



## Legislation Details (With Text)

|                        |  |                      |                        |
|------------------------|--|----------------------|------------------------|
| <b>File #:</b>         | 071000   | <b>Version:</b>      | 1                      |
| <b>Type:</b>           | Resolution   | <b>Status:</b>       | Passed                 |
| <b>File created:</b>   | 11/9/2007  | <b>In control:</b>   | PUBLIC WORKS COMMITTEE |
| <b>On agenda:</b>      |  | <b>Final action:</b> | 3/18/2008              |
| <b>Effective date:</b> |  |                      |                        |
| <b>Title:</b>          | Substitute resolution amending a special privilege for change of ownership to Wheaton Franciscan Healthcare-St. Joseph, Inc. for encroachment into the public right-of-way of items previously granted permission and addition of curb extensions, gate swings and bollards for the premises at 3001 North 51st Street, in the 10th Aldermanic District. |                      |                        |
| <b>Sponsors:</b>       | THE CHAIR  |                      |                        |
| <b>Indexes:</b>        | SPECIAL PRIVILEGE PERMITS  |                      |                        |
| <b>Attachments:</b>    | 1. Petition for a Special Privilege, 2. Fiscal Note, 3. Cover letter, 4. map, 5. pictures, 6. Hearing notice list  |                      |                        |

| Date       | Ver. | Action By              | Action                   | Result | Tally |
|------------|------|------------------------|--------------------------|--------|-------|
| 11/9/2007  | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 11/13/2007 | 0    | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 2/12/2008  | 1    | CITY CLERK             | DRAFT SUBMITTED          |        |       |
| 2/27/2008  | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 3/5/2008   | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 5:0   |
| 3/18/2008  | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 14:0  |
| 3/27/2008  | 1    | MAYOR                  | SIGNED                   |        |       |

071000  
SUBSTITUTE 1  
021440  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Wheaton Franciscan Healthcare-St. Joseph, Inc. for encroachment into the public right-of-way of items previously granted permission and addition of curb extensions, gate swings and bollards for the premises at 3001 North 51<sup>st</sup> Street, in the 10<sup>th</sup> Aldermanic District. This resolution amends a special privilege for change of ownership to Wheaton Franciscan Healthcare-St. Joseph, Inc. for encroachment into the public right-of-way of items previously granted permission and addition of curb extensions, metal gate swings and bollards for the premises at 3001 North 51<sup>st</sup> Street.

Whereas, St. Joseph's Regional Medical Center, Inc. requested permission to construct and maintain an elevator tower, ramp, stairs and excess door swing leading to the upper floors of the parking structure at 3001 North 51<sup>st</sup> Street, as well as to keep and maintain the existing tree grates and pedestrian-scale lights with electrical conduits located on North 51<sup>st</sup> Street; and

Whereas, Permission for said items was granted in 2003 under Common Council File Number 021440; and

Whereas, Wheaton Franciscan Healthcare-St. Joseph, Inc. now owns the property; and

Whereas, A site visit to confirm the presence of items revealed that items were moved or never installed; and

Whereas, The aforementioned site visit revealed the presence of curb extensions, metal gate swings and bollards encroaching into the public right-of-way; and

Whereas, Said curb extensions, metal gate swings and bollards 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 to be formally transferred to the current property owner for items previously granted permission, 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 Number 021440 is hereby rescinded; and, be it

Further Resolved, That Wheaton Franciscan Healthcare-St. Joseph, Inc., 5000 West Chambers Street, Milwaukee, WI 53210, is hereby granted the following special privileges:

1. To keep and maintain an elevator tower projecting 6 feet 3 inches into the 16-foot wide west sidewalk area. Said tower is constructed of glass, drywall and steel and rises four stories above the sidewalk. The enclosure begins approximately 42 feet north of the north line of West Chambers Street and extends north 16 feet 4 inches.
2. To keep and maintain a barrier free access ramp with metal handrail in the west, 16-foot wide sidewalk area of North 51<sup>st</sup> Street. The south portion of said ramp commences at a point approximately 18 feet north of the northline of West Chambers Street and extends north 11 feet 6 inches. The southern ramp section encroaches 6 feet 4 inches. The north portion of said ramp commences at a point approximately 24 feet north of the northline of West Chambers Street and extends north 12 feet 5 inches. The northern ramp section encroaches 1 foot 1 inch.
3. To keep and maintain six, 5-foot diameter tree grates located in the 16-foot wide west sidewalk area of North 51<sup>st</sup> Street centered approximately 11 feet 6 inches east of the westline of North 51<sup>st</sup> Street and 58, 104, 443, 471, 494, and 521 feet south of the southline of West Burleigh Street
4. To keep and maintain three, 5-foot diameter tree grates in the 16-foot wide east sidewalk area of North 51<sup>st</sup> Street centered approximately 11 feet 6 inches west of the eastline of North 51<sup>st</sup> Street and 87, 163, and 487 feet south of the southline of West Burleigh Street.
5. To keep and maintain eight, 9-foot high pedestrian-scale lights located in the 16-foot wide west sidewalk area of North 51<sup>st</sup> Street centered approximately 8 feet east of the westline of North 51<sup>st</sup> Street and 213, 245, 276, 308, 343, 372, 395 and 416 feet south of the southline of West Burleigh Street.
6. To keep and maintain nine, 9-foot high pedestrian-scale lights located in the 16-foot wide east sidewalk area of North 51<sup>st</sup> Street centered approximately 8 feet west of the eastline of North 51<sup>st</sup> Street and 213, 245, 267, 287, 308, 343, 372, 395, and 416 feet south of the southline of West Burleigh Street.
7. To keep and maintain underground conduit for the electrical wiring for the lights in items 5 and 6 above.
8. To keep and maintain curb extensions for a driveway in the public right-of-way located in the 11-foot wide north sidewalk area of West Chambers Street. Said curb extensions are centered approximately 100 feet east of the eastline of North 52<sup>nd</sup> Street and are approximately 1 foot wide.
9. To keep and maintain two metal gates that swing into the east 16-foot wide sidewalk area of North 52<sup>nd</sup> Street. Said metal gates are 9 feet 6 inches wide and project 2 feet 6 inches into the sidewalk area.
10. To keep and maintain five, 3-foot 6-inch tall, 6-inch diameter bollards located 7 feet 9 inches east of the eastline of North 51<sup>st</sup> Street adjacent to the aforementioned elevator tower within the west 16-foot wide sidewalk area of North 51<sup>st</sup> street. Said bollards are spaced evenly along the 16-foot 4-inch long tower enclosure.

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, Wheaton Franciscan Healthcare-St. Joseph, 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. 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 \$967.84. 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:lja  
February 4, 2008  
071000