



Legislation Text

File #: 061361, **Version:** 1

061361
SUBSTITUTE 1
76-1882
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Light Ray Development, LLC for a backup driveway and for addition of two bollards for the premises at 327 East Brown Street, in the 6th Aldermanic District.
Substitute resolution amending a special privilege for change of ownership to Light Ray Development, LLC for a backup driveway and for addition of two bollards for the premises at 327 East Brown Street.
Whereas, Victor C. DeToro requested permission to construct and maintain a back up driveway along North Killian Place;
and

Whereas, Permission for said backup driveway was granted in 1977 under Common Council File Number 76-1882; and

Whereas, Light Ray Development, LLC now owns the property; and

Whereas, A site visit revealed the presence of two bollards in the public right-of-way; 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; and

Whereas, For the liability 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 76-1882 is hereby rescinded; and, be it

Further Resolved, That Light Ray Development, LLC, 3811 North Holton Street, Milwaukee, Wisconsin 53212, is hereby granted the following special privileges:

1. To keep and maintain a back up driveway in the 10-foot wide east sidewalk area of North Killian Place approximately 72 feet south of the southline of East Brown Street. Said driveway serves a 5-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.
2. To keep and maintain two bollards in the 10-foot wide, east sidewalk area of North Killian Place centered approximately 1 foot west of the eastline of North Killian Place and 79 and 92 feet south of the southline of East Brown Street. Said bollards measure 8 inches in diameter and stand 4 feet 6 inches tall.

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, Light Ray Development, 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 \$2,000 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 \$159.96. 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 North Killian Place 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

April 16, 2007

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