



Legislation Text

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081181
SUBSTITUTE 1
THE CHAIR

Substitute resolution granting a special privilege to Wheaton Franciscan Healthcare - St Joseph, Inc. for a barrier free access ramp, moveable planter, fence gate swing, planter holder, and brick planter edging in the public right-of-way for the premises at 5020 West Burleigh Street, in the 10th Aldermanic District.

This resolution grants a special privilege to Wheaton Franciscan Healthcare - St Joseph Inc for a barrier free access ramp, moveable planter, fence gate swing, planter holder, and brick planter edging in the public right-of-way for the premises at 5020 West Burleigh Street.

Whereas, The applicant is requesting permission to construct and maintain a barrier free access ramp in order to improve accessibility to the subject property; and

Whereas, A site visit revealed the presence of a moveable planter, fence gate swing, planter holder, and brick planter edging in the public right-of-way; and

Whereas, Said 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 that Wheaton Franciscan Healthcare - St Joseph, Inc., 5000 West Burleigh Street, Milwaukee, Wisconsin 53210, is hereby granted the following special privileges:

1. To construct and maintain a barrier free access ramp that will project 3 feet 2 inches into the east, variable width sidewalk area of North 51st Boulevard. Said ramp and platform will commence at a point approximately 2 feet 4 inches north of the northline of West Burleigh Street and will extend 13 feet 4 inches to the north. The applicant is required to construct a strip of concrete sidewalk that is at minimum 2 inches in width in order to maintain a 5-foot wide clear pedestrian path.
2. To keep and maintain a 3-foot long metal planter holder at the second floor level of the subject premises. Said planter holder, which projects 1-foot into the variable width sidewalk area of North 51st Boulevard, is centered approximately 35 feet north of the northline of West Burleigh Street.
3. To keep and maintain an above-grade brick edging for an at-grade planting bed in located in the east, variable width sidewalk area of North 51st Boulevard. The planter commences at a point approximately 49 feet north of the northline of West Burleigh Street. Total length of the 3-inch wide edging is 28 feet.
4. To keep and maintain a fence gate that, when fully open, projects 3 feet 6 inches into the variable width, east sidewalk area of North 51st Boulevard, in excess of the 12-inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said gate is centered approximately 47 feet north of the northline of West Burleigh Street.

5. To keep and maintain a 3-foot diameter wood barrel moveable planter in the variable width sidewalk area of North 51st Boulevard. Said planter is centered approximately 1 foot 6 inches west of the eastline of North 51st Boulevard and 44 feet north of the northline of West Burleigh Street.

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, Wheaton Franciscan Healthcare - St Joseph, 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 \$5,000.00 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 \$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 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 \$62.13. 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
March 20, 2009

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