Legislation Text

File #: 071653, **Version:** 0

071653
ORIGINAL
051521
071460
THE CHAIR
Resolution amending a special privilege for change of premises address and deletion of an item for the premises at 2820 West Grant Street, in the 8th Aldermanic District.
This resolution amends a special privilege for change of premises address and deletion of a platform with barrier-free access ramp and steps for the premises at 2820 West Grant 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 located on both the east and west sides of a north-south alley and known as 2169 South 28th Street, and sold a portion of said property to Wisconsin Corporation of Seventh-Day Adventists; and

Whereas, Adoption of Common Council Resolution File Number 071460 will change the owner of the platform with barrier-free access ramp and steps to Wisconsin Corporation of Seventh-Day Adventists; and

Whereas, Lad Lake, Inc. still owns and maintains the aforementioned tunnel and owns the property on the west end of the tunnel presently known as 2820 West Grant Street; and

Whereas, This resolution only revises the previously granted special privilege in terms of premises address and deletion of the platform with barrier-free access ramp and steps; and

Whereas, Revising the special privilege previously granted under Common Council Resolution File Number 051521 will allow for more efficient future maintenance of special privileges; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 051521 is hereby rescinded; and, be it

Further Resolved, That Lad Lake, Inc., PO Box 158, Dousman, Wisconsin 53118 is hereby granted the following special privilege:

To keep and maintain a tunnel approximately 5 feet wide, 8 feet 6 inches tall and 15 feet long under and across the 15-foot wide, north-south public alley in the block bounded by South 28th Street, South 29th Street, West Becher Street and West Grant Street. Said tunnel is located approximately 40 feet north of the northline of West Grant Street.

Said above-mentioned tunnel 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 tunnel 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, Lad Lake, Inc. 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 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 $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 $40,000 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 $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 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 17, 2008
071460