



Legislation Details (With Text)

**File #:** 010525      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 8/2/2001      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 12/13/2005  
**Effective date:**

**Title:** Substitute resolution formally granting a special privilege to Milwaukee City Center, LLC d/b/a the Hilton Milwaukee City Center for encroachment into the public right-of-way of 20 planters, 2 benches, 2 ash cans and 2 doors on North 5th Street; 2 tree grates on North 6th Street; and 2 planting beds with concrete curbs, 13 planters and 2 doors on West Wisconsin Avenue for the building at 509 West Wisconsin Avenue.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition for Special Privilege-amendment; Maps, Description, 2. DPW letter, 3. Fiscal Note

Date	Ver.	Action By	Action	Result	Tally
8/2/2001	0	COMMON COUNCIL	ASSIGNED TO		
8/13/2001	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/31/2005	1	CITY CLERK	DRAFT SUBMITTED		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/22/2005	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
12/13/2005	1	COMMON COUNCIL	ADOPTED	Pass	15:0
12/20/2005	1	MAYOR	SIGNED		

010525  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution formally granting a special privilege to Milwaukee City Center, LLC d/b/a the Hilton Milwaukee City Center for encroachment into the public right-of-way of 20 planters, 2 benches, 2 ash cans and 2 doors on North 5<sup>th</sup> Street; 2 tree grates on North 6<sup>th</sup> Street; and 2 planting beds with concrete curbs, 13 planters and 2 doors on West Wisconsin Avenue for the building at 509 West Wisconsin Avenue.

This resolution formally grants a special privilege to Milwaukee City Center, LLC d/b/a the Hilton Milwaukee City Center to keep, use and maintain 17 moveable planters, 1 planting bed with concrete curbs, 4 benches, 3 excess door swing encroachments and 1 trash receptacle in the public right-of-way of North 5<sup>th</sup> Street; 5 tree grates in the public right-of-way of West Michigan Street; 7 tree grates, 4 light fixtures, 2 moveable planters and 1 trash receptacle in the public right-of-way of North 6<sup>th</sup> Street; and 2 planting beds with concrete curbs, 2 excess door swing encroachments and 4 moveable planters in the public right-of-way of West Wisconsin Avenue adjacent to the building at 509 West Wisconsin Avenue.

Whereas, Milwaukee City Center, LLC d/b/a the Hilton Milwaukee City Center has renovated the building at 509 West Wisconsin Avenue and has applied for a special privilege to construct and maintain several items as enumerated in the title above for the building at 509 West Wisconsin Avenue; and

Whereas, The actual number, type and location of all of the items encroaching into the public right-of-ways abutting the building at 509 West Wisconsin Avenue was confirmed on several site visits and is enumerated in the title above; and

