



## Legislation Text

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**File #: 081044, Version: 1**

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081044  
SUBSTITUTE 1  
070900  
THE CHAIR

Substitute resolution amending a special privilege to First Place Condominium Owners Association, Inc. for addition of private light fixtures, electrical outlets and appurtenant electrical conduit for the premises at 106 West Seeboth Street, in the 12<sup>th</sup> Aldermanic District.

This resolution amends a special privilege to First Place Condominium Owners Association Inc for addition of private light fixtures, electrical outlets and appurtenant electrical conduit for the premises at 106 West Seeboth Street.

Whereas, The applicant requested permission to construct and maintain a retaining wall in the public right-of-way; and

Whereas, Permission for said retaining wall was granted under Common Council Resolution File Number 070900 in March 2008; and

Whereas, The current request is to construct and maintain private light fixtures and appurtenant electrical conduit in the public right-of-way; and

Whereas, A site visit revealed the presence of electrical outlet boxes in the public right-of-way; and

Whereas, Said items may only legally encroach into the public right-of-way by the 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 070900 is hereby rescinded; and, be it

Further Resolved, That First Place Condominium Owners Association, Inc., c/o Mandel Group, 301 East Erie Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To install and maintain 6 private light fixtures and 2 electrical outlets in the west sidewalk area of South 1<sup>st</sup> Place. The light fixtures and outlets are located in the bounds of the 4-foot wide, 45-foot long planting bed that commences at a point approximately 18 feet north of the northline of West Seeboth Street and extends to the north.
2. To install and maintain underground electrical conduit in the west sidewalk area of South 1<sup>st</sup> Place. The conduit commences at a point 20 feet north of the northline of West Seeboth Street and extends north 40 feet then turns and extends 8 feet to the west. Total length of said conduit is approximately 48 feet.
3. To install and maintain 8 private light fixtures and 2 electrical outlets in the north sidewalk area of West Seeboth Street. The light fixtures and outlets are located in the bounds of the 4-foot wide, 65-foot long planting bed that commences at a point approximately 17 feet west of the westline of South 1<sup>st</sup> Place and extends to the west.
4. To install and maintain underground electrical conduit in the north sidewalk area of West Seeboth Street. Said conduit commences at a point approximately 23 feet west of the westline of South 1<sup>st</sup> Place and extends west 55 feet then turns and extends 6 feet to the north. Total length of said conduit is 61 feet.
5. To keep and maintain a concrete curb retaining wall in the public right-of-way of West Seeboth Street located

approximately 139 feet west of the westline of South 1st Place. Said 8-inch wide retaining wall varies between 6 inches and 2 feet 8 inches in height. The wall commences at northline of West Seeboth Street and extends in a southerly direction curving to the east where it connects to the south curbline West Seeboth Street. Total length of said curb wall is 51 feet 6 inches.

Said above-mentioned items shall be used, kept, and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

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 accepting this special privilege the grantee, First Place Condominium Owners Association, 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 \$5,000.00 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 \$372.78. 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 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

MDL: ns

March 12, 2009

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