



Legislation Text

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101513
SUBSTITUTE 1
961584
THE CHAIR

Substitute resolution amending a special privilege to Nomadic Ventures Inc for change of ownership and addition of a bicycle corral, permanently affixed tables, recycling carts, cigarette butt disposal bins and railing in the public right-of-way for the premises at 1401-03 East Brady Street, in the 3rd Aldermanic District

This resolution amends special privilege to Nomadic Ventures Inc for change of ownership and addition of a bicycle corral, permanently affixed tables, recycling carts, cigarette butt disposal bins and railing in the public right-of-way for the premises at 1401-03 East Brady Street.

Whereas, Michael Eitel requested a special privilege to keep several encroachments in the public right-of-way for the premises at 1401-03 East Brady Street; and

Whereas, These encroachments include a sidewalk café and three sets of steps; and

Whereas, Permission for said items was granted in 1997 by adoption of Common Council Resolution File Number 961584; and

Whereas, Subsequently, the Milwaukee Code of Ordinances was revised to permit sidewalk cafes, consisting of removable furniture, to exist in the public right-of-way under permit; and

Whereas, The applicant is requesting permission to construct and maintain a bicycle corral in the east parking lane of North Warren Avenue; and

Whereas, A site visit revealed the presence of four recycling carts, two permanently affixed tables, two cigarette butt disposal bins and a permanently affixed railing in the public right-of-way; and

Whereas, Said bicycle corral, recycling carts, tables and railing may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 961584 is hereby rescinded; and, be it;

Further Resolved, that Nomadic Ventures Inc, 1421 North Water Street, Milwaukee, Wisconsin 53202 is hereby, granted the following special privileges:

1. To construct and maintain a bicycle corral in the east, 8-foot wide parking lane of North Warren Avenue commencing at a point approximately 11 feet south of the southline of East Brady Street and extending 27 feet southerly. Said bicycle corral consists of two multi-hoop bicycle racks, three bollards, and a rubber parking curb.
2. To install and maintain four recycling carts in the easterly, 16-foot wide sidewalk area of North Warren Avenue. Said recycling carts are located near the southline of the property, which is approximately 36 feet southerly of the eastline of East Brady Street. Two of the carts are located between the curb and the main paved public sidewalk and the other two are located between said sidewalk and the building. Said carts are 2 feet 9 inches long and 2 feet 4 inches wide.

3. To install and maintain a permanently affixed railing in the easterly, 16-foot wide sidewalk area of North Warren Avenue. Said railing commences at a point approximately 2 feet north of the southline of East Brady Street and 5 feet west of the eastline of North Warren Avenue then extends southerly 30 feet where it turns perpendicularly to the east and extends 5 feet easterly to the eastline of North Warren Avenue.
4. To install and maintain two permanently affixed bar height tables in the south, 13-foot wide sidewalk area of East Brady Street. The two tables consist of a non-uniform ovular concrete table top supported by rebar legs. The tables are centered approximately 1 foot north of the southline of East Brady Street and 18 and 30 feet east of the eastline of North Warren Avenue.
5. To keep and maintain two sets of concrete steps projecting into the south, 13-foot sidewalk area of East Brady Street. The east set of steps, which is 3 feet 6 inches wide, projects 1 foot 6 inches into the public way and is centered approximately 25 feet east of the eastline of North Warren Avenue. The west set of steps, which is 6 feet 6 inches wide, projects 1 foot 2 inches into the public way and is centered approximately 12 feet east of the eastline of North Warren Avenue.
6. To keep and maintain a set of concrete steps projecting 2 feet into the easterly, 16-foot wide sidewalk area of North Warren Avenue. Said steps, which are 3 feet 9 inches wide, are centered approximately 32 feet southerly of the southline of East Brady Street.
7. To install and maintain two cigarette disposal bins in the south, 13-foot wide sidewalk area of East Brady Street. Said bins are 1 foot 6 inches in diameter at the base and two feet 6 inches tall. The bins are centered approximately 2 feet north of the southline of East Brady Street and 9 and 15 feet east of the eastline of North Warren 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.

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, Nomadic Ventures 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 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 \$1013.84. 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 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

September 21, 2011

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