



## Legislation Text

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**File #: 990821, Version: 1**

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SUBSTITUTE

### THE CHAIR

Substitute resolution to grant a special privilege to Jack and Zina Falluca to construct and maintain a concrete ramped entrance for barrier-free access and two excess door swing projections located in the public rights-of-way adjacent to their property located at 800 West Maple Street, in the 12th Aldermanic District in the City of Milwaukee.

### - Analysis -

This resolution grants permission to Jack and Zina Falluca to construct and maintain a concrete ramped entrance for barrier-free access in the right-of-way on the west side of South 8th Street and two excess door swing projections to encroach into the right-of-way on the north side of West Maple Street adjacent to the premises known as 800 West Maple Street.

Whereas, Jack and Zina Falluca are desirous to construct a concrete ramped entrance to provide for barrier-free access to the building that is being renovated and in order to do this, the ramp is proposed to encroach into the public right-of-way on the west side of South 8th Street; and

Whereas, Two exterior doors will be located at the building which, when fully opened, will encroach into the public right-of-way on the north side of West Maple Street by more than the 12-inches allowable by Section 245-4-8 of the Code of Ordinances; and

Whereas, The concrete ramped entrance and excess door swings may only occupy the public rights-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 Jack and Zina Falluca, 800 West Maple Street, Milwaukee, WI 53204, are hereby granted the following special privileges:

1. To construct and maintain an approximate 21-foot long and 4-foot 8-inch wide concrete ramp and platform with metal handrail on the west side of South 8th Street adjacent to the property known as 800 West Maple Street. Said concrete ramp shall begin at a point approximately 37 feet north of the northline of West Maple Street and encroach approximately 4 feet 8 inches into the public sidewalk area. A 3-foot wide door will swing out over the handicap landing area.

2. To install, use and maintain two doors at the building known as 800 West Maple Street that, when fully opened, will project into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The doors are located on the north side of West Maple Street, centered approximately 4 feet and 85 feet west of the westline of South 8th Street, respectively, and their maximum encroachment would be approximately 3 feet into the 15-foot wide fully concrete paved sidewalk area.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantees, Jack and Zina Falluca, 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 \$2,000.00 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 \$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 66.045 of the Wisconsin Statutes (1979), 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.

Infrastructure Services Division

JJM:cjt

September 30, 1999

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