



## Legislation Details (With Text)

<b>File #:</b>	101161	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	1/19/2011	<b>In control:</b>	COMMON COUNCIL
<b>On agenda:</b>		<b>Final action:</b>	6/11/2013
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting a special privilege to Engel Tool and Forge Company Inc to construct and maintain a backup driveway, bollards, and metal bins in the public right-of-way for the premises at 123 West Orchard Street, in the 12th Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Cover Letter, 2. Petition and Drawing, 3. Photos, 4. Map, 5. Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO		
1/21/2011	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
5/28/2013	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/30/2013	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
6/11/2013	1	COMMON COUNCIL	ADOPTED	Pass	15:0
6/18/2013	1	MAYOR	SIGNED		

101161

### SUBSTITUTE 1

Substitute resolution granting a special privilege to Engel Tool and Forge Company Inc to construct and maintain a backup driveway, bollards, and metal bins in the public right-of-way for the premises at 123 West Orchard Street, in the 12<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Engel Tool and Forge Company Inc to construct and maintain a backup driveway, bollards, and metal bins in the public right-of-way for the premises at 123 West Orchard Street.

Whereas, The applicant is requesting permission to keep and maintain two bollards in the public right-of-way and to use a backup driveway for loading and unloading of trucks; and

Whereas, A site visit revealed the presence of two additional bollards and several metal bins in the public right-of-way; and

Whereas, Said items may only legally encroach into the public right-of-way by 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 Engle Tool & Forge Company Inc, 123 West Orchard Street, Milwaukee, WI 53204 is hereby granted the following special privileges:

1. To keep, use and maintain a back-up driveway centered approximately 60 feet south of the southline of West Orchard Street within the east 8-foot, 6-inchwide sidewalk area of South 2<sup>nd</sup> Street to serve an 12-foot wide loading dock door. Vehicles using the backup driveway shall park so they do not project beyond the east curb line of the street.
2. To construct and maintain four, 6-inch diameter bollards. Two of said bollards are located in the east, 8-foot 6-inch

wide sidewalk area of South 2<sup>nd</sup> Street centered approximately 43 and 57 feet south of the southline of West Orchard Street and 8 inches west of the eastline of South 2<sup>nd</sup> Street. Two of said bollards are located in the south, 15-foot wide sidewalk area of West Orchard Street centered about a point approximately 43 feet west of the westline of the north-south alley adjacent to the premises.

3. To keep, use and maintain metal storage bins stacked in the south sidewalk area of West Orchard Street. Said bins are placed in the 5-foot 2-inch wide area located between the street curb and the main public sidewalk. Two bin sizes were observed during a site visit. Large bins measured 3 feet wide and 3 feet 6 inches long and small bins measured 2 feet 4 inches wide and 3 feet 2 inches long. Said bins occupy a total area of 178 square feet. Said bins are not permitted to block the main public sidewalk.

Said 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, Engel Tool and Forge Company 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 Commissioner of Public Works a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$275.45. 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 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 backup driveway to allow continued, safe traffic flow for pedestrians and two-way vehicular traffic on South 2<sup>nd</sup> Street at all times. Traffic control measures may include, but are not limited to flag persons and traffic cones.

Department of Public Works  
Infrastructure Services Division  
MDL:clm

April 5, 2013  
101161