



Legislation Details (With Text)

**File #:** 111744      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 4/11/2012      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 11/26/2013

**Effective date:**

**Title:** Substitute resolution granting a special privilege to Milwaukee Fix LLC to construct and maintain a concrete platform, steps with handrails, gabions, benches and an elevated sidewalk in the public right-of-way for the premises at 130-38 West Bruce Street, in the 12th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition an Drawings, 2. Cover Letter, 3. Map, 4. Photos, 5. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
4/11/2012	0	COMMON COUNCIL	ASSIGNED TO		
5/1/2012	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/11/2013	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/19/2013	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
11/26/2013	1	COMMON COUNCIL	ADOPTED	Pass	15:0
12/5/2013	1	MAYOR	SIGNED		

111744  
SUBSTITUTE 1

Substitute resolution granting a special privilege to Milwaukee Fix LLC to construct and maintain a concrete platform, steps with handrails, gabions, benches and an elevated sidewalk in the public right-of-way for the premises at 130-38 West Bruce Street, in the 12<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Milwaukee Fix LLC to construct and maintain a concrete platform, steps with handrails, gabions, benches and an elevated sidewalk in the public right-of-way for the premises at 130-38 West Bruce Street, also known as 538 South 2<sup>nd</sup> Street.

Whereas, The applicant is requesting permission to construct and maintain an elevated sidewalk, a concrete platform, steps with handrails, gabions; and benches 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 Milwaukee Fix LLC, 255 West Bruce Street, Milwaukee, WI 53204 is hereby granted the following special privileges:

1. To construct and maintain two sections of elevated sidewalk in the north, 15-foot wide sidewalk area of West Bruce Street. The east section of elevated sidewalk commences at a point approximately 136 feet east of the eastline of South 2<sup>nd</sup> Street and extends west 18 feet. The west section of elevated sidewalk commences at a point approximately 102 feet east of the eastline of South 2<sup>nd</sup> Street and extends west 69 feet. The elevated sidewalks rise from the established sidewalk grade to a maximum elevation of 14 inches where the sidewalk meets the concrete platform.
2. To construct and maintain an elevated concrete platform projecting 10 feet into the north, 15-foot wide sidewalk area

of West Bruce Street. Said platform commences at a point approximately 118 feet east of the eastline of South 2<sup>nd</sup> Street and extends west 15 feet 7 inches. The top of the platform is a maximum of 14 inches about the established sidewalk grade.

3. To construct and maintain two steps with handrails in the north, 15-foot wide sidewalk area of West Bruce Street. Said steps commence at a point approximately 102 feet east of the eastline of South 2<sup>nd</sup> Street and extend east 15 feet 7 inches. The steps, which are 2-foot wide, are centered approximately 11 feet south of the northline of West Bruce Street.
4. To construct and maintain two gabions in the north, 15-foot wide sidewalk area of West Bruce Street. Said gabions each consist of a metal frame and grating shaped into a box that is filled with cream city bricks. The gabions measure 5 feet 6 inches long, 2 feet 8 inches wide and 2 feet tall. Said gabions are centered approximately 11 feet south of the northline of West Bruce Street and 100 and 121 feet east of the eastline of South 2<sup>nd</sup> Street.
5. To construct and maintain three benches in the north, 15-foot wide sidewalk area of West Bruce Street. The benches are generally comprised of a corrugated metal base and wood planking seat. Two of said benches include a miniature gabion on one end of the seat area. The benches are centered approximately 2 feet 6 inches, 2 feet, and 2 feet 6 inches south of the northline of West Bruce Street and 129, 75, and 27 feet east of the eastline of South 2<sup>nd</sup> Street, respectively. The east bench measures 3 feet wide and 6 feet 4 inches long. The middle bench measures 1 foot 10 inches wide and 4 feet long. The west bench measures 3 feet wide and 7 feet 6 inches long.

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 Fix 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 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 \$283.00. 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 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:clm  
October 14, 2013