



Legislation Text

File #: 930852, Version: 1

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SUBSTITUTE THE CHAIR

Substitute resolution to grant a special privilege to Joseph and Ellen Checota to keep, use and maintain a portion of public right-of-way for their full and exclusive use in order to have a private and secure driveway entrance and environs, which includes several items within the public right-of-way of East Hampshire Street for the property at 3224 East Hampshire Street consisting of: brick surface driveway, decorative masonry columns, double-leaf security gate, spotlights, sprinklers, fence and screening camera, in the 3rd Aldermanic District in the City of Milwaukee.

This special privilege grants the applicant a special privilege to Joseph and Ellen Checota to keep, use and maintain a portion of public right-of-way for their full and exclusive use in order to have a private and secure driveway entrance and environs, which includes several items within the public right-of-way of East Hampshire Street for the property at 3224 East Hampshire Street consisting of: brick surface driveway, decorative masonry columns, double-leaf security gate, spotlights, sprinklers, fence and screening camera.

Whereas, It was discovered that Joseph and Ellen Checota had placed the items, indicated in the title, and were informed that these items were in the public right-of-way; and

Whereas, The continuation of these items in the public right-of-way requires that the City of Milwaukee's Common Council grant a special privilege; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Joseph and Ellen Checota, 3224 East Hampshire Street, Milwaukee, WI 53211, are hereby granted the following special privilege:

To have full and exclusive use of a portion of public right-of-way of East Hampshire Street described as follows:

30 feet in width for a distance of approximately 70 feet north of the gate, being a point approximately 18 feet north of the end of the roadway pavement of East Hampshire Street, and a chain link fence, with southwesterly-northeasterly orientation.

To place within said described area items limited to the following existing items:

1. a brick driveway pavement, whose area north of a gate is approximately 374.5 sq. ft.
2. 2 masonry pillars located approximately 18 feet north of the end of the roadway pavement of East Hampshire, approximately 6.5 feet north and 5 feet south of the northline and southline, respectively, of East Hampshire Street.
3. a two-leaf iron swinging gate between said masonry piers.
4. a series of lights with conduits for power and an electrical junction service box.

5. conduits to power the gates.
6. sprinkler system.
7. ornamental trees.
8. anchors (at ground level).

Said items shall be placed, used and maintained to the approval of the Departments of Public Works, City Development and Neighborhood Services. All necessary permits shall have been obtained from the Departments of Public Works and City Development for placement of these items in the City of Milwaukee public right-of-way. The trees and plantings shall be approved by and maintained to the satisfaction of the City Forester

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Joseph and Ellen Checota, 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 \$250,000 covering bodily injury to any one person and \$500,000 covering bodily injury to more than one person in any one accident and \$100,000 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 \$2,760.62. 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.

Department of Public Works
Infrastructure Services Division
JJM:cjt
July 18, 2003

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