



Legislation Text

File #: 000562, **Version:** 1

000562

Substitute

970838

Sponsor

THE CHAIR

Substitute resolution amending a special privilege granted to A&B Inc. to allow excess door swing projections and a sidewalk café to encroach into the public rights-of-way of East Brady Street and North Cass Street, adjacent to 728 East Brady Street, to now delete reference to the sidewalk café, change the name of the grantee of the special privilege to AMB Enterprises Inc. and add permission for a covered walk and sidewalk planters to encroach into the public right-of-way in the 3rd Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to A&B, Inc. to allow excess door swing projections and a sidewalk café to encroach into the public rights-of-way of East Brady Street and North Cass Street, adjacent to 728 East Brady Street, to now delete reference to the sidewalk café, change the name of the grantee of the special privilege to AMB Enterprises Inc. and add permission for a covered walk and sidewalk planters to encroach into the public right-of-way.

Whereas, A&B, Inc. was granted a special privilege under Common Council Resolution File Number 970838, adopted on January 20, 1998, to install, use and maintain three double doors at 728 East Brady Street which project into the public right-of-way in excess of Code, and to establish and maintain a sidewalk café; and

Whereas, Permission for the sidewalk café is no longer granted under the auspices of a special privilege but rather is issued by an administrative permit and procedure; and

Whereas, The applicant has placed and will be allowed to maintain a covered walk and sidewalk planters adjacent to the building at 728 East Brady Street; and

Whereas, Said covered walk, sidewalk planters and excessive door swing encroachments may only legally encroach into the public right-of-way by the granting of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 970838 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that AMB Enterprises, Inc. d/b/a DiSalvo & Brennan's, 728 East Brady Street, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To maintain a covered walk at the property known as 728 East Brady Street. Said covered walk, 7 feet 6 inches in width, is centered approximately 35 feet west of the westline of North Cass Street and encroaches approximately 11 feet into the present 13-foot wide fully concrete paved sidewalk area on the north side of East Brady Street, at 728 East Brady Street.

The covered walk is supported by the building and by two vertical supports near each corner closest to the curb along each side of the covered walk. The set of vertical supports nearest the curb is centered approximately 2 feet from the present curblane. There is an approximately 7-foot 6-inch wide opening between the vertical supports, which parallel the curb face. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below is 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 and wind pressure of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of covered walk shall be indicated upon 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 walk. The name, street number, or character of the business may be indicated and only on the vertical portion of the covering and shall not exceed 14 inches in height.

The grantee will be required to keep a "Loading Zone" or have a "No Parking" Status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

2. To place and maintain four 36-inch diameter, 36-inch high above-ground sidewalk planters within the 13-foot wide public sidewalk area on the north side of East Brady Street, centered approximately 16, 30, 46 and 62 feet west of the westline of North Cass Street adjacent to the building at 728 East Brady Street. The plant material shall be approved by and maintained to the satisfaction of the City Forester.

3. To use and maintain three double doors at the building known as 728 East Brady Street that, when fully opened, project into the public rights-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The double door located on the north side of East Brady Street is centered approximately 18 feet west of the westline of North Cass Street and its maximum encroachment is approximately 3 feet into the 13-foot wide fully concrete paved sidewalk area; the two double doors located on the west side of North Cass Street are centered approximately 21 and 30 feet north of the northline of East Brady Street, respectively, and their maximum encroachment is approximately 3 feet into the 16-foot wide fully concrete paved sidewalk area. Said covered walk, sidewalk planters and doors shall be installed, used and maintained to the approval of the Departments of Public Works, Neighborhood Services, and Forestry

'and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, AMB Enterprises, 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 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 \$227.41. 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.

Department of Public Works

Infrastructure Services Division

JJM:cjt

September 11, 2000

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