



Legislation Details (With Text)

**File #:** 031055      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 11/25/2003      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 3/19/2004

**Effective date:**

**Title:** Substitute resolution to grant a special privilege to Metropolitan Summit Avenue LLC to keep and maintain a barrier-free access ramp and a retaining wall encroaching into North Summit Avenue for the property at 2025-45 North Summit Avenue, in the 3rd Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition for a Special Privilege.PDF, 2. Cover Letter.pdf, 3. Fiscal Note.pdf

Date	Ver.	Action By	Action	Result	Tally
11/25/2003	0	COMMON COUNCIL	ASSIGNED TO		
11/25/2003		PUBLIC WORKS COMMITTEE	REFERRED TO		
3/3/2004	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/3/2004	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/10/2004	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
3/19/2004	1	COMMON COUNCIL	ADOPTED	Pass	15:0
3/26/2004	1	MAYOR	SIGNED		
11/26/2013	0	COMMON COUNCIL	HEARING NOTICES SENT		
12/17/2013	1	COMMON COUNCIL	DRAFT SUBMITTED		

031055  
SUBSTITUTE  
81-1912  
THE CHAIR

Substitute resolution to grant a special privilege to Metropolitan Summit Avenue LLC to keep and maintain a barrier-free access ramp and a retaining wall encroaching into North Summit Avenue for the property at 2025-45 North Summit Avenue, in the 3<sup>rd</sup> Aldermanic District in the City of Milwaukee.

Substitute resolution to grant a special privilege to Metropolitan Summit Avenue LLC to keep and maintain a barrier-free access ramp and a retaining wall encroaching into North Summit Avenue for the property at 2025-45 North Summit Avenue.

Whereas, A special privilege resolution, Common Council Resolution File Number 81-1912, was adopted in 1982 to allow the construction of a barrier-free access ramp and to keep an existing retaining wall both encroaching into the west sidewalk area of North Summit Avenue at the building at 2025-45 North Summit Avenue; and

Whereas, Over time the property ownership has changed, which resulted in changes administratively (that being the procedure prior to 1992); and

Whereas, The present owners are Metropolitan Summit Avenue LLC, who have submitted an amending Petition, since these wall encroachments require approval of the Common Council; now, therefore, be it

Resolved, That Common Council Resolution File Number 81-1912 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Metropolitan Summit Avenue LLC, N16 W23233 Stone Ridge Drive, Waukesha, WI 53188, is hereby granted the following special privileges:

1. To keep and maintain an existing concrete retaining wall located within the 17-foot wide sidewalk area on the west side of North Summit Avenue, approximately 165 feet north of the northline of East Lafayette Place. Said wall is 15 inches thick, approximately 4 feet high and projects perpendicular to the property line, encroaching approximately 4.5 feet and then extends south parallel to the property line approximately 5 feet.
2. To keep, use and maintain a concrete ramp on the west side of North Summit Avenue adjacent to the property known as 2025-45 North Summit Avenue. Said ramp is approximately 50 feet long, approximately 4.5 feet wide and centered approximately 190 feet north of the northline of East Lafayette Place. Said ramp abuts the west side of the 6-foot wide main sidewalk and encroaches approximately 4.5 feet into the 17-foot wide sidewalk area. Said ramp has a pipe railing approximately 3 feet high bordering the ramp.

Said retaining wall, ramp and railing shall have been constructed to the approval of the Commissioner of Public Works and the Commissioner of the Department of Neighborhood Services and in accordance with the appropriate standards and policies established by the Common Council of the City of Milwaukee. Permits for the ramp and railing shall have been procured.

All components and materials utilized in the construction of the ramp and railing shall be subject to the approval of the Commissioner of the 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, Metropolitan Summit Avenue 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 City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000.00 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$100,000 covering bodily injury to any one person and \$500,000 covering bodily injury to more than one person in any one accident and \$50,000 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. Both bond and insurance policy shall provide that they shall not be canceled 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 \$213.33. 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 any 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 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 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

JJM:cjt

March 3, 2004

031055