



## Legislation Text

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**File #: 150742, Version: 1**

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150742

### SUBSTITUTE

Substitute resolution granting a special privilege to Jerome Johnson to construct and maintain a barrier free access ramp with platform, steps, and hand rail and to install and maintain a dumpster, ice cooler, air conditioner, cigarette butt disposal container, and trash receptacle in the public right-of-way for the premises at 830-32 East Clarke Street, in the 3<sup>rd</sup> Aldermanic District.

This resolution grants a special privilege to Jerome Johnson to construct and maintain a barrier free access ramp with platform, steps, and hand rail and to install and maintain a dumpster, ice cooler, air conditioner, cigarette butt disposal container, and trash receptacle in the public right-of-way for the premises at 830-32 East Clarke Street.

Whereas, Jerome Johnson, the applicant, requested permission to construct and maintain an a barrier free access ramp with steps and handrail; and

Whereas, A site visit revealed the presence of an ice cooler, dumpster, air conditioner, and trash receptacle 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 Jerome Johnson, 1907 East Newberry Boulevard, Milwaukee, WI 53211 is hereby granted the following special privileges:

1. To construct and maintain a concrete barrier free access ramp with platform, steps, and handrail projecting 5 feet 4 inches into the west, 15-foot wide sidewalk area of North Bremen Street. Said ramp structure commences at a point approximately 1-foot north of the north line of East Clarke Street and extends north 21 feet 3 inches. At its highest point, the structure is 1 foot 3 inches tall.
2. To install and maintain a dumpster in the west, 15-foot wide sidewalk area of North Bremen Street. Said dumpster is centered approximately 45 feet north of the north line of East Clarke Street.
3. To install and maintain an ice cooler in the west, 15-foot wide sidewalk area of North Bremen Street. The ice cooler is centered approximately 35 feet north of the north line of East Clarke Street. Said ice cooler is 3 feet deep and 4 feet 3 inches long.
4. To install and maintain an air conditioner projecting 3 feet 2 inches into the west, 15-foot wide sidewalk area of North Bremen Street. Said 3-foot wide air conditioner is supported above the sidewalk by a metal frame attached to the building face.
5. To install and maintain a trash receptacle and a cigarette butt disposal container in west, 15-foot wide sidewalk area of North Bremen Street near the intersection of East Clarke Street.

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, Jerome Johnson, 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 \$346.26. 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 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

JERREL KRUSCHKE/DAWN SCHMIDT

August 7, 2019

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