



Legislation Text

File #: 080115, Version: 1

080115
SUBSTITUTE 1
950207
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Leon L Williamson Funeral Home Inc for a covered walk and fence and for addition of a gate in the public right-of-way for the premises at 2143-57 North 12th Street, in the 15th Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Leon L. Williamson Funeral Home, Inc. for a covered walk and fence and addition of a gate in the public right-of-way for the premises at 2143-57 North 12th Street. Whereas, Leon Williamson requested permission to construct and maintain a covered walk, fence and wall in the public right-of-way; and

Whereas, Permission for said items was granted in 1995 under Common Council File Number 950207; and

Whereas, The wall has been removed from the public right-of-way and the fence replaced in approximately the same location as the previously existing wall and fence; and

Whereas, Leon L. Williamson Funeral Home, Inc. now owns the property; and

Whereas, For the liability for the covered walk and fence to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, A site visit revealed the presence of a gate for a garage in the public right-of-way; and

Whereas, Said gate 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 950207 is hereby rescinded; and, be it

Further Resolved, That Leon L. Williamson Funeral Home, Inc., 2143-57 North 12th Street, Milwaukee, Wisconsin 53205, is hereby granted the following special privileges:

1. To construct and maintain a gate in the south, 12-foot wide sidewalk area of West Garfield Avenue comprised of two gate leaves that are each 5 feet 8 inches long and supported by a bollard. The gate is located 2 feet north of the southline of West Garfield Avenue adjacent to a garage door.
2. To keep and maintain a 2-foot 6-inch tall fence in the public right-of-way. Said fence projects 2 feet 8 inches into the south, 12 foot wide sidewalk area of West Garfield Avenue, commencing at North Teutonia Avenue and extending 18 feet 4 inches to the west. Said fence projects 10 inches into the westerly, 9-foot wide sidewalk area of North Teutonia Avenue commencing at West Garfield Avenue and extending in a southerly direction for a total fence length of 66 feet, which excludes an opening for the main building entrance. Said fence projects 1 foot 4 inches into the west, 10-foot wide sidewalk area of North 12th Street commencing at North Teutonia Avenue and extending south for a total fence length of 101 feet, which excludes two driveway openings. Total area of public right-of-way enclosed by the fence is 237.65 square feet.

3. To keep and maintain a covered walk projecting 8 feet into the westerly, 9-foot wide sidewalk area of North Teutonia Avenue. Said 13-foot wide covered walk is centered approximately 36 feet southerly of the southline of West Garfield Avenue. The covered walk is supported by the building at one end and by two sets of vertical supports located approximately 2 feet and 12 feet from the curb line. The minimal vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wire brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of the covered walks shall be indicated on the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walks. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

The grantee is required to keep a "Loading Zone" or "No Parking" status adjacent to the covered walks as long as the covered walk occupies the public right-of-way.

Said above-mentioned 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, Leon L Williamson Funeral Home 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 \$1,000 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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 \$259.22. 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division

MDL: ns

September 24, 2008

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