



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Passed

**File created:** 2/6/2007      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 4/17/2007

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to Breof BNK Midwest, LLC for encroachment into the public right-of-way of monitoring wells, pipes, manholes, snow chutes and banner poles for the premises at 543 North Water Street, in the 4th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition.PDF, 2. Fiscal Note, 3. DPW cover letter, 4. Picture 1, 5. Picture 2, 6. Picture 3, 7. Picture 4

Date	Ver.	Action By	Action	Result	Tally
2/6/2007	0	COMMON COUNCIL	ASSIGNED TO		
2/7/2007	1	PUBLIC WORKS COMMITTEE	REFERRED TO		
3/16/2007	1	CITY CLERK	DRAFT SUBMITTED		
3/23/2007	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/28/2007	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
4/17/2007	1	COMMON COUNCIL	ADOPTED	Pass	15:0
4/24/2007	1	MAYOR	SIGNED		

061336  
 SUBSTITUTE 1  
 950785  
 921510  
 78-132-b  
 THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Breof BNK Midwest, LLC for encroachment into the public right-of-way of monitoring wells, pipes, manholes, snow chutes and banner poles for the premises at 543 North Water Street, in the 4<sup>th</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Breof BNK Midwest, LLC for encroachment into the public right-of-way of monitoring wells, pipes, manholes, show chutes and banner poles for the premises at 543 North Water Street.

Whereas, Bank One Corporation requested permission to install and maintain monitoring wells, pipes, manholes, and show chutes for its parking structure; and

Whereas, Permission for said monitoring wells, pipes and manholes was granted in 1994 under Common Council File Number 921510; and

Whereas, Permission for said snow chutes was granted in 1995 under Common Council Resolution File Number 950785; and

Whereas, Marine National Exchange Bank requested permission to install and maintain banner poles adjacent to its

property; and

Whereas, Permission for said banner poles was granted in 1979 under Common Council Resolution File Number 78-132-b; and

Whereas, Common Council Resolution File Number 78-132-b also granted permission to seven other property owners for banner poles adjacent to their respective properties, so only that portion of the special privilege for banners abutting 543 North Water Street can be rescinded if this resolution is adopted; and

Whereas, Breof BNK Midwest, LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, 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 921510 and 950785 are hereby rescinded; and, be it

Further Resolved, That Items number 1(3) and 3(4) of Common Council Resolution File Number 78-132-b is hereby rescinded; and, be it

Further Resolved, That Breof BNK Midwest, LLC, 111 East Wisconsin Avenue, Suite 100, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To keep and maintain five monitoring wells in the public right-of-way for the parking structure at 501 North Water Street. Two monitoring wells are located in North Water Street approximately 36 feet and 95 feet north of the northline of East Clybourn Street and 1-foot east or the westline and 1 foot west of the eastline of North Water Street, respectively. Three monitoring wells are located in East Clybourn Street approximately 5 feet south of the northline of East Clybourn Street and 21 and 84 feet west of the westline of North Water Street; and 10 feet north of the southline of East Clybourn Street and 17 feet west of the westline of North Water Street. All of said monitoring wells are flush with the surrounding sidewalk pavement and are 9 inches in diameter.
2. To keep and maintain two 4-inch diameter PVC pipes and one 2-inch diameter electrical conduit. The pipes begin 83 feet west of the westline of North Water Street and extend east to a point 2 feet 6 inches east of the westline of North Water Street where they turn north and extend to a point 55 feet north of the northline of East Clybourn Street.
3. To keep and maintain a concrete utility trench for monitoring wells, pipe and electrical conduit abutting 501 North Water Street in North Water Street and East Clybourn Street. The utility trench contains eight wellheads, one 2-inch and one 4-inch steel pipe and an electrical conduit. The 2-foot 6-inch wide by 2-foot 6-inch deep trench can be access via manhole covers at nine locations, seven in East Clybourn Street and two in North Water Street. Said utility trench commences at a point 78 feet 10 inches west of the westline of North Water Street, extends east to the westline of North Water Street where it turns and extends north to a point approximately 28 feet north of the northline of East Clybourn Street.
4. To keep and maintain a snow chute on the north side of East Clybourn Street centered approximately 37 feet west of the westline of North Water Street. Said snow chute projects 2 feet into the north sidewalk area of East Clybourn Street at a minimum elevation of 10 feet above the adjacent sidewalk grade. Said 40-foot long, from top to bottom, snow chute is 6 feet wide at the top and 4 feet wide at the bottom.
5. To keep and maintain a snow chute on the south side of East Michigan Street centered approximately 70 feet west of the westline of North Water Street. Said snow chute projects 2 feet into the south sidewalk area of East Michigan Street at a minimum elevation of 10 feet above the adjacent sidewalk grade. Said 40-foot long, from top to bottom, snow chute is 6 feet wide at the top and 4 feet wide at the bottom.

6. To keep and maintain three 3½-inch diameter steel banner poles in the west sidewalk area of North Water Street between East Wisconsin Avenue and East Michigan Street. Said banner support poles are 17 feet 6 inches tall and extend 6 feet below grade. Said banner poles cannot be used to advertise a particular business.

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, Breof BNK Midwest, 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 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 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 \$273.91. 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 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:lja  
March 8, 2007  
061336