



## Legislation Text

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**File #: 160573, Version: 1**

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160573

### SUBSTITUTE 1

Substitute resolution granting a special privilege to 5th Ward Partners LLC to construct and maintain a wood platform with barrier free access ramp in the public right-of-way for the premises at 838 South 1<sup>st</sup> Street, in the 12<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to 5th Ward Partners LLC to construct and maintain a wood platform with barrier free access ramp in the public right-of-way for the premises at 838 South 1<sup>st</sup> Street.

Whereas, 5<sup>th</sup> Ward Partners LLC is requesting permission to construct and maintain a wood platform with barrier free access ramp in the public right-of-way on behalf of one of its tenants; and

Whereas, Said structure 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 5th Ward Partners LLC, PO Box 4193, Milwaukee, Wisconsin 53204-0676 is hereby granted the following special privilege:

To construct and maintain a wood platform with barrier free access ramp projecting 5 feet 4 inches into the north, 15-foot wide sidewalk area of East Walker Street. Said platform and ramp structure commences approximately 1 foot east of the east line of South 1<sup>st</sup> Street and extends east 89 feet 7 inches. The ramp portion of the structure is 48 feet 11 inches long and the platform portion of the structure is 40 feet 8 inches long. At the tallest point, the platform is 4 feet 2 inches tall.

Said structure 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 structure 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, 5th Ward Partners 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 \$589.61. 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

May 12, 2020

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