



Legislation Text

File #: 110408, Version: 1

110408

SUBSTITUTE 1

Substitute resolution granting a special privilege to Urban Ecology Center to construct and maintain a barrier free access ramp, planter boxes, a bench, and handrails for the premises at 3700 West Pierce Street, in the 8th Aldermanic District. This resolution grants a special privilege to Urban Ecology Center to construct and maintain a barrier free access ramp, planter boxes, a bench, and handrails for the premises at 3700 West Pierce Street.

Whereas, The applicant is requesting permission to construct and maintain a barrier free access ramp and planter boxes in the public right-of-way; and

Whereas, A site visit revealed the presence of a bench and handrails 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 Urban Ecology Center, 1500 East Park Place, Milwaukee, WI 53211 is hereby granted the following special privileges:

1. To construct and maintain a concrete barrier free access ramp projecting 3 feet 2 inches into the north sidewalk area of West Pierce Street. Said ramp commences approximately 8 feet east of the westline of South 37th Street extended and extends 17 feet to the west. There is a raised 4-inch tall and 6-inch wide curb that runs along the southern edge of the ramp.
2. To place and maintain four wood planter boxes in the north sidewalk area of West Pierce Street, which are permanently abutting the aforementioned barrier free access ramp in order to act as boundary at the edge of the ramp. Said 1-foot 1-inch wide planters commence at a point approximately 8 feet east of the westline of South 37th Street extended and extends 16 feet 4 inches to the west. The edge of the planters abutting the ramp is raised such that the total height of the planter is at least 2 feet 6 inches.
3. To place and maintain an l-shaped wood bench in the north sidewalk area of West Pierce Street. The west portion of the bench, which is orientated in a north-south direction, projects 3 feet into the public way for a length of 1 foot 5 inches. The east portion of the bench, which is orientated in an east-west direction, projects 6 inches into the public way for a length of 4 feet 2 inches. Said bench is centered approximately 11 feet east of the westline of South 37th Street extended.
4. To construct and maintain two 2-inch diameter metal handrails projecting 6 inches into the north sidewalk area of West Pierce Street. Said handrails each occupy a space that is 7 inches wide and are centered about a point approximately 20 feet east of the westline of South 37th Street at the main entrance to the facility.

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, Urban Ecology Center, 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 \$630.55. 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
November 1, 2013