



## Legislation Text

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**File #:** 090674, **Version:** 1

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090674  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution granting a special privilege to Sake II LLC for a storm enclosure in the public right-of-way for the premises at 714 North Milwaukee Street, in the 4<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Sake II LLC for a wooden storm enclosure in the public right-of-way for the premises at 714 North Milwaukee Street.

Whereas, Sake II LLC is requesting permission to construct and maintain a wooden storm enclosure in the public right-of-way; and

Whereas, Said storm enclosure 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 Sake II LLC, 714 North Milwaukee Street, Milwaukee, WI 53202 is hereby granted the following special privilege:

To construct and maintain a wooden storm enclosure that projects 2 feet 7 inches into the east, 16-foot 6-inch wide fully paved sidewalk area of North Milwaukee at the sidewalk grade. There is a 2-foot wide roof cave at the top of the storm enclosure, the bottom of which is 8 feet above the adjacent sidewalk grade. There is a 3-foot wide door that opens perpendicularly to the sidewalk. The 6-foot 8-inch wide storm enclosure is centered approximately 155 feet north of the northline of East Wisconsin Avenue.

The storm enclosure frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wire brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The coverings shall be of approved material. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the storm enclosure. The name, street number, or character of the business may be indicated only on the vertical portion of the enclosure and shall not exceed 8 inches in height.

Said above-mentioned storm enclosure shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said storm enclosure 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, Sake II 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 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 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 \$75.00. 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  
December 3, 2009  
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