



Legislation Text

File #: 101319, **Version:** 1

101319
SUBSTITUTE 1
070173
THE CHAIR

Substitute resolution amending a special privilege to Dos Locos LLC for addition of a covered walk, bench and moveable planters for the premises at 2252-66 North Prospect Avenue, in the 3rd Aldermanic District.

This resolution amends a special privilege to Dos Locos LLC for addition of a covered walk, bench and two moveable planters for the premises at 2252-66 North Prospect Avenue.

Whereas, Dos Locos LLC is requesting permission to install and maintain a second covered walk in the public right-of-way; and

Whereas, In 2010 under Common Council Resolution File Number 070173, the applicant had been granted permission to keep and maintain a ramped concrete step and a covered walk; and

Whereas, A site visit revealed the presence of a wooden bench and two moveable planters in the public right-of-way; and

Whereas, Said covered walk, moveable planters and bench 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 070173 is hereby rescinded; and, be it

Further Resolved, That Dos Locos LLC, 2266 North Prospect Avenue, Suite 600, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To install and maintain a 16-inch wide wooden bench in the south, 17-foot wide sidewalk area of East North Avenue. Said 8-foot 8-inch long bench is centered approximately 140 feet east of the easterly line of North Prospect Avenue. The bench is located adjacent to the building face.
2. To install and maintain two moveable planters in the south, 17-foot wide sidewalk area of East North Avenue centered about the building entrance at 2215 East North Avenue, which is approximately 154 feet east of the easterly line of North Prospect Avenue. Said planters are 2 feet in diameter and 18 inches tall.
3. To keep and maintain a ramped, concrete step projecting 1 foot 7 inches into the south sidewalk area of East North Avenue. Said 6-foot long step is centered at a point approximately 67 feet east of the eastline of North Prospect Avenue.
4. To construct and maintain an 11-foot wide covered walk at the 2215 East North Avenue entrance to the building at 2266 North Prospect Avenue. Said covered walk is centered approximately 154 feet east of the easterly line of North Prospect Avenue and projects 11 feet into the 17-foot wide south sidewalk area of East North Avenue.
5. To keep and maintain an 8-foot wide covered walk at the 2207 East North Avenue entrance to the building at 2266 North Prospect Avenue. Said covered walk is centered approximately 67 feet east of the easterly line of North Prospect Avenue and projects approximately 14 feet into the 17-foot wide south sidewalk area of East North Avenue. Each leg is braced with a diagonal support that is bolted to the ground 6 inches from the leg and that is attached to the outside of each leg at a point 4 feet about the adjacent sidewalk.

Said covered walks 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 except as described above. 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.

The grantee is not required to keep a "Loading Zone" or "No Parking" status adjacent to the covered walks due to the high demand for parking in the vicinity of the subject premises.

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, Dos Locos 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 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 Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$210.33. 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division

MDL: ns
June 20, 2011
101319

