



## Legislation Details (With Text)

<b>File #:</b>	131754	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	4/2/2014	<b>In control:</b>	COMMON COUNCIL
<b>On agenda:</b>		<b>Final action:</b>	2/10/2015
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting a special privilege to Carnal LLC to construct and maintain a removable deck for curbside dining in the public right-of-way for the premises at 320 East Menomonee Street, in the 4th Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Petition & Site Plan.PDF, 2. Cover Letter, 3. Map, 4. Photos		

Date	Ver.	Action By	Action	Result	Tally
4/2/2014	0	COMMON COUNCIL	ASSIGNED TO		
4/4/2014	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
1/28/2015	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
2/10/2015	1	COMMON COUNCIL	ADOPTED	Pass	15:0
2/19/2015	1	MAYOR	SIGNED		

131754

### SUBSTITUTE 1

Substitute resolution granting a special privilege to Carnal LLC to construct and maintain a removable deck for curbside dining in the public right-of-way for the premises at 320 East Menomonee Street, in the 4<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Carnal LLC to construct and maintain a removable deck for curbside dining in the public right-of-way for the premises at 320 East Menomonee Street, also known as 153 North Milwaukee Street.

Whereas, The applicant is requesting permission to construct and maintain a moveable patio deck in the parking lane of East Menomonee Street in order to provide an area for curbside dining; and

Whereas, Said patio deck 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

Resolved, By the Common Council of the City of Milwaukee that Carnal LLC, c/o Club Charlie's, 320 East Menomonee Street, Milwaukee, WI 53202 is hereby granted the following special privilege:

To construct and maintain a removable patio deck in the north parking lane of East Menomonee Street for the purpose of providing space for outdoor dining. Said platform occupies an area that is 8 feet wide and commences at a point minimally 4 feet east of the north-south alley and extends 20 feet to the east. The platform consists of a stage deck that is supported on metal legs to a height of up to 6 inches and that is surrounded by a metal handrail. The applicant is to position a planter at the east end of the platform to provide a barrier against westbound vehicles. Additionally, the applicant may position planters at the southeast and southwest corners of the platform as a barrier against moving vehicles.

Said patio deck shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said patio deck 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, Carnal 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 Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$513.28. 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 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.
7. Keep the patio deck in the public right-of-way only between March 15<sup>th</sup> and November 15<sup>th</sup> of each year. The patio deck may not occupy the public right-of-way between November 16<sup>th</sup> and March 14<sup>th</sup> of each year.
8. Maintain the loading zone adjacent to the subject premises. Failure to maintain the loading zone will result in modification of the annual special privilege fee to account for loss of metered parking revenue.

Department of Public Works

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

December 9, 2014

131754