



## Legislation Text

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**File #: 020685, Version: 1**

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020685

SUBSTITUTE

63-2457

THE CHAIR

Substitute resolution amending a special privilege granted to John E. Przybylski to construct and maintain two backup driveways in the public right-of-way adjacent to the property located at 4101 West Greenfield Avenue, to now change the name of the grantee of the special privilege to Han Yang, Inc., in the 8<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution amends an existing special privilege granted to John E. Przybylski to construct and maintain two backup driveways in the public right-of-way at 4101 West Greenfield Avenue, to now change the name of the grantee of the special privilege to Han Yang, Inc.

Whereas, John E. Przybylski was granted a special privilege under Common Council Resolution File Number 63-2457, on October 29, 1963, to construct and maintain two backup driveways in the public right-of-way on the west side of South 41<sup>st</sup> Street adjacent to the premises at 4101 West Greenfield Avenue; and

Whereas, The current owners of the property are Chang H. Choi and Hea J. Choi, who own the business called Han Yang, Inc. and it should now be named as the grantee of this special privilege; and

Whereas, The backup driveways may only occupy the public right-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 63-2457 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Han Yang, Inc., 5160 South 60<sup>th</sup> Street, Greendale, WI 53129, is hereby granted the following special privileges:

To keep, use and maintain two 16-foot wide driveways between the curb and property line on the west side of South 41<sup>st</sup> Street, approximately 26.5 feet and approximately 100 feet south of the southline of West Greenfield Avenue. The driveways serve doors that are 3 feet wide and 4 feet wide, respectively, with the 3-foot wide door, when open, projecting approximately 3 feet beyond the street lot line. The sidewalk area is approximately 15 feet wide, and the roadway width is approximately 40 feet. Vehicles using said driveways during loading and unloading operations may occupy and obstruct the public right-of-way only to the centerline of South 41<sup>st</sup> Street.

Said backup driveways shall be used and maintained to the satisfaction of the Commissioners of Public Works and Neighborhood Services.

At such future time that the driveways are no longer needed, they shall be removed from the public right-of-way to the satisfaction of the Commissioners of Public Works and 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, Han Yang, 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 \$3,000.00 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 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 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 \$90.00. 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 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division

JJM:cjt

July 20, 2004

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