



Legislation Text

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991340

SUBSTITUTE

74-51

THE CHAIR

Substitute resolution granting an amending special privilege to Milwaukee Center for Independence, formerly known as Jewish Vocational Service of Milwaukee, Inc., to keep and use several existing platforms with ramp, brick wall and excess door-swing encroachments and now add permission for presently existing and used movable planters, benches, door-opener post, backup driveway and fence all located in the public rights-of-way of North Milwaukee Street, East Ogden Avenue and North Broadway abutting 1333-39 North Milwaukee Street, located in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to Milwaukee Center for Independence, formerly known as Jewish Vocational Service of Milwaukee, Inc., to keep and use several existing platforms with ramp, brick wall and excess door-swing encroachments and now add permission for presently existing and used movable planters, benches, door-opener post, backup driveway and fence all located in the public rights-of-way of North Milwaukee Street, East Ogden Service and North Broadway abutting 1333-39 North Milwaukee Street.

Whereas, Jewish Vocational Service of Milwaukee, Inc., (JVS), now known as Milwaukee Center for Independence (MCI), purchased a property at 1333-39 North Milwaukee Street in 1974; and

Whereas, JVS indicated then that they provide both mental and physical rehabilitative services to its clients and many of the people who use the building are handicapped; and

Whereas, The building was not easily accessible to these people, if they are in wheelchairs or are using ambulatory devices; and

Whereas, JVS subsequently successfully petitioned the Common Council for a special privilege to permit construction in the public rights-of-way, which would increase the accessibility under C.C. 74-51, adopted on June 11, 1974; and

Whereas, There is a service area south of the building along North Broadway, where supplies are brought in and trash and other items are shipped out; and

Whereas, MCI sold some of that area to an abutting property owner for construction of a building that became the new location of the local office of the U.S. Immigration and Naturalization Service; and

Whereas, MCI indicates that this now requires that vehicles use a recessed dock differently and that while conducting some of the loading and/or unloading operations, a portion of the vehicle extends into the public right-of-way (backup driveway) and in addition they discovered that an existing fence providing security for this area is located in the public right-of-way; and

Whereas, They have now applied for formal permission for the backup driveway operation and fence encroachments to occur; and

Whereas, Our field investigation disclosed that several movable planters of wood or masonry, benches and a door-opener post are located between the main sidewalk path and the building and they wish for them to continue to do so; and

Whereas, All of said items may only legally occupy the public rights-of-way by the granting of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, That C.C. 74-51 is hereby rescinded; and, be it

Further Resolved, That Milwaukee Center for Independence, 1333-39 North Milwaukee Street, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To keep, use and maintain a set of double doors with swing projection of approximately 3.0 feet into the east sidewalk area of North Broadway located approximately 60 feet south of the southline of East Ogden Avenue.
2. To keep, use and maintain a level concrete platform approximately 10 feet and encroaching approximately 7.0 feet into the south sidewalk area of East Ogden Avenue starting approximately 99 feet east of the eastline of North Broadway. Said platform is on top of the existing hollow sidewalk slab and is surrounded on the west and north sides by a metal pipe railing. Said platform provides convenient access for a set of double doors, that has a 2-foot swing projection.
3. To keep, use and maintain a set of double doors with swing projection of approximately 3.0 feet into the west sidewalk area of North Milwaukee Street and located approximately 4 feet south of the southline of East Ogden Avenue.
4. To keep, use and maintain a brick wall approximately 4 feet long and approximately 2.5 feet in height, and encroaching approximately 3 feet into the west sidewalk area of North Milwaukee Street beginning at the southline of East Ogden Avenue.
5. To keep, use and maintain a platform with ramp encroachment approximately 28 feet in length with 6 foot 8 inch projection into the west sidewalk area of North Milwaukee Street to serve as entry to double doors, which are located approximately 60 feet south of the southline of East Ogden Avenue. Said platform is supported by a brick-faced masonry wall 8 inches thick. Said platform has a ramp slope section meeting the requirement of 1 in 12, level section adjacent to said doors and in addition shall comply with all other provisions of Chapter 11 of the Wisconsin Enrolled Commercial Building Code Vol I (2002) Department of Commerce, which pertains to providing access facilities for the handicapped. Slope and level section of this facility is a 5 inch reinforced concrete slab, if constructed as proposed.
6. To keep and maintain an existing 8-foot high chain link fence, for security, surrounding a loading-unloading/storage area. The fence encroaches approximately 7.5 feet into the east side of North Broadway for a length of approximately 44 feet, which includes one 16-foot wide double leaf vehicular gate and one 5-foot wide people gate at a recently constructed concrete ramp, beginning at a point approximately 170 feet south of the southline of East Ogden Avenue and extending south.
7. To keep and use an existing driveway that is used as a backup driveway to service an existing 8.8-foot wide overhead door, at a dock that is located approximately 30-feet east of the eastline of North Broadway and is centered approximately 155 feet south of the southline of East Ogden Avenue. The area between the fence and

property line shall not be used for vehicular parking. The gates shall always swing into the property so as not to cross the through public sidewalk. This shall also apply to the double-leaf gate at the backup driveway. The gates may be locked, as needed.

The grantee was required to pave the then existing grass tree border area on North Milwaukee Street adjacent to the ramp/platform in item 5 above with concrete and extending for such distance as was required by the Commissioner of Public Works. A hard surface shall continue to be provided in this area as long as that ramp/platform is in existence for through pedestrian movement.

8. To keep, use and maintain two 2.5-foot square and 1.8-foot high movable masonry planters located approximately 2.5 feet west of the eastline of North Broadway and 50 and 62 feet south of East Ogden Avenue.

9. To keep, use and maintain five 2.5-foot square and 2.6-foot high movable wood planters located approximately 2.5-feet west of the eastline of North Broadway and 10, 25, 75, 115 and 135 feet south of the southline of East Ogden Avenue.

10. To keep, use and maintain two wood benches approximately 1.9 feet wide and 8.4 feet high located approximately 1-foot west of the eastline of North Broadway and 40 and 85 feet south of the southline of East Ogden Avenue.

11. To keep, use and maintain 1 door-opener post located approximately 5.2 feet west of the eastline of North Broadway and 58 feet south of the southline of East Ogden Avenue;

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Milwaukee Center for Independence, 1333-39 North Milwaukee Street, Milwaukee, WI 53202:

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 Ten Thousand Dollars (\$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 Twenty-five Thousand Dollars (\$25,000.00) covering bodily injury to any one person and Fifty Thousand Dollars (\$50,000.00) covering bodily injury to more than one person in any one accident and Ten Thousand Dollars (\$10,000.00) 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 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 \$463.46. 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 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

February 10, 2003

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