



Legislation Text

File #: 040825, Version: 1

040825

SUBSTITUTE

75-631

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Moceans I, LLC for encroachment into the public right-of-way of a covered walk and to grant permission for continued encroachment into the public right-of-way of a carpet, six stanchions and a sign for valet parking for the building at 747 North Broadway, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to Moceans I, LLC to keep and maintain a covered walk, six stanchions, a sign for valet parking and a carpet in the public right-of-way adjacent to 747 North Broadway. Whereas, Grenadier's Restaurant, Inc. had requested a special privilege in order to place a covered walk in the public right-of-way; and

Whereas, Permission was granted in 1975 by adoption of Common Council Resolution File Number 75-631; and

Whereas, Moceans I, LLC has recently become the tenant of the premises at 747 North Broadway; and

Whereas, Moceans I, LLC is also requesting permission to keep and maintain a carpet, six stanchions, and a sign for valet parking under the covered walk during business hours; and

Whereas, For the liability to be formally transferred to the current owners, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, That Common Council Resolution File Number 75-631 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Moceans I, LLC, 747 North Broadway, Milwaukee, WI 53202, is hereby granted the following special privilege:

1. To continue to keep and maintain a covered walk at the premises known as 747 North Broadway. Said covered walk, approximately 8 feet 4 inches in width, is centered approximately 36 feet south of the southline of East Mason Street and encroaches approximately 18-feet 6-inches into the 20-foot wide fully concrete paved sidewalk area on the west side of North Broadway.

The covered walk shall be supported by the building, by 2 vertical supports at each side of the covered walk, located approximately 6-feet 7-inches inside of the curb face at the east end, and 2 vertical supports at each side of the covered walk, located approximately 3-feet 11-inches inside of the curb face at the east end. There shall be an approximately 8-foot opening between the vertical supports, which parallels the curb face. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below shall be 8 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council

Resolution File Number 62-1211-a adopted July 24, 1962. The covered walk 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 wires, brackets or diagonal braces shall be permitted lower than 7 feet above the sidewalk level. The covering shall be of approved material.

All fixture and materials for illumination of covered walks shall be indicated upon the construction plans and approved prior to naming the City of Milwaukee as an insured. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The business may be indicated only on the vertical portion of the covering and not to exceed 8 inches in height.

The grantee shall continue to have a "Loading Zone" or "No Parking" status adjacent to the proposed covered walk location and maintain this status as long as the covered walk occupies the public right-of-way.

2. To continue to keep and maintain 6 stanchions with each 3 forming an "L" shape within the public right-of-way of North Broadway adjacent to the premises at 747 North Broadway. Each stanchion is approximately 3-feet 4-inches tall and with a 1-foot diameter base. Stanchions shall only be located within the public right-of-way during business hours and shall not be fastened, bolted or in any way permanently attached to the public sidewalk. The stanchions shall be positioned such that there is a minimum 8-foot clear area for pedestrian travel in the 20-foot, fully concrete paved, sidewalk area of North Broadway.

3. To continue to keep and maintain a carpet, approximately 5-feet 6-inches wide, 16-feet 6-inches long under the above-mentioned covered walk, within the public right-of-way of North Broadway, centered approximately 36 feet south of the southline of East Mason Street. The carpet shall only be placed within the public right-of-way during business hours and shall not in any way be permanently affixed to the public sidewalk.

4. To continue to keep, use and maintain a sign for valet parking under the above-mentioned covered walk, within the public right-of-way of North Broadway, centered approximately 40 feet south of the southline of East Mason Street. The sign shall only be placed within the public right-of-way during business hours and shall not in any way be permanently affixed to anything within the public right-of-way. A minimum 8-foot clear area for pedestrian travel shall be maintained at all times within the 20-foot, fully concrete paved, sidewalk area of North Broadway.

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, Moceans I, LLC, 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 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 \$100,000 covering bodily injury to any one person and \$300,000 covering bodily injury to more than one person in any one accident and \$40,000 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 \$125.00. 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 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 66.0425 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division

MDL:cjt

November 12, 2004

040825