



Legislation Details (With Text)

File #: 080354 **Version:** 1

Type: Resolution **Status:** Passed

File created: 7/1/2008 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 1/16/2009

Effective date:

Title: Substitute resolution granting a special privilege to Historic Kilbourn Building Redevelopment LLC for a ramp, two excess door swings and two stationary planters in the public right-of-way for the premises at 2741 West Fond du Lac Avenue, in the 15th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Special Privilege Petition and Drawings, 2. Fiscal Note, 3. Cover letter, 4. Pictures, 5. Map, 6. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/1/2008	0	COMMON COUNCIL	ASSIGNED TO		
7/2/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
12/16/2008	1	CITY CLERK	DRAFT SUBMITTED		
12/30/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/7/2009	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
1/16/2009	1	COMMON COUNCIL	ADOPTED	Pass	14:0
1/28/2009	1	MAYOR	SIGNED		

080354
SUBSTITUTE
THE CHAIR

Substitute resolution granting a special privilege to Historic Kilbourn Building Redevelopment LLC for a ramp, two excess door swings and two stationary planters in the public right-of-way for the premises at 2741 West Fond du Lac Avenue, in the 15th Aldermanic District.

This resolution grants a special privilege to Historic Kilbourn Building Redevelopment LLC for a ramp, two excess door swings and two stationary planters in the public right-of-way for the premises at 2741 West Fond du Lac Avenue. Whereas, Historic Kilbourn Building Redevelopment LLC is in the process of renovating and restoring the subject premises; and

Whereas, The applicant is requesting permission to construct and maintain a barrier free access ramp, two excess door swings and two stationary 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 Historic Kilbourn Building Redevelopment LLC, 1441 North 7th Street, Milwaukee, WI 53205 is hereby granted the following special privileges:

1. To construct and maintain a concrete barrier free access ramp to project 2 feet 4 inches into the 13-foot wide southerly sidewalk area of West Fond du Lac Avenue. Said ramp will be centered approximately 37 feet northwesterly of

the northline of West Center Street. The ramp will be 6 feet 6 inches long

2. To construct and maintain two permanent concrete planters adjacent to the concrete barrier free access ramp described above. Said urn shaped planters will be centered approximately 33 and 41 feet northwesterly of the northline of West Center Street. Said concrete bases for the planters will project 2 feet 4 inches into the public way, will be 1 foot 5 inches long and will be approximately 6 inches tall.

3. To construct and maintain two door swings that, when fully open, will project 2 feet 4 inches into the public right-of-way, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said doors will swing open over the ramp described above.

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, Historic Kilbourn Building Redevelopment 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 \$1,000 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 \$35.00. 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 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 :ns
December 3, 2008
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