



Legislation Text

File #: 100995, **Version:** 1

100995

SUBSTITUTE 1

THE CHAIR

Substitute resolution granting a special privilege to Comet Café Inc for a dumpster enclosure, cigarette butt disposal bins, moveable planters, storm enclosure, and various recycling carts in the public right-of-way for the premises at 1941-47 North Farwell Avenue, in the 3rd Aldermanic District.

This resolution grants a special privilege to Comet Café Inc for a dumpster enclosure, two cigarette butt disposal bins, four recycling carts, an oil recycling container, three moveable planters, and a storm enclosure in the public right-of-way for the premises at 1941-47 North Farwell Avenue.

Whereas, The applicant is requesting permission to construct and maintain a dumpster enclosure in the public right-of-way to secure and screen its trash dumpsters; and

Whereas, A site visit revealed the presence of moveable planters, cigarette butt disposal bins, recycling carts, an oil recycling container and a storm enclosure in the public right-of-way; 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 Comet Café Inc, 1947 North Farwell Avenue, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To construct and maintain a dumpster enclosure projecting 7 feet 6 inches into the south, 16-foot wide sidewalk area of East Irving Place. Said enclosure, which is constructed out of 6-foot tall chain link fencing, commences at a point approximately 39 feet west of the westline of North Farwell Avenue and extends west 17 feet 8 inches. There are four gates in the north face of the enclosure to allow for access to three dumpsters.
2. To keep, use and maintain four recycling carts and one vegetable oil recycling container in the south, 16-foot wide sidewalk area of East Irving Place. Said carts and container occupy an area that projects 7 feet 6 inches into the public way and that commences at the west side of the dumpster enclosure described above, at a point approximately 57 feet west of the westline of North Farwell Avenue and extends west 5 feet 6 inches.
3. To install and maintain three moveable planters in the west, 11-foot wide sidewalk area of North Farwell Avenue. Said planters are 2 feet 8 inches long and 2 feet wide and are centered approximately 1 foot east of the westline of North Farwell Avenue and 2, 26, and 34 feet south of the southline of East Irving Place.
4. To install and maintain two cigarette butt disposal bins in the west, 11-foot wide sidewalk area of North Farwell Avenue located adjacent to each of two premise entrances. Said disposal bins are 18 inches in diameter and 3 feet tall.
5. To keep and maintain a storm enclosure projecting 3 inches into the west, 11 foot sidewalk area of North Farwell Avenue. Said enclosure is 5 feet 6 inches wide and centered approximately 30 feet south of the

southline of East Irving Place.

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, Comet Café 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 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 \$776.09. 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.
7. The recycling carts, dumpsters and oil recycling containers shall be kept in a neat and orderly manner such that they will occupy the least amount of space possible.

Department of Public Works
Infrastructure Services Division
MDL:ns
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