



Legislation Text

File #: 051521, Version: 1

051521
SUBSTITUTE 1
59-695
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Lad Lake Inc. to keep and maintain a tunnel under an alley and granting permission for a platform with stairs, a barrier free access ramp and handrail for the premises at 2169 South 28th Street, in the 8th Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege for change of ownership to Lad Lake Inc. to keep and maintain a tunnel under an alley and grants permission for a platform with stairs, a barrier free access ramp and handrail for the premises at 2169 South 28th Street.

Whereas, Layton Park English Evangelical Lutheran Church requested permission to construct and maintain an underground tunnel under an alley to provide connection for heating pipes and pedestrian traffic between two of its buildings, and

Whereas, Permission was granted in 1959 by adoption of Common Council Resolution File Number 59-695; and

Whereas, Lad Lake, Inc. is the current owner; and

Whereas, A site visit revealed the presence of a platform with stairs, barrier-free access ramp and handrail in the public sidewalk area of South 28th Street; and

Whereas, For the liability for the tunnel to be formally transferred to the current owners, the Common Council needs to adopt an amending resolution; and

Whereas, Said platform with stairs, barrier-free access ramp and hand rail may only legally encroach into the public right-of-way by the granting of a special privilege 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 59-695 is hereby rescinded; and, be it

Further Resolved, That Lad Lake Inc., PO Box 158, Dousman, Wisconsin 53118 is hereby granted the following special privileges:

1. To construct, keep and maintain a concrete platform with stairs, barrier-free access ramp and handrail which projects 4 feet into the west, 15-foot wide public sidewalk area of South 28th Street. Said platform commences at a point approximately 36 feet north of the northline of West Grant Street and ends at a point approximately 25 feet to the south. The top of the platform is approximately 11 inches above sidewalk grade.
2. To keep, use and maintain a tunnel approximately 5 feet wide, 8 ½ feet high and 15 feet long under and across the 15-foot wide, north-south public alley in the block bounded by South 28th Street, South 29th Street, West Becher Street and West Grant Street. Said tunnel is located approximately 40 feet north of the northline of West Grant Street.

The above mentioned items shall be used and maintained to the approval 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, Lad Lake 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 \$10,000 such bond to be approved by the City Attorney. This 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 \$100,000 covering bodily injury to any one person and \$200,000 covering bodily injury to more than one person in any one accident and \$40,000 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. 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 \$111.29. 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 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:lja
April 3, 2006
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