



## Legislation Details (With Text)

<b>File #:</b>	080298	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	6/10/2008	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	10/29/2008
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution to grant a special privilege to Palermathen LLC for a storm enclosure to encroach into the public right-of-way for the premises at 718 North Milwaukee Street, in the 4th Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Special Privilege Petition, 2. Cover Letter, 3. Fiscal Note, 4. Pictures, 5. Map, 6. Hearing notice list		

Date	Ver.	Action By	Action	Result	Tally
6/10/2008	0	COMMON COUNCIL	ASSIGNED TO		
6/11/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/7/2008	1	CITY CLERK	DRAFT SUBMITTED		
10/9/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/15/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/29/2008	1	COMMON COUNCIL	ADOPTED	Pass	12:0
11/3/2008	1	MAYOR	SIGNED		

080298

SUBSTITUTE 1

THE CHAIR

Substitute resolution to grant a special privilege to Palermathen LLC for a storm enclosure to encroach into the public right-of-way for the premises at 718 North Milwaukee Street, in the 4<sup>th</sup> Aldermanic District.

Substitute resolution granting a special privilege to Palermathen LLC for a storm enclosure to encroach into the public right-of-way for the premises at 718 North Milwaukee Street.

Whereas, The applicant is requesting permission to construct and maintain a storm enclosure in the public right-of-way; and

Whereas, Said storm enclosure 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

Further Resolved, By the Common Council of the City of Milwaukee, that Palermathen LLC, 1522 North Prospect Avenue, #802, Milwaukee, Wisconsin 53202, is hereby granted the following special privilege:

To construct and maintain a storm enclosure projecting 3 feet into the east, 16-foot 6-inch wide sidewalk area of North Milwaukee Street. Said storm enclosure is located approximately 140 feet north of the northline of North Milwaukee Street. There will be a 3-foot wide door swing on the west wall of the storm enclosure.

The storm enclosure 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. No guy wires, brackets, or diagonal braces shall be permitted.

All fixtures and materials for illumination of storm enclosures shall be indicated upon the construction plans and approved prior to construction. 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 upper portion of the covering, near the roofline, and not to exceed 8 inches in height.

Said above-mentioned storm enclosure shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said storm enclosure 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, Palermathen 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 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division

MDL: ns

October 3, 2008

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