



Legislation Text

File #: 130982, Version: 1

130982

SUBSTITUTE 1

Substitute resolution granting a special privilege to WIS27 LLC to construct and maintain a portion of a barrier free access ramp and landscape curbing in the public right-of-way for the premises at 635 North 26th Street, in the 4th Aldermanic District.

This resolution grants a special privilege to WIS27 LLC to construct and maintain a portion of a barrier free access ramp and landscape curbing in the public right-of-way for the premises at 635 North 26th Street, previously known as 2601 North Wisconsin Avenue.

Whereas, The applicant is requesting permission to construct and maintain a portion of a barrier free access ramp and concrete landscape curbing in 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 WIS27 LLC, 4425 West Mitchell Street, Milwaukee, Wisconsin 53214 is hereby granted the following special privileges:

1. To construct and maintain a 5-inch wide concrete curb surrounding landscape beds in the south, 11-foot wide sidewalk area of West Wisconsin Avenue. Said concrete curb commences at a point approximately 41 feet east of the eastline of North 27th Street and extends east 131 feet 4 inches. The 6-inch tall concrete curb projects 5 inches into the public way on average.
2. To construct and maintain a portion of a barrier free access ramp and platform projecting 2 inches into the south, 11-foot wide sidewalk area of West Wisconsin Avenue. Said ramp structure commences at a point approximately 172 feet east of the eastline of North 27th Street and extends east 30 feet 1 inch. The wall surrounding the platform is 2 feet 3 inches tall.
3. To construct and maintain a 5-inch wide concrete curb surrounding landscape beds in the south, 11-foot wide sidewalk area of West Wisconsin Avenue. Said concrete curb commences at a point approximately 208 feet east of the eastline of North 27th Street and extends east 55 feet. The 6-inch tall curb projects 2 inches into the public way on average.

Said items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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, WIS27 LLC, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

2. File with the Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$230.41. 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 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

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

August 10, 2015