



## Legislation Details (With Text)

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<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	7/25/2000	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	11/6/2001
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting permission to Beverly Schneider to construct a barrier-free access ramp on the East Manitoba Street side of the property at 2993-95 South Clement Avenue, and to keep several existing encroaching items located in East Manitoba Street and South Clement Avenue in the 14th Aldermanic District of the City of Milwaukee.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Fiscal Note.doc, 2. Cover Letter.pdf		

Date	Ver.	Action By	Action	Result	Tally
7/25/2000	0	COMMON COUNCIL	ASSIGNED TO		
7/27/2000	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/17/2001		PUBLIC WORKS COMMITTEE	REFERRED TO		
10/18/2001	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/18/2001	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/23/2001	1	CITY CLERK	DRAFT SUBMITTED		
10/24/2001	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
11/6/2001	1	COMMON COUNCIL	ADOPTED	Pass	17:0
11/15/2001	1	MAYOR	SIGNED		

000557

SUBSTITUTE

THE CHAIR

Substitute resolution granting permission to Beverly Schneider to construct a barrier-free access ramp on the East Manitoba Street side of the property at 2993-95 South Clement Avenue, and to keep several existing encroaching items located in East Manitoba Street and South Clement Avenue in the 14<sup>th</sup> Aldermanic District of the City of Milwaukee.

This resolution grants permission for the construction of a barrier-free access ramp on the East Manitoba Street side of the property at 2993-95 South Clement Avenue to serve the first floor of the building presently occupied by the restaurant known as Black Tie Café. It also allows several existing encroaching items to continue to be in the public rights-of-way.

Whereas, Some remodeling was undertaken for the Black Tie Café located at 2995 South Clement Avenue; and

Whereas, One of the items proposed to be undertaken was replacement of an existing set of steps with a barrier-free access ramp; and

Whereas, This ramp would be located in the public right-of-way on the East Manitoba Street side of the

property, which would require permission of the Common Council through adoption of a special privilege; and therefore the owners of the Black Tie Café had the property owner, Beverly Schneider, submit the required Petition for Special Privilege; and

Whereas, Although the active pursuit of this construction had been placed on the "back burner" by the applicant, it is now a priority item; and

Whereas, Our recent field investigation revealed several existing encroachments which, in order to remain, will require inclusion in the special privilege resolution; now, therefore, be it

Resolved, That Thomas J. and Beverly A. Schneider, 607 Woodland Circle, Waterford, WI 53185 are hereby granted the following special privileges:

1. To construct and maintain a platform with a barrier-free access ramp on the East Manitoba Street side of the property at 2995 South Clement Avenue described as follows: projecting 6 feet into the 18-foot wide north sidewalk area beginning approximately 25.5 feet west of the westline of South Clement Avenue with a 6-foot wide platform and then extending approximately 32.4 feet west with the door swinging approximately 3 feet into the right-of-way. Platform, ramp and railing are proposed to be wood, which is permissible.
2. To keep and maintain an existing set of circular concrete steps encroaching a maximum of 3.3 feet each into South Clement Avenue and East Manitoba Street at the main entrance to the first floor premises at 2995 South Clement Avenue, including two handrails.
3. To keep and maintain an existing air conditioner unit located above the door at the platform of item 1 above encroaching approximately 1 foot for a width of approximately 2.3 feet, serving the premises at 2995 South Clement Avenue.
4. To keep and maintain an existing circular exhaust vent projecting approximately 1.5 feet at a height of approximately 10 feet above grade located approximately 60 feet west of the westline of South Clement Avenue for the premises at 2995 South Clement Avenue.
5. To keep and maintain an existing 6-foot high solid wood fence encroaching approximately 5.5 feet into the north sidewalk area of East Manitoba Street beginning at a point approximately 69 feet west of the westline of South Clement Avenue and extending for a distance of approximately 28 feet west, serving the premises of 2995 South Clement Avenue. There is a gate, which swings in, only, approximately 80 feet west of said westline.

All necessary permits shall be obtained from the Departments of Public Works and City Development prior to proceeding with the ramp construction. All of the above included items shall be constructed and maintained to the satisfaction of the Departments 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, Thomas J. and Beverly Schneider 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 \$3,000.00 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 \$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. 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 \$387.86. 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 66.0915((3) 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.
7. The dumpsters presently occupying the public right-of-way of East Manitoba Street shall be relocated out of said right-of-way.
8. The parking place in the parking lot presently being used in the public right-of-way shall be eliminated in accord with Section 346.54(1)(d) of the Wisconsin State Statutes.

Department of Public Works

JJM:cjt

October 17, 2001

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