



Legislation Text

File #: 971641, Version: 3

971641
SUBSTITUTE 3

THE CHAIR

Substitute resolution to grant a special privilege to Church & Chapel Pre-Planning Center Corporation, to place a covered walk on the north side of West Bluemound Road within the public right-of-way at the 9230 West Bluemound Road building entrance, in the 16th Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege grants the applicant permission to place and maintain a covered walk on the north side of West Bluemound Road encroaching into the public right-of-way at the 9230 West Bluemound Road entrance to the building at 9228 West Bluemound Road.

Whereas, The applicant desires to place and maintain a covered walk at the entrance to the premises at 9230 West Bluemound Road; and

Whereas, Said covered walk may only legally occupy the public right-of-way by the granting of a special privilege resolution by the Common Council; and

Whereas, Said covered walk was installed prior to formal approval and in addition without obtaining the required Departments of Public Works or Building Inspection permits; and

Whereas, This resulted in: a) The File was held in Committee

b) An order sent for removal;

c) Rehearing scheduled before Public Improvements Committee on May 13, 1998; and

Whereas, Decision was made to allow the covered walk to remain as installed and created; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Church & Chapel Pre-Planning Center Corp., 15250 West National Avenue, New Berlin, WI, 53151 is hereby granted the following special privilege:

To erect and maintain a covered walk at the 9230 West Bluemound Road entrance to the building at 9228 West Bluemound Road. Said covered walk, 8-feet 0-inches in width, is to be centered approximately 229 feet west of the westline of North 92nd Street and shall encroach approximately 14 feet into the approximately 16-foot wide sidewalk area on the north side of West Bluemound Road. The covered walk shall be supported by the building and by one vertical support near each corner closest to the curb. Each vertical support shall be centered approximately 2 feet from the present curbline. There shall be an approximate 8-foot wide opening between the vertical supports, which parallel the curb face. the minimum vertical clearance between the skirt of the covered walk and the sidewalk below shall be 8-feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of covered walks shall be indicated upon the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height on the sides and 8 inches in height on the front face.

The grantee will be required to keep a "Loading Zone" or have a "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

Said covered walk shall be constructed, installed, maintained and used to the approval of the Commissioner of Public Works and the Commissioner of Building Inspection.

and, be it

Further Resolved, That despite the early installation, PERMITS SHALL STILL BE OBTAINED from 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, Church & Chapel Pre-Planning Center Corporation, 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 \$1,000.00 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 \$75.00. 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.

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RLH:kmm
May 27, 1998
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