



## Legislation Text

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**File #: 000228, Version: 1**

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000228

### SUBSTITUTE THE CHAIR

Substitute resolution to grant a special privilege to James Anderson Senior Housing, LLC to construct and maintain a concrete ramped entrance for barrier-free access located in the public right-of-way adjacent to their property located at 3971 North Teutonia Avenue, in the 10<sup>th</sup> Aldermanic District in the City of Milwaukee. This resolution grants permission to James Anderson Senior Housing, LLC to construct and maintain a concrete ramped entrance for barrier-free access in the right-of-way on the east side of North 22<sup>nd</sup> Street adjacent to the premises known as 3971 North Teutonia Avenue.

Whereas, James Anderson Senior Housing, LLC is desirous to construct a concrete ramped entrance to provide for barrier-free access to the building that is being renovated at 3971 North Teutonia Avenue and in order to do this, the ramp is proposed to encroach into the public right-of-way on the east side of North 22<sup>nd</sup> Street; and

Whereas, The concrete ramped entrance may only occupy the public right-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that James Anderson Senior Housing, LLC, 1915 North Martin Luther King Jr. Drive, Milwaukee, WI 53212, is hereby granted the following special privilege:

To construct and maintain an approximate 12-foot 2-inch long and 5-foot wide concrete ramp with metal handrail and one or more steps at the north end of the platform, to be located on the east side of North 22<sup>nd</sup> Street adjacent to the property known as 3971 North Teutonia Avenue. Said concrete ramp shall begin at a point approximately 70 feet south of the southline of West Capitol Drive and encroach approximately 5 feet into the public sidewalk area. A 3-foot wide door may swing out over the handicap landing area

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, James Anderson Senior Housing, 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 \$2,000.00 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 \$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 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 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division  
JJM:cjt  
December 1, 2000

ANDERSON SENIOR HOUSING