



## Legislation Details (With Text)

**File #:** 130020      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 4/30/2013      **In control:** COMMON COUNCIL

**On agenda:**      **Final action:** 2/10/2015

**Effective date:**

**Title:** Substitute resolution granting a special privilege to Finch Properties LLC to construct and maintain a barrier free access ramp and a wood fence in the public right-of-way for the premises 2507 South Wentworth Avenue, also known as 1441 East Russell Avenue, in the 14th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition, 2. Plans, 3. Cover Letter, 4. Map, 5. Photos

Date	Ver.	Action By	Action	Result	Tally
4/30/2013	0	COMMON COUNCIL	ASSIGNED TO		
5/1/2013	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
1/28/2015	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
2/10/2015	1	COMMON COUNCIL	ADOPTED	Pass	15:0
2/19/2015	1	MAYOR	SIGNED		

130020  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to Finch Properties LLC to construct and maintain a barrier free access ramp and a wood fence in the public right-of-way for the premises 2507 South Wentworth Avenue, also known as 1441 East Russell Avenue, in the 14<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Finch Properties LLC to construct and maintain a barrier free access ramp with platform, steps, and handrails and a wood fence in the public right-of-way for the premises 2507 South Wentworth Avenue, also known as 1441 East Russell Avenue.

Whereas, The applicant is requesting permission to construct and maintain a barrier free access ramp with platform, steps and handrails in the public right-of-way; and

Whereas, A site visit revealed the presence of a wood fence in the public right-of-way; and

Whereas, Said items 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 Finch Properties LLC, c/o Groppi's Food Market, 1441 East Russell Avenue, Milwaukee, WI 53207 is hereby granted the following special privileges:

1. To construct and maintain a barrier free access ramp with platform, steps, and handrails in the public right-of-way. The barrier free access ramp projects 4 feet into the south, 18-foot wide sidewalk area of East Russell Avenue. The ramp commences at a point approximately 29 feet west of the westline of South Wentworth Avenue and extends 22 feet east. The platform and steps are located at the intersection of the westline of South Wentworth Avenue and southline of East Russell Avenue. The platform and steps project 4 feet into south sidewalk area of East Russell Avenue and 5 feet 6 inches

into the west sidewalk area of South Wentworth Avenue. Total area of the barrier free access ramp, platform and steps is 163.88 square feet.

2. To construct and maintain a wood fence enclosing a portion of the west, 18-foot wide sidewalk area of South Wentworth Avenue. Said fence, which projects 2 feet 8 inches into the public way, commences at a point approximately 44 feet south of the southline of East Russell Avenue and extends south 54 feet 7 inches.

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 have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as it is 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, Finch Properties 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 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 \$894.29. 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 1<sup>st</sup> 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

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

December 29, 2014