



Legislation Text

File #: 090200, **Version:** 1

090200

SUBSTITUTE 1

081498

THE CHAIR

Substitute resolution amending a special privilege to Mark Saigh for addition of a second covered walk and a pair of moveable planters for the premises at 1673-77 North Farwell Avenue, in the Aldermanic District. This resolution amends a special privilege to Mark Saigh for addition of a second covered walk and a pair of moveable planters encroaching into East Brady Street for the premises at 1673-77 North Farwell Avenue. Whereas, Mike Nova, a tenant of the subject premises, requested permission to construct and maintain a covered walk in the public right-of-way; and

Whereas, Special privileges are normally granted to property owners; and

Whereas, Mark Saigh owns the property and he has confirmed via telephone conversation that he is amenable to the installation of the covered walk and that he will take responsibility for the duties of this special privilege; and

Whereas, A site visit revealed the presence of two additional moveable planters adjacent to the new covered walk and that the existing dumpster enclosure has been replaced; and

Whereas, Said covered walk, moveable planters and new dumpster 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 081498 is hereby rescinded; and, be it

Further Resolved, That Mark Saigh, c/o Mimi Trust, 1325 East Altadena Drive, Altadena, California 91001 is hereby granted the following special privileges:

1. To construct and maintain a covered walk projecting 11 feet into the south, 13-foot wide sidewalk area of East Brady Street. Said 6-foot wide covered walk is centered approximately 64 feet west of the westline of North Farwell Avenue. The covered walk is supported by the building at one end and by vertical supports located approximately 2 feet from the curb line. The minimal vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet.
2. To keep and maintain a covered walk projecting 9 feet into the west, 11-foot wide sidewalk area of North Farwell Avenue. Said 6-foot 10-inch wide covered walk is centered approximately 46 feet southerly of southline of East Brady Street. The covered walk is supported by the building at one end and by vertical supports located approximately 2 feet from the curb line. The minimal vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet.

Said covered walks of items #1 and #2 above shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frames 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. All fixtures and materials for illumination of the covered walks shall be indicated on the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walks. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

Due to the premium of parking in the vicinity of the subject premises, the grantee is not required to keep a "Loading Zone" or "No Parking" status adjacent to the covered walks.

3. To keep, use and maintain a 7-foot tall wood fence-like enclosure for concealing a dumpster, projecting 4 feet 7 inches into the south, 13-foot sidewalk area of East Brady Street. Said enclosure is 11 feet 10 inches long and is centered approximately 43 feet west of the westerly line of North Farwell Avenue.
4. To keep and maintain two "urn" type moveable planters being 1 foot 6 inches in diameter and two feet 6 inches tall in the 13-foot sidewalk area of East Brady Street. Said planters are located against the building face on either side of the doorway centered approximately 64 feet west of the westerly line of North Farwell Avenue.
5. To keep and maintain four "whiskey barrel" type moveable planters being 1 foot 6 inches in diameter and 2 feet tall. Three of the planters are located in the south, 13-foot wide sidewalk area of East Brady Street. The other planter is located in the westerly, 11-foot wide sidewalk area of North Farwell Avenue.
6. To keep and maintain a concrete step projecting 1 foot into the south, 13-foot wide sidewalk area of East Brady Street. Said step is 6 feet 7 inches long and is centered approximately 64 feet west of the westerly line of North Farwell Avenue.
7. To keep and maintain a cigarette butt container in the westerly, 11-foot wide sidewalk area of North Farwell Avenue. Said container is 1 foot 6 inches in diameter and 3 feet tall. The container is located adjacent to the entrance of the premises at 1677 North Farwell Avenue which is presently a Starbucks coffee shop.

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, Mark Saigh, 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. The 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 \$514.33. 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 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 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
November 18, 2009
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