



Legislation Text

File #: 031333, **Version:** 1

031333

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Free Spirit Missionary Baptist Church to construct and maintain a handicap ramp for barrier-free access located in the public right-of-way, adjacent to the property located at 1234 West Juneau Avenue as well as allow the existing concrete steps to continue to be located and maintained in the same right-of-way, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants permission to Free Spirit Missionary Baptist Church to construct and maintain a handicap ramp for barrier-free access in the right-of-way on the north side of West Juneau Avenue adjacent to the premises known as 1234 West Juneau Avenue. It also allows an existing set of concrete steps to remain in that same right-of-way.

Whereas, Free Spirit Missionary Baptist Church Congregation is desirous to provide for barrier-free access to the church at 1234 West Juneau Avenue and in order to do this, proposes to construct two platforms with a ramp in between to encroach into the public right-of-way on the north side of West Juneau Avenue which are part of an L-shaped access ramp; and

Whereas, The plans submitted and confirmed by field observation revealed that an existing set of concrete steps is located in the same right-of-way of West Juneau Avenue, presently servicing as access to a left, right and double middle doors; and

Whereas, It is apparent that these steps have existed for a considerable period of time, that they are necessary for ambulatory access to the building and that they wish for them to remain in place in the public right-of-way; and

Whereas, These items may only occupy the public right-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Free Spirit Missionary Baptist Church Inc., 1234 West Juneau Avenue, Milwaukee, WI 53233, is hereby granted the following special privilege:

1. To construct and maintain an approximate 27.5-foot long handicap access ramp which includes two 4-foot wide platforms with a ramp and handrail in between to be located on the north side of West Juneau Avenue adjacent to the property known as 1234 West Juneau Avenue. Said ramp with platforms shall begin at a point approximately 40 feet east of the eastline of North 13th Street and extend east. The ramp then extends north onto private property. The ramp and platforms shall encroach approximately 3.5 feet.
2. To keep, use and maintain a set of concrete steps, approximately 25-feet wide, with approximately 3.5 feet encroaching into the 15-foot wide width north sidewalk area abutting the building at 1234 West Juneau Avenue.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Free Spirit Church Missionary Baptist 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 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 \$10,000.00 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 \$100,000 covering bodily injury to any one person and \$200,000 covering bodily injury to more than one person in any one accident and \$50,000 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 \$35.00. 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 66.0425 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 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:cjt

February 10, 2004

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