



Legislation Text

File #: 021046, **Version:** 1

021046

SUBSTITUTE

86-534

THE CHAIR

Substitute resolution amending a special privilege granted to Doran Enterprises, Inc. to keep and maintain a backup driveway in the public right-of-way for their property located at 2779 South 34th Street, to now change the name of the grantee of the special privilege to AJM Enterprises, LLC, in the 8th Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Doran Enterprises, Inc. to keep and maintain a backup driveway in the public right-of-way on the north side of West Montana Street, adjacent to the premises known as 2779 South 34th Street, to now change the name of the grantee of the special privilege to AJM Enterprises, LLC.

Whereas, Doran Enterprises, Inc. was granted a special privilege under Common Council Resolution File Number 86-534, on July 29, 1986, to maintain a backup driveway encroaching into the public right-of-way on the north side of West Montana Street for the premises at 2779 South 34th Street; and

Whereas, The current owner of the property is AJM Enterprises, LLC and should now be named as the grantee of the special privilege; and

Whereas, The backup driveway 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 86-534 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that AJM Enterprises, LLC, 1032 South 87th Street, West Allis, WI 53214, is hereby granted the following special privilege:

To keep, use and maintain a 30-foot wide driveway (10-foot wide driveway adjacent to a 20-foot wide public alley) between the curb and property line on the north side of West Montana Street, approximately 134.5 feet west of the westline of South 34th Street serving an approximately 8-foot wide door at this location. The sidewalk area is 15 feet wide at this location, and the roadway width is 30 feet. Vehicles using said driveway during loading and unloading operations may occupy and obstruct the public right-of-way only to the centerline of West Montana Street.

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

At such future time that the driveway is no longer needed, it 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, AJM Enterprises, 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 \$1,000.00 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 \$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. 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 \$61.54. 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.
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

Date

October 7, 2003

021046