



## Legislation Text

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**File #: 081134, Version: 1**

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081134  
SUBSTITUTE 1  
071341  
THE CHAIR

Substitute resolution to amending a special privilege to Bootlegger's of Milwaukee LLC for addition of a storm enclosure for the premises at 1023-25 North Old World Third Street, in the 4<sup>th</sup> Aldermanic District.

This resolution amends a special privilege to Bootlegger's of Milwaukee LLC for addition of a storm enclosure for the premises at 1023-25 North Old World Third Street.

Whereas, The applicant requested permission to construct and maintain a concrete platform with steps and excess door swing to allow for an additional exit; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 071341 in March 2008; and

Whereas, The current request is to install a storm enclosure which will project partially into the public right-of-way; and

Whereas, Said storm enclosure may only legally encroach into the public right-of-way by the 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 071341 is hereby rescinded; and, be it

Further Resolved, That Bootlegger's of Milwaukee LLC, 6216 Baker Road, Suite 200, Eden Prairie, Minnesota 55346 is hereby granted the following special privileges:

1. To install and maintain a storm enclosure in the north, variable width sidewalk area of Old World Third Street. Said storm enclosure commences at a point approximately 2 feet south of the southline of the east-west alley adjacent to the subject premises and extends 10 feet 6 inches to the south. The storm enclosure, which is designed to be installed and uninstalled seasonally, will project up to 1-foot into the minimally 12-foot wide north sidewalk area of Old World Third Street. There is a door that, when fully open, swings up to 2 feet into the public right-of-way, at the south end of the storm enclosure.
2. To keep and maintain a concrete platform with steps in the public way. Said concrete platform with steps project 4 feet 4 inches into the 20-foot wide east-west public alley in the block bounded by North 4<sup>th</sup> Street, West Highland Avenue, North Old World Third Street and West State Street. Total length of the platform with steps is 9 feet 11 inches long. Said platform with steps has a metal handrail and is supported by concrete footings.
3. To keep and maintain a door swing that, when fully open, projects up to 3 feet into the 20-foot wide east-west alley in the block bounded by North 4<sup>th</sup> Street, West Highland Avenue, North Old World Third Street and West State Street. The door swing opens over the platform of Item #2 and projects into the public right-of-way more than the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

Said above-mentioned items shall be used, kept, and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

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 accepting this special privilege the grantee, Bootlegger's of Milwaukee 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 \$1,000.00 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 \$175.01. 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 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:ns

January 8, 2009

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