



Legislation Text

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SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Summerfield United Methodist Church for construction and maintenance of a stone retaining wall with railing, portion of stairs with railing and maintenance of existing iron railing and a concrete step adjacent to the premises at 728 East Juneau Avenue, in the 4th Aldermanic District in the City of Milwaukee.

- Analysis -

Substitute resolution granting a special privilege to Summerfield United Methodist Church for construction and maintenance of a stone retaining wall with railing, portion of stairs with railing and maintenance of existing iron railing and a concrete step adjacent to the premises at 728 East Juneau Avenue.

Whereas, The applicant proposes to remodel the premises at 728 East Juneau Avenue, in order to provide direct access to the building's lower level, which includes constructing a stone retaining wall with handrail and a portion of stairs and handrail in the public right-of-way adjacent to the main entrance to the church at 728 East Juneau Avenue; and

Whereas, A portion of an existing concrete step and an existing iron handrail on either side of that step presently extends into the public right-of-way west of and adjacent to the new retaining wall; and

Whereas, These items may only be allowed to be located within 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 Summerfield United Methodist Church, 728 East Juneau Avenue, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To construct and maintain an approximate 3-foot high stone retaining wall with hand railing, west of the main entrance to the church, whose address is 728 East Juneau Avenue which encroaches approximately 4 feet into the public right-of-way on the north side of East Juneau Avenue. The approximately 11-foot 6-inch long, 16-inch wide and 3-foot high retaining wall begins at a point approximately 54 feet west of the westline of North Cass Street and extends west 11.5 feet. The retaining wall is L-shaped, with the short leg of the wall extending to the edge of the main public sidewalk at this location.

2. To keep, use and maintain a portion of an existing 0.5-foot high, 5-foot wide concrete step with iron handrail on either side of the step, which encroaches approximately 6 inches into the public right-of-way on the west side of East Juneau Avenue, adjacent to 728 East Juneau Avenue. The step begins at a point approximately 77 feet west of the westline of North Cass Street and extends west 5 feet.

Said retaining wall, stairs, handrails and step shall be constructed, used and maintained to the satisfaction of the Departments of Public Works and Neighborhood Services/City Development All necessary permits shall be obtained from the Departments of Public Works and Neighborhood Services/City Development prior to construction. Said items shall be removed from the public right-of-way at such future time that they are no longer needed, to the satisfaction of the Departments of Public Works and 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, Summerfield United Methodist 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 \$5,000 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

July 19, 1999

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