



## Legislation Text

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**File #: 121281, Version: 1**

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121281  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to 1601 North Jackson LLC to construct and maintain handrails and a concrete step in the public right-of-way for the premises at 1601 North Jackson Street, in the 3<sup>rd</sup> Aldermanic District. This resolution grants a special privilege to 1601 North Jackson LLC to construct and maintain handrails and a concrete step in the public right-of-way for the premises at 1601 North Jackson Street.

Whereas, The applicant has requested permission to construct and maintain handrails and a concrete step 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 1601 North Jackson LLC, 757 North Water Street, Suite 200, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain two metal handrails projecting 5 feet 10 inches into the west, 22-foot wide sidewalk area of North Jackson Street. Said handrails are centered about a point approximately 40 feet north of the north line of East Pleasant Street. The handrails serve a portion of sidewalk that is designated to be part of the accessible building entrance, the slope of which matches the slope of adjacent sidewalk area pavement.
2. To construct and maintain two metal handrails projecting 3 feet into the west, 22-foot wide sidewalk area of North Jackson Street. Said rails are centered about a point approximately 5 feet north of the northline of East Pleasant Street and serve a set of concrete steps at the south entrance to the building.
3. To construct and maintain a concrete step projecting 1 foot into the west, 22-foot wide sidewalk area of North Jackson Street. Said step, which is 7 feet 6 inches long, is centered approximately 5 feet north of the northline of East Pleasant 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 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, 1601 North Jackson 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 \$56.59. 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 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:clm  
April 22, 2014  
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