



## Legislation Text

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**File #:** 081041, **Version:** 1

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081041

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Calvert Restaurants, Inc. for a storm enclosure and moveable planters in the public right-of-way for the premises at 815 East Brady Street, in the 3<sup>rd</sup> Aldermanic District.

This resolution grants a special privilege to Calvert Restaurants Inc for a storm enclosure and moveable planters in the public right-of-way for the premises at 815 East Brady Street.

Whereas, The applicant desires to construct and maintain a storm enclosure at the premises at 815 East Brady Street; and

Whereas, A site visit revealed the presence of one moveable planter and research revealed the presence of up to two moveable planters in the public right-of-way; and

Whereas, Said storm enclosure and moveable planters 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 Calvert Restaurants, Inc., 815 East Brady Street, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain a 7-foot wide storm enclosure projecting up to 1 foot 6 inches into the 13-foot wide south sidewalk area of East Brady Street. Said storm enclosure is centered approximately 35 feet 6 inches east of the eastline of North Cass Street. There is a 3-foot wide door attached to the storm enclosure that opens perpendicularly to the sidewalk.
2. To keep and maintain up to two moveable planters in the 13-foot wide south sidewalk area of East Brady Street. Said round planters are 1 foot 6 inches in diameter are and centered about the entrance to 815 East Brady Street.

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, Calvert Restaurants, 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. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 \$105.00. 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 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 1<sup>st</sup> 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

January 5, 2009

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