



Legislation Text

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020470
SUBSTITUTE
71-264
THE CHAIR

Substitute resolution amending a special privilege granted to Fourth Church of Christ, Scientist to construct and maintain concrete steps and iron railing in the public right-of-way adjacent to the property located at 3069 North Downer Avenue, to now change the name of the grantee of the special privilege to Chinese Christian Church of Milwaukee, Inc., in the 3rd Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Fourth Church of Christ, Scientist to construct and maintain concrete steps and iron railing in the public right-of-way on the south side of East Kenwood Boulevard adjacent to the building known as 3069 North Downer Avenue, to now change the name of the grantee of the special privilege to Chinese Christian Church of Milwaukee, Inc.

Whereas, Fourth Church of Christ, Scientist was granted a special privilege under Common Council Resolution File 71-264, on May 24, 1971, to construct and maintain concrete steps with risers and iron railing encroaching into the public right-of-way on the south side of East Kenwood Boulevard, adjacent to the building at 3069 North Downer Avenue; and

Whereas, The current owner of the property is Chinese Christian Church of Milwaukee, Inc. and should now be named as the grantee of the special privilege; and

Whereas, The concrete steps and iron railing 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 71-264 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Chinese Christian Church of Milwaukee, 3069 North Downer Avenue, Milwaukee, WI 53211, is hereby granted the following special privilege:

To keep, use and maintain 2 sets of concrete steps and their supports in the space between the property line and the sidewalk on the south side of East Kenwood Boulevard serving the building located at 3069 North Downer Avenue. The lower risers of each set of steps shall project a maximum of 1.9 feet into the street area and the second risers shall project 1 foot into the street area. The east set of risers shall begin at a line 70 feet west and end 100 feet west of the westline of North Downer Avenue. The west set of risers shall begin at a line 165 feet west and end 193 feet west of the westline of North Downer Avenue. The bottom riser does not extend the entire width.

The steps and railing shall be used and maintained to the approval of the Departments of Public Works and Neighborhood Services. Said steps and railing shall be removed from the public right-of-way at such future time that they are no longer needed, to the satisfaction of the Commissioners of Public Works and

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, Chinese Christian Church of Milwaukee, 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 \$5,000.00 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 66.0915((3) 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 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

September 4, 2002

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