



## Legislation Text

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**File #:** 011400, **Version:** 1

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011400  
SUBSTITUTE

### THE CHAIR

Substitute resolution to grant a special privilege to United Christian Baptist Church to keep and maintain a covered walk and raised concrete wall/planter on the south side of West Hadley Street within the public right-of-way at 2535 West Hadley Street, in the 7th Aldermanic District in the City of Milwaukee.

This special privilege grants United Christian Baptist Church permission to keep and maintain a covered walk and raised concrete wall/planter on the south side of West Hadley Street encroaching into the public right-of-way abutting the premises at 2535 West Hadley Street.

Whereas, The applicant desires to keep and maintain a recently installed covered walk at 2535 West Hadley Street that will encroach into the public right-of-way; and

Whereas, A pre-existing raised concrete wall/planter was observed to be located in the right-of-way of West Hadley Street; and

Whereas, Said covered walk and raised concrete wall/planter may only legally occupy 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 United Christian Baptist Church, 2535 West Hadley Street, Milwaukee, WI 53206, is hereby granted the following special privileges:

1. To keep and maintain a recently erected covered walk at the property known as 2535 West Hadley Street. Said covered walk, 8-feet in width, is centered approximately 6 feet east of the eastline of North 26th Street and encroaches approximately 13 feet 4 inches into the 15-foot wide sidewalk area on the south side of West Hadley Street at the 2535 West Hadley Street address. The covered walk is supported by the building by two vertical supports located approximately 5 feet north of the property line and by two vertical supports near each corner closest to the curb along each side of the covered walk. The vertical supports near the curb are centered approximately 1-foot 8-inches south of the present curblin. The vertical clearance between the skirt of the covered walk and the sidewalk below is approximately 8 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

2. To keep and maintain an approximately 2.5-foot wide, 2.5-foot high raised concrete wall/planter encroaching approximately 2.5 feet, centered approximately 28.5 feet east of the eastline of North 26th Street for the property at 2535 West Hadley Street.

All fixtures and materials for illumination of covered walk shall be indicated upon the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 24 inches in height.

The grantee will be required to keep a "Loading Zone" or have a "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

The covered walk and wall/planter shall be constructed, installed, maintained, removed and used to the approval of the Departments of Public Works and Neighborhood Services. All necessary permits shall be obtained from the Departments of Public Works and City Development

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, United Christian Baptist Church, Milwaukee, WI 53206-1162 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 \$1,000.00 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 \$76.16. 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 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division  
JJM:dle

April 17, 2002  
011400 RESOLUTION