



## Legislation Text

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**File #: 160488, Version: 1**

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160488

### SUBSTITUTE 1

Substitute resolution granting a special privilege to Neukap Management LLC to construct and maintain five sets of steps and to install and maintain eleven moveable planters and two dumpsters in the public right-of-way for the premises at 901 East Clarke Street, in the 3<sup>rd</sup> Aldermanic District.

This resolution grants a special privilege to Neukap Management LLC to construct and maintain five sets of steps and to install and maintain eleven moveable planters and two dumpsters in the public right-of-way for the premises at 901 East Clarke Street.

Whereas, Illuminati LLC dba Bremen Café, a tenant of the property, petitioned for a special privilege to construct and maintain two sets of wood steps in the public right-of-way; and

Whereas, A site visit revealed the presence of eleven moveable planters, three existing sets of concrete steps, and two dumpsters in the public right-of-way; and

Whereas, Neukap Management LLC is the property owner; 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 Neukap Management LLC, 2050 West Good Hope Road Fl 1E, Glendale, WI 53209 is hereby granted the following special privileges:

1. To construct and maintain a wood platform with steps at the southeast corner of East Clarke Street and North Bremen Street. Said structure is approximately 7 feet long and 5 feet 6 inches wide and is positioned at 45-degrees to either East Clarke Street or North Bremen Street.
2. To construct and maintain a wood platform with steps and handrails in the east, 15-foot wide sidewalk area of North Bremen Street. The landing of said structure projects 4 feet 10 inches into the public way for 5 feet 8 inches of length. The structure steps project 4 feet 3 inches into the public way for 3 feet of length. Said structure is centered approximately 35 feet south of the southline of East Clarke Street. Total area of the structure is 40.1 square feet.
3. To construct and maintain a 4-foot 6-inch long set of concrete steps projecting 3 feet 1 inch into the east, 15-foot wide sidewalk area of North Bremen Street. Said steps are centered approximately 57 feet south of the southline of East Clarke Street.
4. To construct and maintain a 4-foot 3-inch long set of concrete steps projecting 3 feet 5 inches into the east, 15-foot wide sidewalk area of North Bremen Street. Said steps are centered approximately 82 feet south of the southline of East Clarke Street.
5. To construct and maintain a 3-foot 4-inch long set of concrete steps projecting 1 foot 5 inches into the east, 15-foot wide sidewalk area of North Bremen Street. Said steps are centered approximately 89 feet south of the southline of East Clarke Street.
6. To install and maintain two dumpsters in the east, 15-foot wide sidewalk area of North Bremen Street. Said dumpsters are located between the sets of concrete steps described in Items #3 and #4 above.

7. To install and maintain three moveable planters in the south, 14-foot wide sidewalk area of East Clarke Street and eight moveable planters in the east, 15-foot wide sidewalk area of North Bremen Street. Said wood planters are 2 feet 3 inches in diameter and 1-foot 5-inches tall.

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, Neukap Management 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 \$548.87. 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 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  
Administration Division  
JERREL KRUSCHKE/DAWN SCHMIDT  
November 21, 2019  
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