



Legislation Details (With Text)

**File #:** 080297      **Version:** 1

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

**File created:** 6/10/2008      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 9/16/2008

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to Ahn J. Lee for encroachment into the public right-of-way of a back-up driveway and two concrete steps for the premises at 2972-2974 South 13th Street, in the 14th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition, 2. Cover letter from Dept of Public Works, 3. Fiscal note, 4. Pictures, 5. Map, 6. 080297 Hearing notice list

Date	Ver.	Action By	Action	Result	Tally
6/10/2008	0	COMMON COUNCIL	ASSIGNED TO		
6/11/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
8/29/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
8/29/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/4/2008	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
9/16/2008	1	COMMON COUNCIL	ADOPTED	Pass	14:0
9/26/2008	1	MAYOR	SIGNED		

080297  
SUBSTITUTE 1  
020978  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Ahn J. Lee for encroachment into the public right-of-way of a back-up driveway and two concrete steps for the premises at 2972-2974 South 13<sup>th</sup> Street, in the 14<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Ahn J. Lee for encroachment into the public right-of-way of a back-up driveway and two concrete steps for the premises at 2972-2974 South 13<sup>th</sup> Street.

Whereas, M&M Property Management, LLC requested permission to keep and maintain a back-up driveway and two concrete steps in the public right-of-way; and

Whereas, Permission for said items was granted in 2005 under Common Council File Number 020978; and

Whereas, Ahn J. Lee 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 020978 is hereby rescinded; and, be it

Further Resolved, That Ahn J. Lee, 2972-74 South 13<sup>th</sup> Street, Milwaukee, WI 53215, is hereby granted the following special privileges:

1. To keep, use and maintain a back-up driveway centered approximately 112 feet east of the eastline of South 13<sup>th</sup> Street within the north 13-foot wide sidewalk area of West Manitoba Street to serve an 8-foot wide loading dock door. Vehicles using the back-up driveway shall park in such a way so they do not project past the centerline of the street.
2. To keep and maintain one concrete step measuring 1-foot wide and 3 feet 5 inches long, centered approximately 95 feet east of the eastline of South 13<sup>th</sup> Street within the north 13-foot wide sidewalk area of West Manitoba Street.
3. To keep, use, and maintain one concrete step measuring 1-foot wide and 8 feet 6 inches long, centered approximately 52 feet east of the eastline of South 13<sup>th</sup> Street within the north 13-foot wide sidewalk area of West Manitoba Street. Said concrete step has a 3-foot 4 inch tall handrail and is covered with an adhered carpet.

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, Ahn J. Lee 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 \$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 \$119.98. 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.
7. Owner must ensure sufficient traffic control while using the back up driveway to allow continued, safe traffic flow for two-way traffic on West Manitoba Street at all times. Traffic control measures may include, but are not limited to flag

persons and traffic cones.  
Department of Public Works  
Infrastructure Services Division  
MDL: ns  
August 5, 2008  
080297

Clerical corrections -- jro -- 11/12/08