



Legislation Text

File #: 090262, Version: 1

090262
SUBSTITUTE 1
050923
THE CHAIR

Substitute resolution amending a special privilege to Park East Enterprise Lofts LLC for removal of monitoring wells and for addition of a barrier free access ramp for the premises at 1401-07 North Martin Luther King Jr. Drive, in the 6th Aldermanic District.

This resolution amends a special privilege to Park East Enterprise Lofts LLC for removal of monitoring wells and for addition of a barrier free access ramp for the premises at 1401-07 North Martin Luther King Jr. Drive.

Whereas, Park East Enterprise Lofts LLC requested permission to construct and maintain three galvanized steel vent pipes and two monitoring wells in the public right-of-way; and

Whereas, Permission for said vent pipes and monitoring wells was granted in 2005 under Common Council Resolution File Number 050923; and

Whereas, Said monitoring wells have been removed from the public right-of-way; and

Whereas, The present request is to construct and maintain a barrier free access ramp to several retail spaces within the building; and

Whereas, Said barrier free access ramp 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 050923 is hereby rescinded; and, be it

Further Resolved, That Park East Enterprise Lofts LLC, c/o Gorman Company, 200 North Main Street, Oregon WI 53575 is hereby granted the following special privileges:

1. To construct and maintain a concrete barrier free access ramp with handrail projecting 6 feet into the west, 12-foot wide sidewalk area of North Martin L. King Jr. Drive. Said ramp commences approximately 17 feet north of the northline of West Vliet Street and extends 15 feet 11 inches to the north. The ramp is 6 inches in height at its tallest point and is, essentially, a thickened slab of sidewalk pavement resting directing on the ground.
2. To keep and maintain three, 2-inch diameter galvanized steel pipe vent risers projecting a maximum of 3 inches into the north, 15-foot wide sidewalk area of West Vliet Street. The vent risers are two feet tall and are topped with a 90° bend, such that the risers occupy 6 inches of space parallel to the building face. Said vent risers are centered approximately 100, 120 and 145 feet west of the westline of North Martin L. King Jr. Drive.

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, Park East Enterprise Lofts LLC, 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 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 own 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 they shall not be cancelled 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 \$173.77. 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.

Department of Public Works
Infrastructure Services Division

MDL:ns

August 19, 2009

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