



Legislation Text

File #: 970404, Version: 1

970404
SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Agape Center of Academic Excellence, Inc. 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 5268 North 35th Street, in the 9th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution grants permission to Agape Center of Academic Excellence, Inc. to construct and maintain a concrete ramped entrance for barrier-free access in the right-of-way on the east side of North 35th Street adjacent to the building known as 5268 North 35th Street.

Whereas, Agape Center of Academic Excellence, Inc. is desirous to construct a concrete ramped entrance to provide for barrier-free access to their new facility and in order to do this, the ramp would encroach into the public right-of-way on the east side of North 35th 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 Agape Center of Academic Excellence, Inc., 5250 North 35th Street, Milwaukee, WI 53209, is hereby granted the following special privilege:

To construct and maintain an approximate 16-foot 9-inch long and 7-foot 3-inch wide concrete ramp and platform with metal handrail on the east side of North 35th Street adjacent to the property known as 5268 North 35th Street. Said concrete ramp shall begin at a point approximately 75 feet south of the southline of West Rohr Avenue and encroach approximately 7-feet 3-inches into the public sidewalk area.

Said concrete ramp and platform with metal handrail shall be constructed, used and maintained to the satisfaction of the Commissioners of Public Works and Building Inspection. All required permits shall be procured prior to beginning construction. Said ramp with handrail shall be removed from the public right-of-way at such future time that it is no longer needed, to the satisfaction of 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, Agape Center of Academic Excellence, Inc. 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 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.
Infrastructure Services Division

JJM:cjt
July 31, 1997
970404