



## Legislation Text

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**File #: 061233, Version: 1**

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061233  
SUBSTITUTE 1  
83-522  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Simeth Investments, LLC for a backup driveway for the premises at 403 South Hawley Road, in the 10<sup>th</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Simeth Investments, LLC for a backup driveway for the premises at 403 South Hawley Road.

Whereas, Simeth Investments, a partnership, requested permission to construct and maintain a back up driveway along West Adler Street; and

Whereas, Permission for said backup driveway was granted in 1983 under Common Council File Number 83-522; and

Whereas, Simeth Investments, LLC 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 83-522 is hereby rescinded; and, be it

Further Resolved, That Simeth Investments, LLC, 403 South Hawley Road, Milwaukee, Wisconsin 53214, is hereby granted the following special privilege:

To keep and maintain a back up driveway in the 15-foot wide south sidewalk area of West Adler Street approximately 85 feet west of the westline of North Hawley Road. Said driveway serves an 8-foot wide service door. Vehicles may occupy the sidewalk area and a portion of the roadway and shall be parked in such a manner so as not to project more than 8 feet beyond the south curb face of West Adler Street. The grantee is to provide sufficient traffic control to allow for continued two-way traffic while backup driveway is being used.

Said above-mentioned backup driveway shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said backup driveway 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, Simeth Investments, 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 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 \$90.21. 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 on West Adler Street. Traffic control measures may include, but are not limited to flag persons and traffic cones.

Department of Public Works  
Infrastructure Services Division

MDL:lja  
February 5, 2007  
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