

November 5, 2002

To the Public Improvements Committee

Subject: Common Council Resolution File Number 930982

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 930982, being a request by Milwaukee Mecca Hotel Associates at 333 West Kilbourn Avenue for an amendment to add permission for tree grates to occupy the public rights-of-way in addition to their covered walks and building up-lighting, with conduits, on West Kilbourn Avenue and Old World 3rd Street.

The tree grates were to replace a failing system of “granite pavers” that were surrounding the trees. There was initial apprehension relative to the tree survival rate with the tree well headers to be placed among the established tree roots. Several procedures were suggested, analyzed and studied.

It had seemed like a dead issue for a long time; therefore, no enabling legislation was prepared and submitted for approval. Only recent staff review and viewing as a result of the Public Improvements Committee’s prompting revealed the presence of tree grates. After much searching, it was discovered that a decision and some other legislative action had allowed the tree grates to be placed. A “maintenance agreement” was prepared and executed as authorized by Common Council Resolution File Number 960207, adopted on June 4, 1996. Contained in the 20 year term “Agreement” is a statement identified as 1.E as follows: “Approval by the Common Council of this Maintenance Agreement shall substitute for any Special Privilege that might otherwise be required by Section 245.12 of the Milwaukee Code of Ordinances and Section 66.045 of State Statutes.” Further, in Exhibit “A”, which is attached to the “Agreement”, entitled: Hyatt Complex, Maintenance, Repair and/or Operating Responsibilities (as it relates to the various items) identified as 5. As follows:

Tree Grates – The Owner is fully responsible for purchase, installation, and maintenance of tree grates. As a one-time effort, the City will contribute \$20,000 towards purchase and installation of tree grates. The City is responsible

for minor repair work. The Maintenance Agreement will permit the presence of the grates within the public right-of-way.

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In light of all of the above, it is therefore recommended that Common Council Resolution File Number 930982 be placed on file. By doing so, Common Council Resolution File Number 871805, which granted permission for the covered walks, building uplighting and conduits, is to remain in full force and effect.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Mariano A. Schifalacqua
Commissioner of Public Works

Martin G. Collins
Commissioner
Department of Neighborhood Services

JJM:cjt
MILWAUKEE MECCA HOTEL