Legislation Details (With Text)

File #:	071614 **Version:** 1		
Type:	Resolution	**Status:**	Passed
File created:	3/18/2008	**In control:**	PUBLIC WORKS COMMITTEE
On agenda:		**Final action:**	5/20/2008
Effective date:			
Title:	Substitute resolution amending a special privilege for change of ownership to Mostreet, LLC for a barrier free access ramp, step, exhaust fan duct and moveable planters in the public right-of-way for the premises at 152 West Wisconsin Avenue, in the 4th Aldermanic District.		
Sponsors:	THE CHAIR		
Indexes:	SPECIAL PRIVILEGE PERMITS		
Attachments:	1. Special Privilege Petition, 2. Fiscal Note, 3. Cover letter, 4. Pictures 152 W Wisconsin Ave, 5. pictures 152 W Wisconsin Ave, 6. Hearing notice list		

Date	Ver.	Action By	Action	Result	Tally
3/18/2008	0	COMMON COUNCIL	ASSIGNED TO		
3/19/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
4/17/2008	1	CITY CLERK	DRAFT SUBMITTED		
4/30/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/7/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
5/20/2008	1	COMMON COUNCIL	ADOPTED	Pass	13:0
5/30/2008	1	MAYOR	SIGNED		

071614
SUBSTITUTE 1
030578
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Mostreet, LLC for a barrier free access ramp, step, exhaust fan duct and moveable planters in the public right-of-way for the premises at 152 West Wisconsin Avenue, in the 4th Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Mostreet, LLC for a barrier free access ramp, step, exhaust fan duct and moveable planters in the public right-of-way for the premises at 152 West Wisconsin Avenue.

Whereas, Caswell Investments requested permission to construct and maintain a barrier free access ramp, concrete step, exhaust fan duct and moveable planters in the public right-of-way; and

Whereas, Permission for said items was granted in 2005 under Common Council File Number 030578; and

Whereas, Mostreet, LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

powered by Legistar™

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 030578 is hereby rescinded; and, be it

Further Resolved, That Mostreet, LLC, 710 North Plankinton Avenue #802, Milwaukee, Wisconsin 53203, is hereby granted the following special privileges:

1. To keep and maintain a barrier free access ramp with a steel handrail located at the northwest corner of North Plankinton Avenue and West Wisconsin Avenue. The ramp projects 5 feet into the north sidewalk area of West Wisconsin Avenue for a length of 13 feet 6 inches. The ramp also projects 2 feet into the west sidewalk area of North Plankinton Avenue for a length of 12 feet.

2. To keep and maintain a concrete platform with steel handrails. Said 5-foot 11-inch wide platform centered approximately 44 feet north of the northline of West Wisconsin Avenue, projects 3 feet 10 inches into the west sidewalk area of North Plankinton Avenue. A single door projects 3 feet over said platform in excess of the 12 allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

3. To keep and maintain a 1-foot 6-inch square exhaust fan duct centered approximately 70 feet north of the northline of West Wisconsin Avenue. Said exhaust duct exits the building under a fixed awning approximately 6 inches above the bottom of the awning skirt; it then protrudes vertically through the top of the awning approximately 2 feet. The portion of the duct that protrudes through the top of the awning shall be painted so that it blends with the color of the awning.

4. To keep and maintain twelve moveable planters of various sizes centered around the aforementioned barrier free access ramp and concrete platform. Planters shall be positioned such that there is a minimum 5-foot clear width for pedestrian travel at all times.

Said above-mentioned 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 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, Mostreet, 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 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 $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.

powered by Legistar™

3. Pay to the City Treasurer an annual fee, which has an initial amount of $391.03. 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.
Department of Public Works
Infrastructure Services Division
MDL:ns
April 11, 2008
071614

powered by Legistar™