



Legislation Text

File #: 130215, **Version:** 1

130217

SUBSTITUTE 1

Substitute resolution granting a special privilege to Brewery House LLC to construct and maintain several private items in the public right-of-way for the premises at 1203 North 10th Street, in the 4th Aldermanic District.

This resolution grants a special privilege to Brewery House LLC to construct and maintain an excess sign projection; a fence; a cigarette butt disposal container; four sets of concrete steps; and a brick sidewalk in the public right-of-way at 1203 North 10th Street.

Whereas, The applicant is requesting permission to install and maintain an excess sign projection in the public right-of-way; and

Whereas, A site visit revealed the presence of a decorative metal fence, cigarette butt disposal container, concrete steps and a brick sidewalk 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 Brewery House LLC, 200 North Main Street, Oregon, Wisconsin 53575 is hereby granted the following special privileges:

1. To install and maintain a 5-foot wide sign projecting into the 9-foot wide sidewalk area of West Juneau Avenue. The sign is centered approximately 4 feet west of the westline of North 10th Street. Said sign projection is in excess of the 4 feet allowed under Section 244-10 of the Milwaukee Code of Ordinances.
2. To construct and maintain a decorative metal line fence in the 20-foot wide, west sidewalk area of North 10th Street. Said fence, which is centered 8 feet east of the westline of North 10th Street, commences approximately 10 feet north of the northline of West Juneau Avenue and extends north 95 feet. The fence is bolted to the concrete wall of the bioswales located on North 10th Street.
3. To construct and maintain a rectangular concrete platform with two sets of steps projecting 1 foot 6 inches into west, 20-foot wide sidewalk area of North 10th Street. Said structure commences at a point approximately 22 feet north of the northline of West Juneau Avenue and extends north 14 feet.
4. To construct and maintain three sets of circular steps with handrails projecting 1 foot 8 inches into the west, 20-foot wide sidewalk area of North 10th Street. Said steps are centered approximately 55, 70 and 122 feet north of the northline of West Juneau Avenue. Each set of steps with handrails occupies an area with a length of 9 feet 9 inches.
5. To install and maintain a cigarette butt disposal container in the north, 9-foot wide sidewalk area of West Juneau Avenue. Said container is centered approximately 2 feet south of the southline of West Juneau Avenue and 86 feet west of the westline of North 10th Street.

6. To construct and maintain a sidewalk that is fully paved with bricks in the west, 20-foot wide sidewalk area of North 10th Street. Said brick sidewalk occupies the entire width between the building face and the bioswales, which is 11 feet 9 inches. The brick sidewalk commences at a point approximately 10 feet north of the northline of West Juneau Avenue and extends north 143 feet.

Said 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, Brewery House 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 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 \$327.64. 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 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

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

August 17, 2015