



## Legislation Text

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**File #: 131144, Version: 1**

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131144  
SUBSTITUTE 1  
071000  
THE CHAIR

Substitute resolution amending a special privilege to Wheaton Franciscan Healthcare to construct and maintain barrier free access ramps in the public right-of-way for the premises at 3001 North 51<sup>st</sup> Street, in the 10<sup>th</sup> Aldermanic District. This resolution amends a special privilege to Wheaton Franciscan Healthcare for addition of three barrier free access ramps with platforms and handrails in the public right-of-way for the premises at 3001 North 51<sup>st</sup> Street.

Whereas, Wheaton Franciscan Healthcare had requested permission to keep and maintain an elevator tower; barrier free access ramp; stairs; tree grates; private light fixtures with appurtenant electrical wiring; curb extensions; gate swings; and bollards in the public rights-of-way adjacent to the subject premises; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 071000 in 2008; and

Whereas, Wheaton Franciscan Healthcare is currently requesting permission to construct and maintain three additional barrier free access ramps in the public right-of-way; and

Whereas, Said barrier free access ramps 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Numbers 071000 is hereby rescinded; and, be it

Further Resolved, That Wheaton Franciscan Healthcare, 5000 West Chambers Street, Milwaukee, Wisconsin 53210 is hereby granted the following special privileges:

1. To construct and maintain three concrete barrier free access ramps with platforms and metal handrails each projecting 5 feet 7 inches into the west, 16-foot wide sidewalk area of North 51<sup>st</sup> Street. The north ramp structure commences at a point approximately 210 feet south of the south line of West Burleigh Street and extends south 18 feet 8 inches. The middle ramp structure commences at a point approximately 273 feet south of the southline of West Burleigh Street and extends south 18 feet 4 inches. The south ramp structure commences at a point approximately 232 feet north of the northline of West Chambers Street and extends 18 feet 7 inches to the north. The platforms for each ramp, going north to south, are 9, 7, and 8 inches tall.
2. To keep and maintain an elevator tower projecting 6 feet 4 inches into the west, 16-foot sidewalk area of North 51<sup>st</sup> Street. Said tower is constructed of glass and metal and rises four stories above the adjacent sidewalk. The structure begins approximately 42 feet north of the northline of West Chambers Street and extends north 16 feet 4 inches.
3. To keep and maintain a barrier free access ramp with handrails in the west, 16-foot wide sidewalk area of North 51<sup>st</sup> Street. The south portion of said ramp, which encroaches 6 feet 4 inches, commences at a point approximately 18 feet north of the northline of West Chambers Street and extends north 11 feet 6 inches. The north portion of said ramp, which encroaches 1 foot 1 inch, commences at a point approximately 24 feet north of the northline of West Chambers Street and extends north 12 feet 5 inches.
4. To keep and maintain six, 5-foot diameter tree grates located in the west, 16-foot wide sidewalk area of North 51<sup>st</sup>

Street centered approximately 11 feet 6 inches east of the westline of North 51<sup>st</sup> Street and 58, 104, 443, 471, 494, and 521 feet south of the southline of West Burleigh Street.

5. To keep and maintain three, 5-foot diameter tree grates located in the east, 16-foot wide sidewalk area of North 51<sup>st</sup> Street centered approximately 11 feet 6 inches west of the eastline of North 51<sup>st</sup> Street and 87, 163, and 487 feet south of the southline of West Burleigh Street.
6. To keep and maintain eight, 9-foot tall pedestrian-scale lights located in the west, 16-foot wide sidewalk area of North 51<sup>st</sup> Street centered approximately 8 feet east of the westline of North 51<sup>st</sup> Street and 213, 245, 276, 308, 343, 372, 395, and 416 feet south of the southline of West Burleigh Street.
7. To keep and maintain nine, 9-foot tall pedestrian-scale lights located in the east, 16-foot wide sidewalk area of North 51<sup>st</sup> Street centered approximately 8 feet west of the eastline of North 51<sup>st</sup> Street and 213, 245, 267, 287, 308, 343, 372, 395, and 416 feet south of the southline of West Burleigh Street.
8. To keep and maintain underground conduit for appurtenant electrical wiring for the aforementioned lights in items 5 and 6 above.
9. To keep and maintain 1-foot wide concrete curbs for a driveway projecting 3 feet into the north, 11-foot wide sidewalk area of West Chambers Street. Said curbs are centered approximately 100 feet east of the eastline of North 52<sup>nd</sup> Street.
10. To keep and maintain two metal gates that, when fully open, project 1 foot 10 inches into the east, 16-foot wide sidewalk area of North 52<sup>nd</sup> Street. Said metal gates are centered approximately 140 feet south of the southline of West Burleigh Street. The double gate swing is comprised of two gate leaves that are each 6 feet 10 inches long.
11. To keep and maintain five, 6-inch diameter bollards centered approximately 7 feet 9 inches east of the westline of North 51<sup>st</sup> Street adjacent to the aforementioned elevator tower of item 2.

Said above-mentioned items 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 items shall be maintained or removed from the public right-of-way, at such future time as it is 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, Wheaton Franciscan Healthcare, 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 \$656.79. 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 1<sup>st</sup> 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

July 13, 2015