



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Passed

**File created:** 7/30/2008      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 10/29/2008

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to El Charro Beverages, Inc. for encroachment into the public right-of-way for concrete curbing, light poles with appurtenant electrical conduit and bollards for the premises at 1207 South Cesar E. Chavez Drive, in the 12th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Cover Letter, 2. Fiscal Note, 3. Pictures, 4. Map, 5. Special Privilege Petition, 6. Hearing notice list

Date	Ver.	Action By	Action	Result	Tally
7/30/2008	0	COMMON COUNCIL	ASSIGNED TO		
8/1/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/7/2008	0	CITY CLERK	DRAFT SUBMITTED		
10/9/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/15/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/29/2008	1	COMMON COUNCIL	ADOPTED	Pass	12:0
11/3/2008	1	MAYOR	SIGNED		

080510  
SUBSTITUTE 1  
021052  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to El Charro Beverages, Inc. for encroachment into the public right-of-way for concrete curbing, light poles with appurtenant electrical conduit and bollards for the premises at 1207 South Cesar E. Chavez Drive, in the 12<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to El Charro Beverages, Inc for encroachment into the public right-of-way of concrete curbing, two light poles with appurtenant electrical conduit and five bollards for the premises at 1207 South Cesar E. Chavez Drive.

Whereas, Adhan Ahmad requested permission to construct concrete curbing and to maintain light poles with appurtenant electrical conduit and bollards in the public right-of-way; and

Whereas, Permission for said items was granted in 2005 under Common Council Resolution File Number 021052; and

Whereas, El Charro Beverages, Inc. now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 021052 is hereby rescinded; and, be it

Further Resolved, That El Charro Beverages, Inc., 1207 South Cesar E. Chavez Drive, Milwaukee, WI 53204 is hereby granted the following special privileges:

1. To keep, use and maintain a concrete barrier curb, which serves the same function as a fence, in the south, 16-foot wide sidewalk area of West Scott Street. Said 8-inch tall commences at a point approximately 3 feet west of the westline of South Cesar E Chavez Drive and extends 118 feet west. Said curb runs parallel and 3 feet 2 inches north of the southline of West Scott Street except where it turns onto private property at the east and west ends of the curb and at the east and west side of a driveway opening. Total length of said curbing excluding the driveway opening is 98 feet.
2. To keep and maintain two light poles with appurtenant electrical conduit within the south, 16-foot wide sidewalk area of West Scott Street. Said light poles are centered approximately 42 and 118 feet west of the westline of South Cesar E. Chavez Drive and 1 foot 6 inches north of the southline of West Scott Street. The light poles are 17 feet tall and mounted onto concrete bases 2 feet in diameter. The electrical conduit is located between the southline of West Scott Street and the aforementioned concrete curb.
3. To keep and maintain five concrete-filled bollards in the south, 16-foot wide sidewalk area of West Scott Street. Said bollards are centered approximately 6 inches north of the southline of West Scott Street and 44, 50, 70, 115 and 121 feet west of the westline of South Cesar E. Chavez Drive. Two bollards protect each of the two aforementioned light poles and the fifth light pole is located on the west side of the driveway. The bollards are 4 inches in diameter and 4 feet 6 inches tall.

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, El Charro Beverages, 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 \$5,000 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 \$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 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 \$607.32. 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  
Infrastructure Services Division

MDL: ns

October 1, 2008

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