



Legislation Text

File #: 100450, Version: 1

100450
SUBSTITUTE 1
060089
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to George Bockl Living Trust; for removal and replacement of a barrier free access ramp; and for addition of a backup driveway for the premises at 250 North Water Street, in the 4th Aldermanic District.

This resolution amends a special privilege for change of ownership to George Bockl Living Trust; for removal and replacement of a barrier free access ramp; and for addition of a backup driveway for the premises at 250 North Water Street, also known as 207 East Buffalo Street.

Whereas, George Bockl requested permission to keep and maintain a barrier free access ramp in the public right-of-way; and

Whereas, Permission for said ramp to continue to occupy the public right-of-way was granted in 2006 under Common Council Resolution File Number 060089; and

Whereas, George Bockl Living Trust now owns the property, and

Whereas, The applicant has removed and replaced the barrier free access ramp with a new barrier free access ramp that includes a new platform with stairs; and

Whereas, A site visit revealed the presence of a backup driveway; and

Whereas, Said replacement barrier free, platform and backup driveway may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; and

Whereas, For the liability for said items to be formally transferred to the applicant, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 060089 is hereby rescinded; and, be it

Further Resolved, That George Bockl Living Trust, Attention: Robert De Toro, 207 East Buffalo Street, Milwaukee, Wisconsin, 53202, is hereby granted the following special privileges:

1. To construct and maintain a 3-foot tall concrete platform with steps and portion of barrier free access ramp in the south, 15-foot wide sidewalk area of East Buffalo Street. The 8-foot 6-inch wide structure commences at a point approximately 100 feet east of the eastline of North Water Street and extends 23 feet 10 inches to the west.
2. To construct and maintain a concrete barrier free access ramp in the south, 15-foot wide sidewalk area of East Buffalo Street. Said 4-foot 4-inch wide ramp commences at a point approximately 38 feet east of the eastline North Water Street and extends east 31 feet.
3. To keep and maintain a backup driveway in the south, 15-foot wide sidewalk area of East Buffalo Street centered approximately 140 feet east of the eastline of North Water Street. The driveway approach serves a 10-foot wide

loading dock, which is constructed integral with the building built in 1906. Vehicles may occupy the sidewalk area only and shall be parked in such a manner so as not to project beyond the south curb face of East Buffalo Street. The grantee is to provide sufficient traffic control to all for continued pedestrian traffic and two-way vehicular traffic while the backup driveway is being used.

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, George Bockl Living Trust, 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 \$703.08. 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 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.
7. Owner must ensure sufficient traffic control while using the backup driveway to allow continued, safe traffic flow on East Buffalo Street. Traffic control measures may include, but are not limited to flag persons and traffic cones.

Department of Public Works
Infrastructure Services Division
MDL:ns
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