



Legislation Text

File #: 050314, Version: 1

050314
SUBSTITUTE
49-756A
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Mitchell B Van Dyke, LLC for encroachment into the public right-of-way of items previously granted permission for the building at 330 South 3rd Street, in the 12th Aldermanic District in the City of Milwaukee.

Substitute resolution to grant an amended special privilege to Mitchell B Van Dyke, LLC to keep and maintain a backup driveway in the public right-of-way adjacent to 330 South 3rd Street.

Whereas, Gem Hammock and Fly Net Company requested a special privilege in order to maintain and keep a backup driveway in the public right-of-way; and

Whereas, Permission was granted in 1949 by adoption of Common Council Resolution File Number 49-756A; and

Whereas, Mitchell B Van Dyke, LLC is the present owner of the property; and

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

Resolved, That Common Council Resolution File Number 49-756A is hereby rescinded; and, be it;

Further Resolved, By the Common Council of the City of Milwaukee, that Mitchell B Van Dyke, LLC 720 West Virginia Street, Milwaukee, Wisconsin 53204, is hereby granted the following special privilege:

To keep, use and maintain an approximate 40-foot wide backup driveway located on the east side of North 3rd Street to serve four existing 6-foot 6-inch wide loading dock doors. Said driveway is centered approximately 82 feet north of the northline of West Florida Street. Vehicles shall occupy the sidewalk area and a portion of the roadway and shall be parked in such a manner so as not to project beyond the centerline. The existing bumpers located at the base of each loading dock to protect the building face from being hit by trucks are allowed to remain in place.

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, Mitchell B Van Dyke, 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 surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000 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 \$100,000 covering bodily injury to any one person and \$200,000 covering bodily injury to more than

one person in any one accident and \$50,000 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 \$520.17. 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 no 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division
MDL:cjt
October 28, 2005
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