



Legislation Details (With Text)

File #: 971642 **Version:** 1
Type: Resolution **Status:** Passed
File created: 2/10/1998 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:** 4/7/1998
Effective date:

Title: Substitute resolution amending a special privilege to Wisconsin Marine Bank to keep and maintain nine metal tree grates and guards in the public rights-of-way adjacent to their property located at 1337 South Cesar E. Chavez Drive, to now give permission for seven of the tree grates and guards to remain and change the name of the grantee of the special privilege to 16th Street Community Health Center, Inc., in the 12th Aldermanic District in the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments:

Date	Ver.	Action By	Action	Result	Tally
2/10/1998	0	COMMON COUNCIL	ASSIGNED TO		
2/10/1998	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
3/25/1998	1	CITY CLERK	DRAFT SUBMITTED		
3/25/1998	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
4/7/1998	1	COMMON COUNCIL	ADOPTED	Pass	14:0
4/13/1998	1	MAYOR	SIGNED		

971642
SUBSTITUTE
80-687
THE CHAIR

Substitute resolution amending a special privilege to Wisconsin Marine Bank to keep and maintain nine metal tree grates and guards in the public rights-of-way adjacent to their property located at 1337 South Cesar E. Chavez Drive, to now give permission for seven of the tree grates and guards to remain and change the name of the grantee of the special privilege to 16th Street Community Health Center, Inc., in the 12th Aldermanic District in the City of Milwaukee.

- Analysis -

Substitute resolution amending a special privilege to Wisconsin Marine Bank to keep and maintain nine metal tree grates and guards in the public rights-of-way on the west side of South Cesar E. Chavez Drive and the north side of West Greenfield Avenue adjacent to the building known as 1337 South Cesar E. Chavez Drive, to now give permission for seven of the tree grates and guards to remain and to change the name of the grantee of the special privilege to 16th Street Community Health Center, Inc.

Whereas, Wisconsin Marine Bank was granted a special privilege under Common Council Resolution File Number 80-687, on July 29, 1980, to keep and maintain nine metal tree grates and guards in the public rights-of-way; and

Whereas, Field inspection has found that two of the tree grates and guards have been removed from the public right-of-way and this should be reflected in the special privilege; and

Whereas, The current owner of the property is 16th Street Community Health Center, Inc. and should now be named as the grantee of the special privilege; and

Whereas, Placement of the remaining tree grates and guards in the public rights-of-way can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 80-687 is hereby rescinded; and, be it

Further Resolved, By the Common Council of Milwaukee that 16th Street Community Health Center, Inc., 1337 South 16th Street, Milwaukee, WI 53204-2712, is hereby granted the following special privileges:

1. To keep and maintain five metal tree grates and ornamental guards in the 10-foot wide, fully concrete paved public sidewalk area on the west side of South Cesar E. Chavez Drive adjacent to the premises known as 1337 South Cesar E. Chavez Drive. The 4.0-foot square metal tree grates shall abut the curb. Said grates shall be centered approximately 7.5 feet east of the westline of South Cesar E. Chavez Drive at distances of approximately 56, 86, 131, 190, and 239 feet north of the northline of West Greenfield Avenue. Said grates shall be flush with the surrounding abutting sidewalk.

2. To keep and maintain two metal tree grates and guards in the 12-foot wide, fully concrete paved public sidewalk area on the north side of West Greenfield Avenue, adjacent to the premises known as 1337 South Cesar E. Chavez Drive. The 4.0-foot square metal tree grates shall be centered on a line 3.0 feet north of and parallel to the north curb face of West Greenfield Avenue, at distances of approximately 33.5 and 113 feet west of the westline of South Cesar E. Chavez Drive. Said grates shall be flush with the surrounding abutting sidewalk.

The tree grates shall be designed such that they can sustain a live load of 250-pounds per square foot and such that the openings in the grating do not exceed 3/4 inch in the direction of travel. The tree guards shall surround the trees forming a protective open-web column approximately 6.0-feet in height and 1.5 feet in diameter. The cost of alteration to any City of Milwaukee facilities required due to implementation of the permission granted herein, shall be borne by the applicant.

All installations made pursuant to this special privilege shall be designed and maintained to the approval of the Commissioner of Public Works.

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, 16th Street Community Health Center, 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 \$1,000.00 such bond to be approved by the City Attorney. The 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 \$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. Both bond and insurance policy shall provide that they shall not be canceled 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 \$70.00. 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 any 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

March 23, 1998

971642