



## Legislation Details (With Text)

**File #:** 090265 **Version:** 1

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

**File created:** 6/16/2009 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 1/20/2010

**Effective date:**

**Title:** Substitute resolution amending a special privilege to Hooligan's Super Irish Deli & Bar Inc for addition of an awning with supports and removal of a concrete step and covered walk in the public right-of-way for the premises at 2017 East North Avenue, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition with Drawing and Picture, 2. Dept of Public Works cover letter, 3. Fiscal note, 4. Pictures and map, 5. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
6/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
6/18/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
12/23/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/23/2009	1	CITY CLERK	DRAFT SUBMITTED		
1/6/2010	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
1/20/2010	1	COMMON COUNCIL	ADOPTED	Pass	15:0
1/29/2010	1	MAYOR	SIGNED		

090265  
SUBSTITUTE 1  
980400  
THE CHAIR

Substitute resolution amending a special privilege to Hooligan's Super Irish Deli & Bar Inc for addition of an awning with supports and removal of a concrete step and covered walk in the public right-of-way for the premises at 2017 East North Avenue, in the 3<sup>rd</sup> Aldermanic District.

This resolution amends a special privilege to Hooligan's Super Irish Deli & Bar Inc for removal of a concrete step and covered walk from the public right-of-way and for addition of an awning with supports in the public right-of-way for the premises at 2017 East North Avenue.

Whereas, Hooligan's Super Irish Deli & Bar Inc requested permission to install and maintain a covered walk, concrete step, and excess door swing in the public right-of-way; and

Whereas, Permission for said items was granted in 1998 under Common Council Resolution File Number 980400; and

Whereas, The concrete step and covered walk have been removed from the public right-of-way; and

Whereas, The applicant now desires to install 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 980400 is hereby rescinded; and, be it

Further Resolved, That Hooligan's Super Irish Deli & Bar Inc, 2017 East North Avenue, Milwaukee, WI 53202 is granted the following special privileges:

1. To install and maintain an awning with supports in the south 15-foot wide sidewalk area of East North Avenue. There are two sections of awning; the west section projects 6 feet 9 inches into the public way and commences at a point approximately 20 feet east of the northerly line of East Ivanhoe Place extending east 33 feet 6 inches. The east awning section projects 5 feet into the public way and commences at a point approximately 53 feet 6 inches east of the northerly line of East Ivanhoe Place extending east 17 feet.

Said awning with supports will be generally constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The awning 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 wire brackets or diagonal braces shall be permitted lower than 8 feet above the adjacent pavement 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.

This special privilege does not eliminate any permit requirements for a sidewalk café in the vicinity of the awning with supports.

Due to the high demand for parking in the vicinity of the subject premises, the grantee is not required to keep a "Loading Zone" or "No Parking" status adjacent to the awning with supports.

2. To keep and maintain a door swing projecting up to 3 feet into the south, 15-foot wide sidewalk area of East North Avenue in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said door is centered approximately 55 feet east of the northerly line of East Ivanhoe Place.

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, Hooligan's Super Irish Deli & Bar 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 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 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 \$249.42. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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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 1st 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 17, 2009  
090265