



Legislation Details (With Text)

**File #:** 100449      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 9/1/2010      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 9/20/2011  
**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to Wells Fargo Bank N.A. for encroachment into the public right-of-way of electrical wiring, electrical outlets, moveable planters, tree grates and covered walk and for addition of a moveable planter and two bollards for the premises at 250 East Wisconsin Avenue, in the 4th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition, 2. Cover Letter, 3. Map, 4. Photos

Date	Ver.	Action By	Action	Result	Tally
9/1/2010	0	COMMON COUNCIL	ASSIGNED TO		
9/2/2010	0	CITY CLERK	REFERRED TO		
9/13/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/13/2011	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
9/20/2011	1	COMMON COUNCIL	ADOPTED	Pass	14:0
9/29/2011	1	MAYOR	SIGNED		

100449  
SUBSTITUTE 1  
040825  
050019  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Wells Fargo Bank N.A. for encroachment into the public right-of-way of electrical wiring, electrical outlets, moveable planters, tree grates and covered walk and for addition of a moveable planter and two bollards for the premises at 250 East Wisconsin Avenue, in the 4<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Wells Fargo Bank N.A. for encroachment into the public right-of-way of electrical wiring, electrical outlets, moveable planters, tree grates and a covered walk and for addition of one moveable planter and two bollards for the premises at 250 East Wisconsin Avenue. Whereas, Moceans I LLC requested permission to keep and maintain a covered walk, carpet, sign for valet parking, and six stanchions in the public right-of-way; and

Whereas Permission for said items to occupy the public right-of-way was granted in 2004 under Common Council Resolution File Number 040825; and

Whereas, East Milwaukee Operating Associates L.P. requested permission to keep and maintain electrical wiring, electrical outlets, moveable planters and tree grates in the public right-of-way; and

Whereas, Permission for said items to occupy the public right-of-way was granted in 2006 under Common Council Resolution File Number 050019; and

Whereas, Wells Fargo Bank N.A. now owns the property, and

Whereas, The applicant has removed the carpet, stanchions and valet parking sign from the public right-of-way; and

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

Whereas, Said bollards and moveable planter 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 said items to be formally transferred to the applicant, 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 Resolution File Numbers 040825 and 050019 are hereby rescinded; and, be it

Further Resolved, That Wells Fargo Bank N.A., Attention: Jaclyn Pichotta, c/o Inland Companies Inc, 250 East Wisconsin Avenue, Milwaukee, Wisconsin, 53202, is hereby granted the following special privileges:

1. To install and maintain two concrete-filled bollards in the west, 20-foot sidewalk area of North Broadway. Said bollards are 8 inches in diameter and 4 feet tall. The bollards are centered approximately 1 foot east of the westline of North Broadway and 167 and 178 feet north of the northline of East Wisconsin Avenue.
2. To place and maintain a plastic moveable planter in the north, 20-foot wide sidewalk area of East Wisconsin Avenue. Said planter measures 3 feet long and 1 foot 4 inches wide and is centered approximately 1-foot south of the northline of East Wisconsin Avenue and 60 feet west of the westline of North Broadway.
3. To keep and maintain ten, 30-inch tall, 4-foot by 4-foot square concrete moveable planters in the west, 20-foot wide sidewalk area of North Broadway. Four planters are centered approximately 15 feet 6 inches east of the westline of North Broadway and 34, 54, 74 and 94 feet north of the northline of East Wisconsin Avenue. Six planters are centered approximately 15 feet 6 inches east of the westline of North Broadway and 22, 52, 72, 92, 112 and 132 feet south of the southline of East Mason Street.
4. To keep and maintain electrical wiring from the building to five tree box-outs in the north, 20-foot wide sidewalk area of East Wisconsin Avenue. Said electrical wiring commences from the building at the eastline of the vacated north-south alley in the block bounded by North Broadway, East Mason Street, North Water Street and East Wisconsin Avenue and runs south approximately 14 feet where it turns and continues 105 feet to the east. Total length of the electrical wiring is 119 feet.
5. To keep and maintain five electrical outlets in the north 20-foot wide sidewalk area of East Wisconsin Avenue. Said outlets are centered approximately 14 feet south of the northline of East Wisconsin Avenue and 23, 43, 83, 103 and 123 feet west of the westline of North Broadway.
6. To keep and maintain five 5-foot by 5-foot square tree grates in the west, 20-foot wide sidewalk area of North Broadway centered approximately 15 feet 6 inches east of the westline of North Broadway and 23, 43,

63, 83 and 103 feet north of the northline of East Wisconsin Avenue.

7. To keep and maintain a covered walk projecting 18 feet 6 inches into the west, 20-foot wide sidewalk area of North Broadway at the premises known as 747 North Broadway. Said 8-foot 4-inch wide covered walk, which is supported by two vertical on each of the north and south sides of the structure, is centered approximately 36 feet south of the southline of East Mason Street.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wires, brackets, or diagonal braces shall be permitted lower than 7 feet about the sidewalk grade. The covering shall be of approved material.

All fixtures and materials for illumination of covered walks shall be indicated on the construction plans and shall be approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The business may be indicated only on the vertical portion of the covering and not to exceed 8 inches in height.

Due to the high demand for parking within the vicinity of the subject premises, the grantee shall not be required to have a "Loading Zone" or "No Parking" status adjacent to the covered walk location.

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, Wells Fargo Bank N.A., shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the Commissioner of Public Works a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$444.00. 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Infrastructure Services Division

MDL: ns

August 11, 2011

100449