



## Legislation Text

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**File #: 051097, Version: 1**

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051097

### SUBSTITUTE THE CHAIR

Substitute resolution to grant a special privilege to Pedro Daleccio to construct and maintain a platform and barrier-free access ramp in the public right-of-way for the premises at 2078 South 8<sup>th</sup> Street, in the 12<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Pedro Daleccio to construct and maintain a platform and barrier-free access ramp; a concrete stoop; a timber and concrete block raised planting area; and a dumpster in the public right-of-way for the premises at 2078 South 8<sup>th</sup> Street.

Whereas, Pedro Daleccio requested permission to construct and maintain a platform and barrier-free access ramp for the building at 2078 South 8<sup>th</sup> Street; and

Whereas, A site visit revealed the presence of a concrete entrance stoop; a timber and concrete block raised planting area; and a waste dumpster; 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 Pedro Daleccio, 1207 South 33<sup>rd</sup> Street, Milwaukee, Wisconsin 53215 is hereby granted the following special privileges:

1. To construct and maintain a wooden barrier-free access ramp and platform in the east sidewalk area of South 8<sup>th</sup> Street. The ramp portion of the structure is 4 feet 5 inches wide and 14 feet 5 inches long starting at a point 6 feet 6 inches north of the north line of West Becher Street. The ramp runs parallel to the east line of South 8<sup>th</sup> Street and projects 4 feet 5 inches into the east 15-foot wide public sidewalk area of South 8<sup>th</sup> Street. The wooden platform portion of the structure is 8 feet 4 inches wide and is 5 feet 4 inches deep. Said ramp is situated at the intersection of the east line of South 8<sup>th</sup> Street and the north line of West Becher Street and is parallel to a 7-foot 6-inch long building entrance wall section set 45° to the abutting street lines. Said ramp projects 5 feet 1 inches into the 15-foot wide public sidewalk area. Said platform is 1 foot 6 inches above sidewalk grade.
2. To keep and maintain an existing concrete stoop consisting of two risers flanked by an integral masonry raised planter on each side. Said stoop commences at a point approximately 20 feet 6 inches east of the east line of South 8<sup>th</sup> Street for a length of 9 feet 9 inches. Said stoop encroaches approximately 1 foot into the north 13-foot wide sidewalk area of West Becher Street.
3. To keep and maintain an existing raised planting area in the north 13-foot wide sidewalk area of West Becher Street. Said planting area consists of a 4-foot high by 1-foot 4-inch wide timber and concrete block wall. Said planting area commences at a point approximately 49 feet east of the east line of South 8<sup>th</sup> Street and extends east approximately 19 feet 10 inches. Said planting area projects 3 feet 9 inches into the north 13-foot wide public sidewalk area.

4. To keep, use and maintain a commercial waste dumpster. Said dumpster is approximately 5 feet long and 3 feet 8 inches deep. Said dumpster is located approximately 10 feet from the east line of South 8<sup>th</sup> Street along the Becher Street building face. Said dumpster projects 3 feet into the north 13-foot wide public sidewalk area.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

All plant materials shall be placed, maintained, replaced and removed at no expense to the City of Milwaukee.

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, Pedro Daleccio, 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 \$10,000.00 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 \$50,000.00 covering bodily injury to any one person and \$100,000.00 covering bodily injury to more than one person in any one accident and \$20,000.00 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 \$128.51. 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 66.0425 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 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

MDL:cjt

February 6, 2006

051097