



Legislation Text

File #: 120924, **Version:** 1

120924
SUBSTITUTE 1

Substitute resolution granting a special privilege to Leon Joseph d/b/a Wellston Apartments to construct and maintain a retaining wall and two sets of steps in the public right-of-way for the premises at 2204 East Ivanhoe Place, in the 3rd Aldermanic District.

This resolution grants a special privilege to Leon Joseph d/b/a Wellston Apartments to construct and maintain a retaining wall consisting of irregular concrete block and two sets of concrete steps in the public right-of-way for the premises at 2204 East Ivanhoe Place.

Whereas, The applicant had requested a permit to repair an existing retaining wall that was found to occupy a portion of the public right-of-way; and

Whereas, A site visit revealed the presence of two sets of concrete steps that also project into 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 Leon Joseph, c/o Wellston Apartments, 117 North Jefferson Street, Suite 202, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain a retaining wall in the public right-of-way. Said wall projects an average of 2 feet 9 inches into the east, 17-foot wide sidewalk area of North Summit Avenue for a length of 50 feet. Said wall projects an average of 2 feet 2 inches into the north, 16-foot wide sidewalk area of East Ivanhoe Place in three sections divided by two sets of steps, described as follows, for a combined length of 92 feet 8 inches. The retaining wall is comprised of dry stacked, randomly sized concrete slabs. The total length of the wall is 142 feet 8 inches. For purposes of the annual fee calculation, the variable width wall is assumed to be 1 foot wide.
2. To construct and maintain two sets of concrete steps each projecting 2 feet 10 inches into the north, 16-foot wide sidewalk area of East Ivanhoe Place. The east set of steps, which is 2 feet 11 inches wide, is centered approximately 26 feet east of the east line of North Summit Avenue. The west set of steps, which is 5 feet wide, is centered approximately 60 feet east of the eastline of North Summit Avenue.

Said 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, Leon Joseph d/b/a Wellston Apartments, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.

3. Pay to the City Treasurer an annual fee, which has an initial amount of \$336.15. 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 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:clm

January 16, 2013

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