

..Number

110891

..Version

SUBSTITUTE

..Reference

..Sponsor

..Title

Substitute resolution granting a special privilege to Milwaukee Center for Independence to construct and maintain a covered entrance structure; barrier free access ramp, steps, handrails; and two pedestrian ramps at the curb in the public right-of-way for the premises at 2020 West Wells Street, in the 4<sup>th</sup> Aldermanic District.

..Analysis

This resolution grants a special privilege to Milwaukee Center for Independence to construct and maintain a covered entrance structure; barrier free access ramp, steps, handrails; and two pedestrian ramps at the curb in the public right-of-way for the premises at 2020 West Wells Street.

..Body

Whereas, The applicant is requesting permission to construct and maintain a handrail in the public right-of-way; and

Whereas, A site visit revealed the presence of a covered entrance structure, barrier free access ramp, steps with handrails and two pedestrian ramps located at the street curb, which are not located at designated street crossings, that also occupy 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 Milwaukee Center for Independence, 2020 West Wells Street, Milwaukee, WI 53233 is hereby granted the following special privileges:

1. To construct and maintain a covered entrance structure projecting 2 feet 5 inches into the west, 16-foot wide sidewalk area of North 20<sup>th</sup> Street. Said structure commences at a point approximately 55 feet north of the northline of West Wells Street and extends north 38 feet. The structure is supported by six columns each built atop a sonitube foundation.
2. To construct and maintain a concrete ramp with steps and handrails projecting 1 foot 7 inches into the west, 16-foot wide sidewalk area of North 20<sup>th</sup> Street. Said 30-foot long ramp with steps and handrails is generally located under the aforementioned entrance structure of Item #1. Two handrails at the steps, which are comprised of 2 -inch diameter steel pipe, project 1 foot beyond the edge of the ramp and step structure.
3. To construct and maintain a section of 2-inch diameter steel pipe handrail projecting up to 3 feet 10 inches into the west, 16-foot sidewalk area of North 20<sup>th</sup> Street. Said handrail commences at the westline of North 20<sup>th</sup> Street and extends at a 45 degree angle to a point 3 feet 10 inches east of the westline of North 20<sup>th</sup> Street, where it meets the paved public sidewalk. Said handrail meets the public sidewalk at a point approximately 115 feet north of the northline of West Wells Street. That portion of the handrail that is in the public way is 7 feet 2 inches long.
4. To construct and maintain two pedestrian ramps at the west curb of North 20<sup>th</sup> Street. Said ramps are not located at designated street crossing locations and are used by the applicant for

loading and unloading of clients. The ramps are centered about a point approximately 120 feet north of the northline of West Wells Street.

Said 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, Milwaukee Center for Independence, 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 \$81.17. 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.

..Requestor

Department of Public Works

..Drafter

Infrastructure Services Division

MDL:clm

October 3, 2013