



Legislation Details (With Text)

**File #:** 971981      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 4/7/1998      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 10/9/1998  
**Effective date:**

**Title:** Substitute resolution amending a special privilege granted to Guardian Enterprises and Gerald V. Neuwirth to construct and maintain four planter areas surrounded by railroad ties and three decorative lamps, all located in the public right-of-way adjacent to their properties located at 5252-56 and 5264-68 North 35th Street, to now grant permission for 3 of the planter areas and 3 lights to remain and for a concrete ramped entrance for barrier-free access, and to change the name of the grantee of the special privilege to Agape Center of Academic Excellence, Inc., in the 9th Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
4/7/1998	0	COMMON COUNCIL	ASSIGNED TO		
4/8/1998	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/24/1998	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/29/1998	1	CITY CLERK	DRAFT SUBMITTED		
10/1/1998	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
10/9/1998	1	COMMON COUNCIL	ADOPTED	Pass	16:1
10/19/1998	1	MAYOR	SIGNED		

971981  
SUBSTITUTE  
78-685, 970404  
THE CHAIR

Substitute resolution amending a special privilege granted to Guardian Enterprises and Gerald V. Neuwirth to construct and maintain four planter areas surrounded by railroad ties and three decorative lamps, all located in the public right-of-way adjacent to their properties located at 5252-56 and 5264-68 North 35th Street, to now grant permission for 3 of the planter areas and 3 lights to remain and for a concrete ramped entrance for barrier-free access, and to change the name of the grantee of the special privilege to Agape Center of Academic Excellence, Inc., in the 9th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution amends a special privilege granted to Guardian Enterprises and Gerald V. Neuwirth to construct and maintain four planter areas surrounded by railroad ties and three decorative lamps, all located in the public right-of-way on the east side of North 35th Street adjacent to the premises known as 5252-56 and 5264-68 North 35th Street, to now grant permission for three of the planter areas and 3 lamps to remain and for a concrete ramped entrance for barrier-free access and to change the name of the grantee of the special privilege to Agape Center of Academic Excellence, Inc.

Whereas, Guardian Enterprises and Gerald V. Neuwirth were granted a special privilege under Common Council Resolution File Number 78-685, on July 25, 1978, to construct and maintain four planter areas surrounded by railroad ties and three decorative lamps, all located in the public right-of-way on the east side of North 35th Street at 5252-56 and 5264-68 North 35th Street; and

Whereas, Agape Center of Academic Excellence, Inc. is now the owner of the properties and a name change is needed in order to reflect the

new owner; and

Whereas, Agape Center of Academic Excellence, Inc. was granted a special privilege under Common Council Resolution File Number 970404, on September 23, 1997, to construct and maintain a concrete ramped entrance for barrier-free access to the building at 5268 North 35th Street which eliminated one of the planter areas; and

Whereas, Permission for the concrete ramped entrance to encroach in the public right-of-way is incorporated in this special privilege resolution; and

Whereas, The concrete ramped entrance, landscape areas and decorative lamps may only occupy the public right-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Numbers 78-685 and 970404, are hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Agape Center of Academic Excellence, Inc., 5250 North 35th Street, Milwaukee, WI 53209, is hereby granted the following special privileges:

1. To keep and maintain 3 planters surrounded by railroad ties in the public way on the east side of North 35th Street adjacent to 5252-56 and 5264-68 North 35th Street. Planters of 21.5 feet, 22.2 feet and 35.7 feet in length are centered at distances of approximately 214 feet, 175 feet and 121 feet south of the southline of West Rohr Avenue, respectively. The 3 planters are elevated to a maximum of 1-foot above the sidewalk grade and encroach 7-feet 3-inches into the public right-of-way. Said planters contain a variety of plant and landscape material including granite boulders. 2. To keep and maintain 3 decorative electric lamps, one within the confines of each planter, and the necessary underground electrical conduits to serve said lamps.

3. To construct, use and maintain an approximate 16-foot 9-inch long and 7-foot 3-inch wide concrete ramp and platform with metal handrail on the east side of North 35th Street adjacent to the property known as 5268 North 35th Street. Said concrete ramp shall begin at a point approximately 75 feet south of the southline of West Rohr Avenue and encroach approximately 7-feet 3-inches into the public sidewalk area.

Said items shall be constructed, used and maintained to the satisfaction of the Commissioners of Public Works and Building Inspection. All required permits shall be procured prior to beginning construction. Said items shall be removed from the public right-of-way at such future time that they are no longer needed, to the satisfaction of the Commissioners of Public Works and Building Inspection.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Agape Center for Academic Excellence, 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 \$2,000.00 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 \$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. 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 \$197.00. 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 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

September 28, 1998

971981