



Legislation Text

File #: 061203, Version: 1

061203
SUBSTITUTE 1
81772
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Sam Holschbach, Inc d/b/a Spicer Starter Drive Company, Inc. for a backup driveway and for addition of a platform with steps and a downward stairway encroaching in the public right-of-way for the premises at 1748 North 13th Street, in the 15th Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Sam Holschbach, Inc d/b/a Spicer Starter Drive Company Inc for a backup driveway and for addition of a platform with steps and a downward stairway encroaching in the public right-of-way for the premises at 1748 North 13th Street.

Whereas, Marilyn Shoe Company requested permission to construct and maintain backup driveway within the public right-of-way; and

Whereas, Permission for said backup driveway was granted in 1945 under Common Council File Number 81772; and

Whereas, Sam Holschbach, Inc. d/b/a Spicer Starter Drive Company, Inc. now owns the property; and

Whereas, Site visits revealed the presence of a concrete platform with steps and stairway going down from the sidewalk level within the public right-of-way; and

Whereas, Said new items 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 backup driveway 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 81772 is hereby rescinded; and, be it

Further Resolved, That Sam Holschbach, Inc. d/b/a Spicer Starter Drive Company, Inc. 1748 North 13th Street, Milwaukee, WI 53205 is hereby granted the following special privileges:

1. To keep and maintain a backup driveway in the 17-foot 6-inch wide south sidewalk area of West Vine Street. Said driveway, centered approximately 95 feet east of the eastline of North 13th Street, serves a pair of 3-foot wide doors. Vehicles may occupy the sidewalk area and a portion of the roadway and shall be parked in such a manner so as not to project more than 8 feet beyond the south curb face of West Vine Street. The grantee is to provide sufficient traffic control to allow for continued two-way traffic while backup driveway is being used.
2. To keep and maintain a 4-foot tall concrete platform with steps in the 17-foot 6-inch wide south sidewalk area of West Vine Street. Said platform, centered approximately 95 feet east of the eastline of North 13th Street, is 6 feet 10 inches long and projects 4 feet 6 inches into the public right-of-way. The stairs, attached to the west side of said platform, are 5 feet long and project 3 feet into the public right-of-way. Total area of the platform with steps is 45.6 square feet.
3. To keep and maintain a stairway going down from the sidewalk level to a lower level of the building. Said stairway commences at a point approximately 100 feet east of the eastline of North 13th Street and extends 27 feet 10 inches to the

east. Said stairway projects 6 feet into the 17-foot 6-inch wide south sidewalk area of West Vine Street.

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, Sam Holschbach, Inc. d/b/a Spicer Starter Drive 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 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 \$5,000 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 \$44.14. 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 at least two lanes of traffic on West Vine 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:lja

March 29, 2007

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