



Legislation Details (With Text)

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**Effective date:**

**Title:** Substitute resolution granting a special privilege to Park Lafayette Property Holdings LLC to construct and maintain various items in the public right-of-way for the premises at 2000-2038 North Prospect Avenue, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Cover Letter, 2. Petition, 3. Map, 4. Photos, 5. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
11/2/2011	0	COMMON COUNCIL	ASSIGNED TO		
11/3/2011	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
5/4/2012	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/4/2012	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/9/2012	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
5/22/2012	1	COMMON COUNCIL	ADOPTED	Pass	11:0
6/1/2012	1	MAYOR	SIGNED		

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 SUBSTITUTE 1  
 070959  
 THE CHAIR

Substitute resolution granting a special privilege to Park Lafayette Property Holdings LLC to construct and maintain various items in the public right-of-way for the premises at 2000-2038 North Prospect Avenue, in the 3<sup>rd</sup> Aldermanic District.

This resolution grants a special privilege to Park Lafayette Property Holdings LLC to construct and maintain a private storm water discharge manhole, a concrete platform, six private light fixtures, four moveable planters, two security phones, and two banner signs in the public right-of-way for the premises at 2000-2038 North Prospect Avenue.

Whereas, Renaissance Lafayette LLC requested permission to construct and maintain a storm water discharge metering manhole for the subject premises, which could not be constructed on private property due to a construction error; and

Whereas, A site visit revealed the presence of a concrete platform, moveable planters, light fixtures, flag signs, and security phones in the public right-of-way; and

Whereas, Park Lafayette Property Holdings LLC became owner of the property after the original owner suffered financial difficulties; and

Whereas, Said items may only legally encroach into the public right-of-way by 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 Park Lafayette Property Holdings LLC, 1918 East Lafayette Place, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain a 4-foot diameter storm water discharge metering manhole in the north, 15-foot wide sidewalk area of East Lafayette Place. Said manhole is centered approximately 92 feet east of the eastline of North Prospect Avenue and 2 feet south of the northline of East Lafayette Place. The manhole structure is topped by a 2-foot 9-inch diameter cover, which is buried under landscape mulch.
2. To construct and maintain a concrete platform projecting 4 feet 11 inches into the east, 18-foot wide sidewalk area of North Prospect Avenue. Said 6-inch tall platform commences at a point approximately 255 feet north of the northline of East Lafayette Place and extends 21 feet to the south.
3. To install and maintain six private light fixtures within at-grade planting beds located between the sidewalk and the property line. Four of said light fixtures are located in the 18-foot wide, east sidewalk area of North Prospect Avenue and two are located in the 15-foot wide, north sidewalk area of North Lafayette Place. Said light fixtures are 6 inches tall and 8 inches in diameter.
4. To install and maintain two, 5-foot tall and 11-inch wide security telephone stations. The first security phone projects 7 inches into the north, 15-foot wide sidewalk area of East Lafayette Place and is centered approximately 220 feet east of the eastline of North Prospect Avenue. The second phone projects 11 inches into the east, 18-foot wide sidewalk area of East Prospect Avenue and is centered approximately 195 feet north of the northline of East Lafayette Place.
5. To install and maintain four, 3-foot diameter moveable planters in the public way. Two of said planters are centered about each building entrance with one entrance located on North Prospect Avenue and the second located on East Lafayette Place.
6. To install and maintain two banner signs centered about the building entrance on East Lafayette Place. The signs are attached to PVC poles that are set into 2-foot square metal bases. The signs, poles and sign bases can be removed from or relocated within the public right-of-way.

Said 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, Park Lafayette Property Holdings 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 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 \$852.87. 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 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:cm

April 25, 2012

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