Legislation Text

File #: 071460, **Version:** 1

071460
SUBSTITUTE 1
051521
THE CHAIR
Substitute resolution amending a special privilege for change of ownership to Wisconsin Corporation of Seventh-Day Adventists for a concrete platform with steps and barrier-free access ramp for the premises at 2175 South 28th Street, in the 8th Aldermanic District.
This resolution amends a special privilege for change of ownership to Wisconsin Corporation of Seventh-Day Adventists for a concrete platform with steps and barrier-free access ramp for the premises at 2175 South 28th Street.
Whereas, Lad Lake, Inc. requested permission to keep and maintain a tunnel and a platform with barrier-free access ramp and steps in the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 051521 in 2006; and

Whereas, Subsequently, Lad Lake, Inc. divided its property and sold a portion to the applicant; and

Whereas, Lad Lake, Inc. still owns and maintains the aforementioned tunnel, as well as the property on the west end of the tunnel; and

Whereas, For the liability for the platform with barrier-free access ramp and steps to be formally transferred to the current owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Wisconsin Corporation of Seventh-Day Adventists, PO Box 7310, Madison, Wisconsin 53707-7310 is hereby granted the following special privilege:

To keep and maintain a concrete platform with stairs, barrier-free access ramp and handrail which projects 4 feet into the west, 15-foot wide public sidewalk area of South 28th Street. Said platform commences at a point approximately 36 feet north of the northline of West Grant Street and ends at a point approximately 25 feet to the south. The top of the platform is approximately 11 inches above sidewalk grade.

Said above-mentioned concrete platform with stairs, barrier-free access ramp and handrail 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 concrete platform with stairs, barrier-free access ramp and handrail 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 accepting this special privilege the grantee, Wisconsin Corporation of Seventh-Day Adventists, 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 $100.00. 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 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 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
MDL:ns
March 14, 2008
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