



## Legislation Text

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**File #: 120247, Version: 1**

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120247  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to Atinsky Property Management LLC to construct and maintain a handicap ramp, platform, steps, cigarette butt disposal container, and storm enclosure in the public right-of-way for the premises at 701 East Keefe Avenue, in the 3<sup>rd</sup> Aldermanic District.

This resolution grants a special privilege to Atinsky Property Management LLC to construct and maintain a handicap ramp, platform, steps, cigarette butt disposal container, and storm enclosure in the public right-of-way for the premises at 701 East Keefe Avenue

Whereas, The applicant is requesting permission to construct and maintain a platform with steps and handicap ramp in the public right-of-way; and

Whereas, A site visit revealed the presence of storm enclosure and cigarette butt disposal can in 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 Atinsky Property Management LLC, 1750 West Good Hope Road, Glendale, Wisconsin 53209, is hereby granted the following special privileges:

1. To construct and maintain a steel platform, steps and handicap ramp built atop concrete pier footings in the south, 13-foot wide sidewalk area of East Keefe Avenue. Said ramp, which projects 3 feet 6 inches into the public way, commences 1-foot west of the eastline of North Pierce Street and extends east 14 feet 7 inches. Said platform with surrounding steps projects 6 feet 6 inches into the public way, commencing at the east end of the handicap ramp and extends 10 feet 4 inches to the east. All components of the structure are clad in wood.
2. To install and maintain a cigarette butt disposal container in the east, 13-foot wide sidewalk area of North Pierce Street. Said container is centered approximately 2-feet west of the eastline of North Pierce Street and 2-feet south of the southline of East Keefe Avenue.
3. To construct and maintain a storm enclosure built atop the aforementioned platform of item #1. Said storm enclosure projects 3 feet 6 inches into the south, 13-foot wide sidewalk area of East Keefe Avenue and is 6 feet 8 inches long.

The storm enclosure frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. The coverings shall be of approved material. All fixtures and materials for illumination of the storm enclosure shall be indicated on 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 storm enclosure. 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.

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, Atinsky Property Management 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 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 \$209.89. 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:ns  
July 24, 2013  
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