



## Legislation Text

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**File #:** 150554, **Version:** 1

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150554

SUBSTITUTE 1

THE CHAIR

Substitute resolution granting a special privilege to S Price Real Estate Holdings LLC to construct and maintain two barrier free access ramp structures in the public right-of-way for the premises 4801-4831 West North Avenue, in the 15<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to S Price Real Estate Holdings LLC to construct and maintain two barrier free access ramp structure in the in the public right-of-way for the premises 4801-4831 West North Avenue.

Whereas, The applicant renovated an existing building so that it could be used as a daycare facility; and

Whereas, As part of the renovation, the applicant was required to construct a barrier free access ramp to serve an emergency exit door; and

Whereas, The applicant has acquired and combined several properties along West North Avenue between North 48<sup>th</sup> Street and North 49<sup>th</sup> Street; and

Whereas, A site visit revealed the presence of a second barrier free access ramp structure in the public right-of-way at the opposite end of the property; 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 S Price Real Estate Holdings LLC, 4801 West North Avenue, Milwaukee, WI 53208 is hereby granted the following special privileges:

1. To construct and maintain a concrete barrier free access ramp structure including platform, ramp, and handrails in the east, 19-foot 6-inch wide sidewalk area of North 49<sup>th</sup> Street. Said ramp structure, which projects 5 feet into the public way, commences at a point approximately 10 feet south of the southline of West North Avenue and extends south 15 feet 4 inches. At its tallest, the ramp and platform are 10 inches tall, exclusive of handrails.
2. To construct and maintain a concrete barrier free access ramp structure including platform, two ramps, and handrails in the west, 16-foot wide sidewalk area of North 48<sup>th</sup> Street. Said ramp structure, which projects 5 feet 9 inches into the public way, commences at a point approximately 53 feet south of the southline of West North Avenue and extends south 21 feet 6 inches. At its tallest, the ramp and platform are 6 inches tall, exclusive of handrails.

Said 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, S Price Real Estate Holdings 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 \$183.89. 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

April 22, 2016