



## Legislation Text

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**File #: 990377, Version: 1**

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SUBSTITUTE

### THE CHAIR

Substitute resolution granting a special privilege to Peter J. Lentscher to maintain a deck structure encroaching into the public way at 4014-24 South Howell Avenue, in the 13th Aldermanic District in the City of Milwaukee.

### - Analysis -

This resolution grants a special privilege to Peter J. Lentscher to maintain a deck structure encroaching into the public way on the east side of South Howell Avenue at the premises at 4014-24 South Howell Avenue.

Whereas, An existing wood deck structure encroaches approximately 1-foot into the 15-foot wide public sidewalk area on the east side of South Howell Avenue, adjacent to the premises at 4014-24 South Howell Avenue; and

Whereas, This deck is used for seating and viewing the volley ball court associated with the premises which is a bar/restaurant named the P.J.'s Blue Chipper Food & Spirits; and

Whereas, The deck structure may only continue to be permitted to encroach into the public right-of-way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Peter J. Lentscher, 4014-24 South Howell Avenue, Milwaukee, WI 53207 is hereby granted the following special privilege:

To maintain an existing wood deck which encroaches approximately 1-foot into the 15-foot wide fully concrete paved public sidewalk area on the east side of South Howell Avenue, adjacent to 4014-24 South Howell Avenue. The deck, which is 40 feet wide and approximately 2.5 feet above grade, begins at a point approximately 130 feet south of the southline of East Norwich Street and extends south. The deck structure consists of wood planks resting atop wood stringers and posts, with an approximately 6-foot high wrought iron fence enclosing the outside of the deck structure.

Said deck structure shall be kept and maintained to the approval of the Departments of Public Works and Neighborhood Services and all necessary permits shall be procured from the Departments of Public Works and Neighborhood Services/City Development. No alteration or replacement of any item may be made without the written approval of these Departments.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Peter J. Lentscher, 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 \$1,000.00 such bond to be approved by the City Attorney. The 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 \$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. Both bond and insurance policy shall provide that they shall not be canceled 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 \$117.15. 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 any 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 66.045 of the Wisconsin Statutes (1979), 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

July 13, 1999

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