



Legislation Text

File #: 050162, **Version:** 1

050162
SUBSTITUTE
79-106
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to West Grand Corporation for encroachment into the public right-of-way of a backup driveway for the building at 838 South 1st Street, in the 12th Aldermanic District in the City of Milwaukee.

This grants an amended special privilege to West Grand Corporation for encroachment into the public way of a backup driveway for the building at 838 South 1st Street.

Whereas, Leland Chemical Division, American Bio-Synthetics Corporation requested permission to maintain three loading doors within an 80-foot driveway (fronting on East Walker Street) for its building at 838 South 1st Street.

Whereas, Permission was granted in 1979 under Common Council Resolution File Number 79-106; and

Whereas, West Grand Corporation now owns the building; and

Whereas, A site visit revealed the removal (closure) of one of the backup driveway loading doors; and

Whereas, For the liability to be formally transferred to the current owners for the backup driveway, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, That Common Council Resolution File Number 79-106 is hereby rescinded.

; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that West Grand Corporation, 838 South 1st Street, Milwaukee, Wisconsin 53204 is hereby granted the following special privilege:

To keep and maintain an 80-foot wide back-up driveway in the public right of way for two loading doors which are 6 and 8 feet wide, all serving the premises known as 838 South 1st Street. Said back-up driveway is located on the north side of East Walker Street, centered at a distance of approximately 84 feet east of the east line of South 1st Street. The vehicles occupying said driveway and extending over the 15-foot wide sidewalk area and a portion of the 46-foot wide roadway shall park in such a manner that they do not project past the centerline of said roadway.

Said driveway 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 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, West Grand Corporation, 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 \$10,000.00 such bond to be approved by the City Attorney. The 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 \$50,000.00 covering bodily injury to any one person and \$100,000.00 covering bodily injury to more than one person in any one accident and \$20,000.00 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. Both bond and insurance policy shall provide that they shall not be canceled 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 \$268.31. 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 any 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 1st 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 the Department 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 backup driveway to allow continued, safe traffic flow on East Walker Street. Traffic control measures may include, but are not limited to flag persons and traffic cones.

Department of Public Works
Infrastructure Services Division
MDL:cjt
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