Legislation Text

File #: 051203, **Version:** 1

051203
SUBSTITUTE 1
THE CHAIR
Substitute resolution granting a special privilege to Eric Uecke for two platforms with stairs, an air conditioner enclosure with air conditioners, recycling cart and trash dumpster in the public right-of-way for the premises at 2494-96 South Wentworth Avenue, in the 14th Aldermanic District.
This resolution grants a special privilege to Eric Uecke for two platforms with stairs, an air conditioner enclosure with air conditioners, recycling cart and trash dumpster in the public right-of-way for the premises at 2494-96 South Wentworth Avenue.
Whereas, Eric Uecke is requesting permission to keep a platform and stairs in the public right-of-way; and

Whereas, A site visit revealed the presence of an addition platform with stairs, an air conditioner enclosure with air conditioners, a recycling cart and a trash dumpster within 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, Eric Uecke, 2494 South Wentworth Avenue, Milwaukee, Wisconsin 53207 is hereby granted the following special privileges:

1. To keep and maintain a concrete platform with stairs and handrail in the north 16-foot wide sidewalk area of East Russell Avenue. Said 5-foot 4-inch wide platform with stairs projects 2 feet 2 inches into the public way. Said platform with stairs and handrail is centered approximately 62 feet east of the eastline of South Wentworth Avenue. There is a 3-foot wide door that swings open over said platform in excess of the 12 inches allowed under Section 245-4.8 of the Milwaukee Code of Ordinances.

2. To keep and maintain a 5-foot 1-inch wide concrete platform with stairs and handrails projecting into the public right-of-way at a 45-degree angle at the intersection of East Russell Avenue and South Wentworth Avenue.

3. To keep and maintain an air conditioner enclosure with capacity for two air conditioners in the north, 16-foot wide sidewalk area of East Russell Avenue. Said air conditioner enclosure, centered approximately 62 feet east of the eastline of South Wentworth Avenue, is 5 feet 4 inches long and projects 2 feet 2 inches into the public way. The air conditioner enclosure is a minimum of 6 feet above the adjacent sidewalk grade.

4. To keep and maintain a dumpster and recycling cart in the 18-foot wide, east sidewalk area of South Wentworth Avenue. The dumpster, centered approximately 16 feet north of the northline of East Russell Avenue, is 6 feet long and 4 feet wide. The 2-foot square recycling cart is centered approximately 23 feet north of the northline of East Russell Avenue.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

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, Eric Uecke, 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 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.

3. Pay to the City Treasurer an annual fee, which has an initial amount of $93.34. 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:lja
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