



## Legislation Details (With Text)

**File #:** 141074 **Version:** 1

**Type:** Resolution **Status:** Passed

**File created:** 11/5/2014 **In control:** COMMON COUNCIL

**On agenda:** **Final action:** 9/22/2015

**Effective date:**

**Title:** Substitute resolution amending a special privilege to Mark Saigh to remove and replace a trash enclosure in the public right-of-way for the premises at 1673 North Farwell Avenue, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** PERMITS

**Attachments:** 1. Cover Letter.pdf, 2. Petition & Plans.PDF

| Date       | Ver. | Action By              | Action                   | Result | Tally |
|------------|------|------------------------|--------------------------|--------|-------|
| 11/5/2014  | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 11/11/2014 | 0    | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 9/9/2015   | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 4:0   |
| 9/22/2015  | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 15:0  |
| 9/29/2015  | 1    | MAYOR                  | SIGNED                   |        |       |

141074  
SUBSTITUTE 1  
090200  
THE CHAIR

Substitute resolution amending a special privilege to Mark Saigh to remove and replace a trash enclosure in the public right-of-way for the premises at 1673 North Farwell Avenue, in the 3<sup>rd</sup> Aldermanic District.

This resolution amends a special privilege to Mark Saigh for removal and replacement of an existing trash enclosure in the public right-of-way; for removal of several items from the public right-of-way; and for addition of moveable planters in the public right-of-way for the premises at 1673 North Farwell Avenue.

Whereas, Mark Saigh had requested permission to keep and maintain two covered walks, a trash enclosure, several moveable planters, a concrete step and a cigarette butt container in the public rights-of-way adjacent to the subject premises; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 090200 in 2010; and

Whereas, One of said covered walks and the cigarette butt container have been removed from the public right-of-way; and

Whereas, The applicant's tenant had removed the previously existing wood trash enclosure and constructed a new metal trash enclosure; and

Whereas, A site visit revealed the presence of additional moveable planters in the public right-of-way and the removal of several items from the public right-of-way; and

Whereas, Said items 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 Common Council Resolution File Number 090200 is hereby rescinded; and, be it

Further Resolved, That Mark Saigh, c/o Mimi Trust, 1325 East Altadena Drive, Altadena, California, 91001 is hereby granted the following special privileges:

1. To construct and maintain an 8-foot tall metal fence enclosure for concealing garbage carts projecting 4 feet 3 inches into the south, 13-foot wide sidewalk area of East Brady Street. Said enclosure commences at a point approximately 45 west of the westerly line of North Farwell Avenue and extends west 12 feet 7 inches.
2. To install and maintain six moveable planters in the south, 13-foot wide sidewalk area of East Brady Street abutting the building. Four of said planters are centered about a doorway located approximately 62 feet west of the westerly line of North Farwell Avenue. The remaining two planters are centered about a doorway located approximately 76 feet west of the westerly line of North Farwell Avenue. All of the planters are 18 inches tall with four of the planters being 1 foot 8 inches square and two of the planters being 1 foot 9 inches in diameter.
3. To keep and maintain one “whiskey barrel” type moveable planter being 1 foot 6 inches in diameter and 2 feet tall. Said planter is located in the south, 13-foot wide sidewalk area of East Brady Street, adjacent to the street curb, at a point approximately 97 feet west of the westerly line of North Farwell Avenue.
4. To keep and maintain a covered walk projecting 11 feet into the south, 13-foot wide sidewalk area of East Brady Street. Said 6-foot wide covered walk is centered approximately 62 feet west of the westline of North Farwell Avenue. The covered walk is supported by the building at one end and by vertical supports located approximately 2 feet from the curb line. The minimal vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet.

Said covered walk above 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 frames 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 wire brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The coverings shall be of approved material. All fixtures and materials for illumination of the covered walks shall be indicated on the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walks. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

5. To keep and maintain a concrete step projecting 1 foot into the south, 13-foot wide sidewalk area of East Brady Street. Said step is 6 feet 7 inches long and is centered approximately 62 feet west of the westerly line of North Farwell Avenue.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as it is 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, Mark Saigh, 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 \$364.09. 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

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

August 12, 2015