



## Legislation Text

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**File #: 051699, Version: 1**

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051699  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution to grant a special privilege to El Rey II, LLC to construct and maintain a backup driveway in the public right-of-way for the premises at 916 South Cesar E. Chavez Drive, in the 12<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to El Rey II, LLC to construct and maintain a backup driveway in the public right-of-way for the premises at 916 South Cesar E. Chavez Drive.

Whereas, El Rey Mexican Products, Incorporated is in the process of constructing a new grocery store at 916 South Cesar E. Chavez Drive that will include the construction of a backup driveway to serve two loading docks for the new building; and

Whereas, El Rey Mexican Products, Incorporated initially filed the petition for special privilege, however, El Rey II, LLC is the property owner of record; and

Whereas, Special privileges are granted to the property owner of record; and

Whereas, Said backup driveway may only legally encroach into the public right-of-way by the granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that El Rey II, LLC, 1023 South Cesar E. Chavez Drive, Milwaukee, Wisconsin 53204 is hereby granted the following special privilege:

To construct, use and maintain a 49-foot wide backup driveway in West Walker Street to serve two, 18-foot wide loading dock doors. Said driveway will be centered approximately 142 feet east of the eastline of South Cesar Chavez Drive in the 15-foot wide, south sidewalk area of West Walker Street. The West Walker Street right-of-way is 76 feet wide. 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 8 feet beyond the south curb face of West Walker Street. 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, El Rey II, 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 \$10,000.00 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 \$40,000 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 \$539.88. 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 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:lja  
June 6, 2006  
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