



## Legislation Details (With Text)

<b>File #:</b>	100703	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	10/12/2010	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	2/8/2011
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting a special privilege to Ken Elliot's Inc d/b/a Dukes on Water and Scooters Pub for storm enclosures and cigarette butt disposal bins in the public right-of-way for the premises at 1207 North Water Street, also known as 158 East Juneau Avenue, in the 3rd Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Cover Letter, 2. Petition, 3. Drawing, 4. Photos, 5. Map, 6. Fiscal Impact Statement, 7. Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
10/12/2010	0	COMMON COUNCIL	ASSIGNED TO		
11/17/2010	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
1/24/2011	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/26/2011	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
2/8/2011	1	COMMON COUNCIL	ADOPTED	Pass	12:0
2/15/2011	1	MAYOR	SIGNED		

100703  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to Ken Elliot's Inc d/b/a Dukes on Water and Scooters Pub for storm enclosures and cigarette butt disposal bins in the public right-of-way for the premises at 1207 North Water Street, also known as 158 East Juneau Avenue, in the 3<sup>rd</sup> Aldermanic District.

This resolution grants a special privilege to Ken Elliot's Inc d/b/a Dukes on Water and Scooters Pub for storm enclosures and cigarette butt disposal bins in the public right-of-way for the premises at 1207 North Water Street, also known as 158 East Juneau Avenue.

Whereas, The applicant is requesting permission to construct and maintain three storm enclosures in the public right-of-way to provide shelter for patrons to smoke outside of the premises; and

Whereas, A site visit revealed the presence of four cigarette butt disposal bins in 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 Ken Elliot's Inc d/b/a Dukes on Water and Scooters Pub, c/o Andrea Shafton, 158 East Juneau Avenue, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To construct and maintain three storm enclosures projecting 3 feet 4 inches beyond the building face into the variable

width north sidewalk area of East Juneau Avenue. The east storm enclosure commences at a point approximately 2 feet west of the westline of North Water Street and extends 6 feet to the west. The middle storm enclosure commences at a point approximately 17 feet west of the westline of North Water Street, extends west 17 feet and is divided in half by a fabric wall. The west storm enclosure commences at a point approximately 42 feet west of the westline of North Water Street and extends 11 feet to the west. Each storm enclosure is lighted and has a heat lamp within its confines.

The storm enclosure 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 storm enclosure 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 storm enclosures. 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.

2. To install and maintain four cigarette disposal bins in the north, variable width sidewalk area of East Juneau Avenue. Said bins are located within each of the enclosure areas. Said bins are 18 inches in diameter and 3 feet tall.

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, Ken Elliot's Inc d/b/a Dukes on Water and Scooters Pub, 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 \$285.00. 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  
December 16, 2010  
100703