



Legislation Text

File #: 110494, **Version:** 1

110494

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Christian Fellowship Community Church to construct and maintain a barrier free access ramp with steps and handrails and a retaining wall in the public right-of-way for the premises at 2176 North 39th Street, in the 15th Aldermanic District.

This resolution grants a special privilege to Christian Fellowship Community Church to construct and maintain a barrier free access ramp with steps and handrails and a retaining wall in the public right-of-way for the premises at 2176 North 39th Street.

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

Whereas, A site visit revealed the presence of a retaining wall 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 Christian Fellowship Community Church, 2176 North 39th Street, Milwaukee, Wisconsin 53210, is hereby granted the following special privileges:

1. To construct and maintain a concrete barrier free access ramp with platform, step and handrails in the south, 15-foot wide sidewalk area of West Garfield Avenue. The platform and ramp, which project 2 feet 4 inches into the public way, commence at a point approximately 118 feet east of the eastline of North 39th Street and extend 22 feet 10 inches to the west. A single step with handrails commences at a point approximately 118 feet east of the eastline of North 39th Street and extends 5 feet to the west. The step and handrails, which abut the aforementioned platform, are 3 feet deep. At its tallest, the platform is 1 foot tall.
2. To construct and maintain a concrete retaining wall that projects perpendicularly 4 feet 8 inches into the east, 15-foot wide sidewalk area of North 39th Street. Said retaining wall is 9 inches wide and a maximum of 1-foot tall.

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, Christian Fellowship Community Church, 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 \$38.77. 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

DMS:ns

November 16, 2011

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