



Legislation Details (With Text)

File #: 070355 **Version:** 1

Type: Resolution **Status:** Passed

File created: 6/19/2007 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 1/15/2008

Effective date:

Title: Substitute resolution granting a special privilege to True Church of First Born Apostolic Faith Inc. to construct and maintain a barrier free access ramp, an excess door swing projection, and a roof gable projection for the premises at 231 East Meinecke Avenue, in the 6th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Petition for Special Privilege.PDF, 2. Cover letter, 3. Fiscal Note, 4. Map

Date	Ver.	Action By	Action	Result	Tally
6/19/2007	0	COMMON COUNCIL	ASSIGNED TO		
6/20/2007	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
12/10/2007	1	CITY CLERK	DRAFT SUBMITTED		
12/17/2007	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/3/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
1/15/2008	1	COMMON COUNCIL	ADOPTED	Pass	14:0
1/23/2008	1	MAYOR	SIGNED		

070355
SUBSTITUTE
THE CHAIR

Substitute resolution granting a special privilege to True Church of First Born Apostolic Faith Inc. to construct and maintain a barrier free access ramp, an excess door swing projection, and a roof gable projection for the premises at 231 East Meinecke Avenue, in the 6th Aldermanic District.

This resolution grants a special privilege to True Church of First Born Apostolic Faith, Inc. to construct and maintain a barrier free access ramp, an excess door swing projection, and a roof gable projection for the premises at 231 East Meinecke Avenue.

Whereas, The applicant is constructing a new church building; and

Whereas, As part of the new building, the applicant desires to construct and maintain a barrier free access ramp, an excess door swing projection, and a gable projection; 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 True Church of First Born Apostolic Faith, Inc., 231 East Meinecke Avenue, Milwaukee, WI 53212 is hereby granted the following special privileges:

1. To construct and maintain a platform with a barrier free access ramp structure in the south 14-foot wide sidewalk area of East Meinecke Avenue. Said structure will commence approximately 32 feet east of the eastline of North Hubbard

Street, where it will angle from the southline of East Meinecke Street to a point 4 feet east, and, then, will extend 45 feet to the east. Maximum projection of the structure will be 3 feet 5 inches. The structure will consist of a concrete block retaining wall backfilled with stone and topped by concrete sidewalk pavement. The structure will have a metal handrail. Total area of the structure will be 159.8 square feet.

2. To construct and maintain a double excess door swing that will project into the 7-foot wide east sidewalk area of North Hubbard Street. Said doors will project up to 3 feet into the public way, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances, and will be centered approximately 33 feet south of the southline of East Meinecke Avenue.

3. To construct and maintain roof gable that will project up to 1-foot into the south, 14-foot wide sidewalk area of East Meinecke Avenue. Said roof gable will be a minimum of 14 feet above the adjacent grade below.

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, True Church of First Born Apostolic Faith 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 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 \$5,000 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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. Both bond and insurance policy shall provide that they shall not be cancelled 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 \$272.75. 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:lja

November 29, 2007
070355