 2372 North Dr. Martin Luther King, Jr. Drive premises.

The covered walk shall be supported by the building and by two vertical supports, one near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb will be centered approximately 2 feet from the present curbline. There shall be an approximately 6-foot wide opening between the vertical supports, which parallels the curb face. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below shall be 8 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

Prior to installation, the grantee shall apply for and obtain "Loading Zone" or "No Parking" status adjacent to the proposed covered walk location and maintain this status as long as the covered walk occupies the public right-of-way.

All fixtures and materials for illumination of covered walks shall be indicated upon the construction plans and approved prior to naming the City of Milwaukee as an insurer. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The business may be indicated only on the vertical portion of the covering and not to exceed 8 inches in height; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Nefertari Beauty, 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 \$25,000.00 covering bodily injury to any one person and \$50,000.00 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 \$75.00. 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 66.0425 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Infrastructure Services Division

MDL:cjt

November 12, 2004

040537