



Legislation Details (With Text)

**File #:** 070679      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 9/5/2007      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 12/11/2007

**Effective date:**

**Title:** Substitute resolution amending a special privilege to 2306 United, LLC for addition of a second handicap ramp with platform and two moveable planters for the premises at 2306 South Kinnickinnic Avenue, in the 14th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition for a Special Privilege, 2. Fiscal Note, 3. Cover Letter, 4. Map, 5. Picture 1, 6. Picture 2, 7. Picture 3

| Date       | Ver. | Action By              | Action                   | Result | Tally |
|------------|------|------------------------|--------------------------|--------|-------|
| 9/5/2007   | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 9/6/2007   | 0    | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 11/2/2007  | 1    | CITY CLERK             | DRAFT SUBMITTED          |        |       |
| 11/21/2007 | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 11/28/2007 | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 5:0   |
| 12/11/2007 | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 14:0  |
| 12/20/2007 | 1    | MAYOR                  | SIGNED                   |        |       |

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SUBSTITUTE 1  
060940  
THE CHAIR

Substitute resolution amending a special privilege to 2306 United, LLC for addition of a second handicap ramp with platform and two moveable planters for the premises at 2306 South Kinnickinnic Avenue, in the 14<sup>th</sup> Aldermanic District. This resolution amends a special privilege to 2306 United, LLC for addition of a second handicap ramp with platform and two moveable planters for the premises at 2306 South Kinnickinnic Avenue.

Whereas, The applicant is in the process of renovating the building to make it ADA accessible; and

Whereas, 2306 United, LLC had requested permission to construct and maintain a barrier free access ramp with platform and handrail in the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 060940; and

Whereas, 2306 United, LLC is now requesting permission to construct and maintain a second barrier free access ramp to encroach into the public right-of-way; and

Whereas, A site visit revealed the presence of two moveable planters 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 2306 United, LLC, 788 North Jefferson Street, Suite 800, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain a barrier free access ramp with platform and handrail to project 4 feet into the south, 13-foot wide fully paved sidewalk area of East Lincoln Avenue. Said ramp and platform will commence at a point approximately 50 feet east of the easterly line of South Kinnickinnic Avenue and will end 11 feet 4 inches to the east. Said ramp and platform will have 3-foot tall metal handrails and will have a maximum height of 6 inches.
2. To keep and maintain two moveable planters in the south, 13-foot wide fully paved sidewalk area of East Lincoln Avenue. Said planters are centered approximately 120 and 130 feet east of the easterly line of South Kinnickinnic Avenue.
3. To keep and maintain a barrier free access ramp projecting 5 feet 1 inch into the south, 13-foot wide fully paved sidewalk area of East Lincoln Avenue. Said ramp and platform commence at a point approximately 101 feet east of the easterly line of South Kinnickinnic Avenue and end 9 feet to the east. Said ramp and platform have 3-foot tall metal handrails and a height of 4 inches.
4. To keep and maintain an excess door swing that, when fully opened, projects 3 feet into the public right-of-way over the platform of Item #1. Said door projects into the public way in excess of the 12 inches allowed under Section 245-4.8 of the Milwaukee Code of Ordinances.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

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, 2306 United, 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 \$3,000 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 \$202.51. 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<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.

7. Costs for repairs to said items or replacement of said items due to damage caused by work on City of Milwaukee underground conduit facilities or communications cabling shall be the responsibility of the grantee.

Department of Public Works  
Infrastructure Services Division

MDL:lja

October 23, 2007

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