



## Legislation Text

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**File #:** 070585, **Version:** 1

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070585

SUBSTITUTE 1

60-318

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Arnulfo and Ana Rosa Sosa for encroachment into the public right-of-way of three sets of entrance steps and for addition of a concrete platform and three excess door swings for the premises at 1901 West Grant Street, in the 13<sup>th</sup> Aldermanic district.

Substitute resolution amending a special privilege for change of ownership to Arnulfo and Ana Rosa Sosa for encroachment into the public right-of-way of three sets of entrance steps and for addition of a concrete platform and three excess door swings for the premises at 1901 West Grant Street.

Whereas, Edwin Duzynski requested permission to keep and maintain three sets of entrance steps in the public right-of-way; and

Whereas, Permission for said entrance steps was granted in 1960 under Common Council Resolution File Number 60-318; and

Whereas, Arnulfo and Ana Rosa Sosa now own the property; and

Whereas, A site visit revealed three excess door swings and a concrete platform; and

Whereas, The three excess door swings and concrete platform may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; and

Whereas, For the liability for the entrance steps to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 60-318 is hereby rescinded; and, be it

Further Resolved, That Arnulfo and Ana Rosa Sosa, 1901 West Grant Street, Milwaukee, WI 53215 are hereby granted the following special privileges:

1. To keep and maintain two sets of concrete steps, one set in the 12-foot wide west sidewalk area of South 19<sup>th</sup> Street and one set in the 13-foot wide south sidewalk area of West Grant Street. The set in South 19<sup>th</sup> Street is centered approximately 22 feet south of the southline of West Grant Street; projects 1 foot 10 inches into the public way; and is 2 feet 11 inches long. The set in West Grant Street is centered approximately 21 feet west of the westline of South 19<sup>th</sup> Street; projects 1 foot 10 inches into the public way; and is 4 feet long.
2. To keep and maintain a set of wooden steps centered approximately 38 feet south of the southline of West Grant Street; projects 2 feet 6 inches into the public way; and are 4 feet long.
3. To keep and maintain a concrete platform commencing approximately 4 feet west of the westline of South 19<sup>th</sup> Street. This slab projects into the right-of-way 3 feet 10 inches for a length of 13 feet.
4. To keep and maintain two door swings that each project into South 19<sup>th</sup> Street 3 feet and one door swing that projects

into West Grant Street 3 feet. These door swings project into the right-of-way more than the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

Said above-mentioned 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, Arnulfo and Ana Rosa Sosa 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 \$3,000 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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 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 \$61.51 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:lja

August 31, 2007

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