



Legislation Details (With Text)

**File #:** 070586      **Version:** 1

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

**File created:** 7/31/2007      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 9/25/2007

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to 433 Michigan, LLC for encroachment into the public right-of-way of underground conduit and vertical precast concrete pilasters for the premises at 433 East Michigan Street, in the 4th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition for Special Privilege, 2. Fiscal Note, 3. cover letter, 4. Picture 1, 5. Picture 2, 6. Map

Date	Ver.	Action By	Action	Result	Tally
7/31/2007	0	COMMON COUNCIL	ASSIGNED TO		
8/1/2007	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
8/29/2007	1	CITY CLERK	DRAFT SUBMITTED		
9/7/2007	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/12/2007	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/25/2007	1	COMMON COUNCIL	ADOPTED	Pass	14:0
10/2/2007	1	MAYOR	SIGNED		

070586  
 SUBSTITUTE 1  
 911716  
 010705  
 THE CHAIR

Substitute resolution amending a special privilege for change of ownership to 433 Michigan, LLC for encroachment into the public right-of-way of underground conduit and vertical precast concrete pilasters for the premises at 433 East Michigan Street, in the 4<sup>th</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to 433 Michigan, LLC for encroachment into the public right-of-way of underground conduit and vertical precast concrete pilasters for the premises at 433 East Michigan Street.

Whereas, Universal Foods Corporation requested permission to install and maintain underground conduit; and

Whereas, Permission for said underground conduit was granted in 1992 under Common Council File Number 911716; and

Whereas, Lesaffre Yeast Corporation requested permission to keep and maintain concrete pilasters; and

Whereas, Permission for said concrete pilasters was granted in 2001 under Common Council File Number 010705; and

Whereas, 433 Michigan, 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 911716 and 010705 are hereby rescinded; and, be it

Further Resolved, That 433 Michigan, LLC, 433 East Michigan Street, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To keep and maintain two  $\frac{3}{4}$ -inch conduits underneath the public alley 130 feet north of the northline of East Clybourn Street. The conduits are installed approximately 2 feet below grade at a point approximately 130 feet north of the northline of East Clybourn Street to cross the 14-foot wide north-south alley located between North Jefferson Street and North Milwaukee Street.
2. To keep and maintain thirteen vertical precast concrete pilasters that encroach into the south 12-foot wide public right-of-way of East Michigan Street and the west 15-foot wide public right-of-way of North Jefferson Street. The 9-inch wide pilasters extend into the public rights-of-way approximately four inches at sidewalk level and seventeen inches at the cornices of the five story building. The pilasters are centered approximately 1, 16, 31, 46, 61 and 76 feet west of the westline of North Jefferson Street and approximately 51, 68, 84, 101, 118, 134 and 151 feet south of the southline of East Michigan Street.

Said above-mentioned underground conduit and concrete pilasters shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said underground conduit and concrete pilasters 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, 433 Michigan, 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 \$10,000 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 \$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 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 \$80.12. 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  
August 16, 2007  
070586