



## Legislation Text

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**File #:** 100797, **Version:** 1

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100797

SUBSTITUTE 1

THE CHAIR

Substitute resolution granting a special privilege to Hopkins Liquor and Food Mart LLC to install and maintain four bollards in the public right-of-way for the premises at 1646 West Hopkins Street, in the 6<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Hopkins Liquor and Food Mart LLC to install and maintain four bollards in the public right-of-way for the premises at 1646 West Hopkins Street.

Whereas, The applicant is requesting permission to install and maintain four bollards in the public right-of-way in order to protect the building from being hit by errant vehicles; and

Whereas, Said bollards 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 Hopkins Liquor and Food Mart LLC, N61 W15526 Edgemont Drive, Menomonee Falls, Wisconsin 53051, is hereby granted the following special privilege:

To install and maintain four bollards adjacent to the subject building at the intersection of West Chambers Street and West Hopkins Street. Three of said bollards are located in the north, variable width sidewalk area of West Chambers Street and are centered approximately 1 foot south of the northline of West Chambers Street and 1, 5, and 9 feet east of the northerly line of West Hopkins Street. The fourth bollard is located in the northerly, 8-foot wide sidewalk area of West Hopkins Street and is centered approximately 1 foot southerly of the northerly line of West Hopkins Street and 8 feet north of the northline of West Chambers Street. All of said bollards are 7 inches in diameter and 2 feet 7 inches in height.

Said above-mentioned bollards shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said bollards 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, Hopkins Liquor and Food Mart 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 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 \$35.00. 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 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.

Department of Public Works  
Infrastructure Services Division

MDL: ns

August 19, 2011

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