



## Legislation Details (With Text)

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<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	2/7/2006	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	7/12/2006
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution to grant a special privilege to Ernesto Nava to construct and maintain two platforms, one with barrier-free access ramp and stairs and one only with stairs, and one entrance step for the premises at 2011 West Forest Home Avenue, in the 8th Aldermanic District in the City of Milwaukee.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Special Privilege Petition.PDF, 2. DPW-Infra. letter, 3. Fiscal note		

Date	Ver.	Action By	Action	Result	Tally
2/7/2006	0	COMMON COUNCIL	ASSIGNED TO		
2/8/2006	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
6/22/2006	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/22/2006	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/23/2006	1	CITY CLERK	DRAFT SUBMITTED		
6/28/2006	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
7/12/2006	1	COMMON COUNCIL	ADOPTED	Pass	14:0
7/20/2006	1	MAYOR	SIGNED		

051388

SUBSTITUTE 1

THE CHAIR

Substitute resolution to grant a special privilege to Ernesto Nava to construct and maintain two platforms, one with barrier-free access ramp and stairs and one only with stairs, and one entrance step for the premises at 2011 West Forest Home Avenue, in the 8<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Ernesto Nava to construct, keep and maintain two platforms, one with a barrier-free access ramp and stairs and the other only with stairs, and one entrance step for the premises at 2011 West Forest Home Avenue.

Whereas, The applicant is in the process of renovating the building at 2011 West Forest Home Avenue; and

Whereas, As part of the building renovation, the applicant would like to construct two platforms, one only with stairs and the other with stairs and a barrier-free access ramp; and

Whereas, An entrance step, which appears to have been rebuilt as part of the building renovation, also projects into the public right-of-way; and

Whereas, Said items may only legally encroach into the public right-of-way by the granting of a special

privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Ernesto Nava, 2004 South 13<sup>th</sup> Street, Milwaukee, Wisconsin 53204, is hereby granted the following special privileges:

1. To construct, keep and maintain a platform with barrier-free access ramp and steps with railing that projects 6 feet 8 inches into the 12-foot wide, west sidewalk area of South 20<sup>th</sup> Street. Said platform with barrier-free access ramp and steps commences at a point approximately 131 feet south of the southline of West Becher Street and continues south for 24 feet 2 inches.
2. To construct, keep and maintain a platform with steps that projects 4 feet 7 inches into the 12-foot wide, west sidewalk area of South 20<sup>th</sup> Street. Said platform with steps commences at a point approximately 49 feet south of the southline of West Becher Street and continues south for 10 feet 6 inches.
3. To keep and maintain a portion of an entrance step that encroaches into the 12-foot wide, west sidewalk area of South 20<sup>th</sup> Street. Said step is centered approximately 3 feet south of the southline of West Becher Street.

Said items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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, Ernesto Nava, 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 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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 \$150.95. 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

Infrastructure Services Division

MDL:lja

May 31, 2006

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