



## Legislation Text

---

**File #: 070537, Version: 1**

---

070537  
SUBSTITUTE 1  
970401  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to C & E Investment Properties, LLC for encroachment into the public right-of-way of a handicap ramp and step for the premises at 1405 West Lincoln Avenue, in the 12<sup>th</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to C & E Investment Properties, LLC for encroachment into the public right-of-way of a handicap ramp and step for the premises at 1405 West Lincoln Avenue. Whereas, Paul M. Cesarz requested permission to keep and maintain a concrete handicap ramp and step; and

Whereas, Permission for said handicap ramp and step was granted in 1997 under Common Council File Number 970401; and

Whereas, C & E Investment Properties, LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 970401 is hereby rescinded; and, be it

Further Resolved, C & E Investment Properties, LLC, 5237 Robinwood Lane, Hales Corners, WI 53130, is hereby granted the following special privileges:

1. To keep and maintain a handicap ramp and concrete step in the southerly 13-foot wide sidewalk area of West Windlake Avenue, approximately 8 feet south of the southline of West Lincoln Avenue. Said concrete handicap ramp with handrail, which is adjacent to the property, is approximately 20 feet long and 4 feet wide.
2. To keep and maintain an existing entrance step which encroaches into the public right-of-way at the intersection of West Lincoln Avenue and West Windlake Avenue. The 7-inch high step encroaches approximately 1 foot maximum into the public right-of-way on the south side of West Lincoln Avenue and on the south side of West Windlake Avenue for lengths of approximately 2 feet 9 inches on each street.

Said above-mentioned handicap ramp and concrete step shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said handicap ramp and concrete step 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, C & E Investment Properties, 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 \$81.77. 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.

Department of Public Works  
Infrastructure Services Division  
MDL:lja  
July 23, 2007  
070468