



Legislation Text

File #: 050117, Version: 1

050117

SUBSTITUTE
THE CHAIR

Substitute resolution to grant permission to Rodimiro Perez and Maria Perez to construct a platform with ramp and to keep an existing excess door swing all in the public right-of-way of West Becher Street abutting 2079 South 15th Street, in the 12th Aldermanic District in the City of Milwaukee.

This resolution grants permission to Rodimiro Perez and Maria Perez to have a platform with ramp in order to provide barrier-free access and to keep an excess door-swing encroachment on the West Becher Street side of their property at 2079 South 15th Street .

Whereas, Rodimiro Perez and Maria Perez are remodeling their building at 2079 South 15th Street for a restaurant on the first floor and wish to eliminate the present two steps on the West Becher Street side of their property in order to provide barrier-free access; and

Whereas, Their proposal involves construction of these items within the public right-of-way; and

Whereas, There is an existing excess door swing encroachment near the rear of the building along the West Becher Street side of the property that is going to remain and to do so will need to be included in this resolution; and

Whereas, In order for this to occur, an enabling special privilege resolution needs to be adopted by the Common Council; now, therefore, be it

Resolved, By the City of Milwaukee, that Rodimiro Perez and Maria Perez, 2168 South 11th Street, Milwaukee, WI 53209, are hereby granted the following special privilege:

1. To construct, use and maintain an 8.5-foot long platform with a 14.0 foot long ramp that encroaches approximately 4.0 into the 14-foot wide north sidewalk area of West Becher Street at the property of 2079 South 15th Street. This installation begins approximately 1-foot west of the westline of South 15th Street and extends west.
2. To keep, use and maintain a 2.8-foot wide door, located approximately 50 feet west of the westline of South 15th Street, with a total encroachment of approximately 2.7 feet into the north 14-foot wide sidewalk area of West Becher Street for the property at 2079 South 15th Street.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall be obtained prior to the placing of said items.

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, Rodimiro Perez and Maria Perez, 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 \$40,000.00 covering bodily injury to any one person and \$200,000.00 covering bodily injury to more than one person in any one accident and \$40,000.00 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 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 \$56.81. 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
MDL:cjt
June 15, 2005
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