Legislation Text

File #: 071709, **Version:** 1

071709
SUBSTITUTE
54-1878
54-1878-a
69-2942
THE CHAIR
Substitute resolution amending a special privilege for change of ownership to Wisconsin Book Bindery, Inc. for a backup driveway and for addition of concrete steps and sloped concrete sidewalk pavement for the premises at 347 East Ward Street, in the 14th Aldermanic District.
This resolution amends a special privilege for change of ownership to Wisconsin Book Bindery Inc for a backup driveway and for addition of concrete steps and sloped concrete sidewalk pavement for the premises at 347 East Ward Street.
Whereas, B&L Realty Company requested permission to construct and maintain a back up driveway along South Robinson Avenue; and

Whereas, Permission for said backup driveway was granted under Common Council File Numbers 54-1878, 54-1878-a and 69-2942; and

Whereas, For the liability for the back up driveway to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, A site visit revealed the presence of two concrete steps and sloped concrete sidewalk; 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the Common Council of the City of Milwaukee, that Common Council File Numbers 54-1878, 54-1878-a and 69-2942 are hereby rescinded; and, be it

Further Resolved, That Wisconsin Book Bindery, Inc. 347 East Ward Street, Milwaukee, Wisconsin 53207, is hereby granted the following special privileges:

1. To construct and maintain a concrete step in the south, 10-foot wide sidewalk area of East Ward Street. Said 3-foot 8-inch long step projects 1 foot 1 inch into the public way and is centered approximately 50 east of the eastline of South Robinson Avenue.

2. To construct and maintain a concrete step in the east, 13-foot wide sidewalk area of South Robinson Avenue. Said 4-foot 4-inch long step projects 1 foot 4 inches into the public way and is centered approximately 40 feet south of the southline of East Ward Street.

3. To construct and maintain a sloped sidewalk adjacent to the premises at 347 East Ward Street. Along East Ward Street, the sloped sidewalk projects 3 feet 6 inches into the public way, commences at the eastline of South Robinson Avenue and extends approximately 45 feet to the east. Along South Robinson Avenue, the sloped sidewalk projects 3 feet 4 inches into the public way, commences at the southline of East Ward Street and extends approximately 20 feet to the south. It should be noted that the sloped sidewalk does not interfere with the pedestrian clear path and that the minimum 5

-foot width is available for pedestrian usage.

4. To keep and maintain a back up driveway in the 13-foot wide east sidewalk area of South Robinson Avenue approximately 25 feet south of the southline of East Ward Street. Said driveway serves an 8-foot wide service door. Vehicles may occupy the sidewalk area and a portion of the roadway. The grantee is to provide sufficient traffic control to allow for two-way traffic at all times while backup driveway is in use.

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, Wisconsin Book Bindery, 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 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 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 own 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 $117.41. 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 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 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 back up driveway to allow continued, safe traffic flow for two-way traffic on South Robinson Avenue 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: ns
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