



Legislation Details (With Text)

**File #:** 080799      **Version:** 1

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

**File created:** 10/7/2008      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 2/10/2009

**Effective date:**

**Title:** Substitute resolution amending a special privilege to Eagan’s on Water, Inc. for addition of an awning with supports for the premises at 1030 North Water Street, in the 4th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition, 2. Fiscal Note, 3. Cover Letter, 4. Pictures, 5. Map, 6. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/7/2008	0	COMMON COUNCIL	ASSIGNED TO		
10/8/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
12/3/2008	1	CITY CLERK	DRAFT SUBMITTED		
12/30/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/7/2009	1	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	3:0
1/21/2009	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/28/2009	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
2/10/2009	1	COMMON COUNCIL	ADOPTED	Pass	15:0
2/17/2009	1	MAYOR	SIGNED		

080799  
 SUBSTITUTE 1  
 931750  
 THE CHAIR

Substitute resolution amending a special privilege to Eagan’s on Water, Inc. for addition of an awning with supports for the premises at 1030 North Water Street, in the 4<sup>th</sup> Aldermanic District.

This resolution amends a special privilege to Eagan’s on Water Inc for addition of an awning with metal legs for the premises at 1030 North Water Street.

Whereas, The applicant requested permission to construct and maintain a covered walk and to install, use and maintain a sidewalk café with moveable planters; and

Whereas, Permission for said items was granted in 1994 under Common Council Resolution File Number 931750; and

Whereas, Sidewalk Cafes are now permitted in the public right-of-way with a permit from the Department of Public Works and no longer require a special privilege; however the moveable planters appear to be permanent fixtures in the public right-of-way so a special privilege will still be required for them; and

Whereas, The applicant is now requesting permission to install and maintain an awning with supports; and

Whereas, Said awning with supports 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 931750 is hereby rescinded; and, be it

Further Resolved, That Eagan's on Water, Inc., 1030 North Water Street, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain an awning with metal supports projecting 2 feet 3 inches into the east, 12-foot wide sidewalk area of North Water Street. Said awning commences at a point approximately 76 feet south of the southline of East Highland Avenue and extends 74 feet to the south. Said awning is supported by the building and by metal supports bolted into the paved public sidewalk.
2. To keep and maintain moveable planters projecting 2 feet 3 inches into the public right-of-way adjacent to a sidewalk café located in the east, 12-foot wide sidewalk area of North Water Street. There are six 3-foot square wooden planters and thirteen 5-foot long and 3-foot wide rectangular wooden planters. All but two of the square planters are located under the awning described above.
3. To keep and maintain a covered walk projecting 10 feet into the east, 12-foot wide sidewalk area of North Water Street. Said 8-foot wide covered walk is supported by the building and by two posts underlain by concrete pillar foundations. The grantee is required to keep and maintain a "No Parking" status or "Loading Zone" adjacent to this covered walk for as long as the covered walk is in the public right-of-way.

Said covered walks shall be constructed in accordance with the policies set forth under 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 and wind pressures of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 7 feet above the sidewalk level. The coverings shall be of approved materials. All fixtures and materials for illumination of covered walks shall be 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 business may be indicated only on the vertical portions of the awnings.

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

Said items 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, Eagan's on Water, Inc., 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 \$10,000 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 \$391.98. 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

November 26, 2008

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