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Title: Substitute resolution formally granting a special privilege to Bethany Church of Christ, Inc. to keep and maintain a barrier-free access ramp in the public right-of-way on West Brown Street and North 13th Street for the premises at 1930 North 13th Street, in the 15th Aldermanic District in the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

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

Date	Ver.	Action By	Action	Result	Tally
7/23/2004		PUBLIC WORKS COMMITTEE	REFERRED TO		
7/27/2004	0	COMMON COUNCIL	ASSIGNED TO		
11/30/2004	1	CITY CLERK	DRAFT SUBMITTED		
12/1/2004	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/1/2004	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/8/2004	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
12/21/2004	1	COMMON COUNCIL	ADOPTED	Pass	15:0
12/23/2004	1	MAYOR	SIGNED		

040446
 SUBSTITUTE
 THE CHAIR

Substitute resolution formally granting a special privilege to Bethany Church of Christ, Inc. to keep and maintain a barrier-free access ramp in the public right-of-way on West Brown Street and North 13th Street for the premises at 1930 North 13th Street, in the 15th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Bethany Church of Christ, Inc. for a barrier-free access ramp in the public right-of-way on West Brown Street and on North 13th Street, at 1930 North 13th Street.

Whereas, Bethany Church of Christ, Inc. is desirous to provide barrier-free access to the main floor of the building at 1930 North 13th Street; and

Whereas, In order to provide barrier-free access, a platform with handicap ramp on one side and stairs on the other, constructed of wood, was allowed to be built, by permit, in order to determine how much that it encroaches into the public right-of-way on the south side of West Brown Street and on the east side of North 13th Street; and

Whereas, These items may only legally encroach into the public right-of-way by the 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 Bethany Church of Christ, Inc., 1930 North 13th Street, Milwaukee, Wisconsin 53205 is hereby granted the following special privilege:

To keep, use and maintain a 5-foot tall platform, with handicap ramp on one side and stairs on the other, constructed of wood, centered approximately 42 feet south of the southline of West Brown Street. Within the east 12-foot wide sidewalk area of the North 13th Street right-of-way, the platform, steps, and ramp encroach into the public way approximately 1 foot 6 inches for a length of approximately 38 feet 11 inches. The ramp turns the corner at West Brown Street so that within the south 17-foot wide sidewalk area of the West Brown Street right-of-way, the handicap ramp encroaches approximately 2 feet 4 inches for a length of approximately 69.5 feet. The platform, stairs, and handicap ramp have a wood handrail for their entire length.

Said platform, handicap ramp, steps and associated handrails shall be used and maintained to the satisfaction of the Department of Public Works and Neighborhood Services. Said items shall be removed from the public right-of-way, at such future time as they are no longer needed to the satisfaction of said departments; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Bethany Church of Christ, 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 surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000 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 \$200,000 covering bodily injury to any one person and \$400,000 covering bodily injury to more than one person in any one accident and \$100,000 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 \$39.33. 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 1 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
MDL:ah

November 29, 2004
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