Whereas, These 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 Milwaukee City Center, LLC, 100 East Wisconsin Avenue #1950, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To keep and maintain an in-ground, raised planter edged by a concrete curb centered approximately 51 feet north of the northline of West Michigan Street and 9 feet 10 inches east of the westline of North 5<sup>th</sup> Street in the west, 15-foot wide sidewalk area. Said planter, including edging, is approximately 5 feet 4 inches wide and 26 feet 11 inches long and is edged with a concrete curb that is 7 inches tall and 7 inches wide.
2. To keep and maintain six moveable planters in the west, 15-foot wide sidewalk area of North 5<sup>th</sup> Street centered approximately 80, 90, 145, 155, 330 and 352 feet north of the northline of West Michigan Street and 12, 1, 1, 12, 12 and 12 feet east of the westline of North 5<sup>th</sup> Street respectively. Said planters are all 2 feet 6 inches in diameter and 2 feet 4 inches tall.
3. To keep and maintain five moveable planters in the west, 15-foot wide sidewalk area of North 5<sup>th</sup> Street centered approximately 240, 268, 303, 330 and 350 feet north of the northline of West Michigan Street and 2, 2, 2, 12 and 12 feet east of the westline of North 5<sup>th</sup> Street. Said planters are all 2 feet in diameter and 1 foot 9 inches tall.
4. To keep, use and maintain four metal benches in the west, 15-foot wide sidewalk area centered approximately 310 and 322 feet north of the northline of West Michigan Street and 62 and 72 feet south of the southline of West Wisconsin Avenue. All four of the benches are approximately 3 feet east of the westline of North 5<sup>th</sup> Street. Said benches are 6 feet long, 2 feet 6 inches wide, and 2 feet 6 inches tall.
5. To keep, use and maintain a trash receptacle in the 15-foot wide, west sidewalk area of North 5<sup>th</sup> Street centered approximately 5 feet south of the southline of West Wisconsin Avenue and 12 feet east of the westline of North 5<sup>th</sup> Street. Said trash receptacle is 1 foot 10 inches wide and long and is 3 feet 8 inches tall.
6. To keep and maintain six square moveable planters in the west, 15-foot wide sidewalk area of North 5<sup>th</sup> Street centered approximately 1 foot 4 inches east of the westline of North 5<sup>th</sup> Street and 18, 25, 33, 40, 47 and 53 feet south of the southline of West Wisconsin Avenue. Said planters are 2 feet long, wide and tall.
7. To keep, use and maintain three excess door swing encroachments into the west, 15-foot wide sidewalk area of North 5<sup>th</sup> Street centered approximately 7, 13 and 185 feet south of the southline of West Wisconsin Avenue. All three of the doors are flush with the property line such that they project 3 feet into the public right-of-way when fully opened.
8. To keep and maintain five tree grates in the 12-foot wide, north sidewalk area of West Michigan Street

centered approximately 8 feet south of the northline of West Michigan Street and 23, 73, 135, 198 and 280 feet west of the westline of North 5<sup>th</sup> Street. All of said tree grates are 4 feet wide and 12 feet long and are flush with the surrounding sidewalk.

9. To keep and maintain seven tree grates in the 12-foot wide, south sidewalk area of North 6<sup>th</sup> Street centered approximately 12 feet west of the eastline of North 6<sup>th</sup> Street and 23, 78, 143, 215 and 278 feet north of the northline of West Michigan Street. All of said tree grates are 4 feet wide and 6 feet long and are flush with the surrounding sidewalk.
10. To keep and maintain four round 6-inch diameter lights which project 6 inches into the 12-foot wide, south sidewalk area of North 6<sup>th</sup> Street and are mounted to the building face approximately 2 feet 8 inches above the surrounding sidewalk, which does not meet the minimum requirements for electrical lighting fixtures as found in Sec. 245-4-25 of the City of Milwaukee Code of Ordinances. Said lights are centered approximately 78, 143, 215 and 278 feet north of the northline of West Michigan Street.
11. To keep and maintain two moveable planters in the east, 12-foot wide sidewalk area of North 6<sup>th</sup> Street centered approximately 2 feet west of the eastline of North 6<sup>th</sup> Street and 320 and 333 feet north of the northline of West Michigan Street. Said planters are both 2 feet in diameter and 1 foot 9 inches tall.
12. To keep, use and maintain a trash receptacle in the east, 12-foot wide sidewalk area of North 6<sup>th</sup> Street centered approximately 350 feet north of the northline of West Michigan Street and 12 feet west of the eastline of North 6<sup>th</sup> Street. Said trash receptacle is 1 foot 10 inches wide and long and is 3 feet 8 inches tall.
13. To keep and maintain two in-ground, raised planters edged by concrete curbing in the 16-foot 6 inch wide south sidewalk area of West Wisconsin Avenue centered approximately 13 feet north of the southline of West Wisconsin Avenue and 30 and 75 feet east of the eastline of North 6<sup>th</sup> Street. Both planters have a total width of 5 feet and a total length of 8 feet 10 inches and are surrounded by concrete curbing which measures 7 inches tall and 7 inches wide.
14. To keep and maintain two moveable planters in the 16-foot 6-inch wide south sidewalk area of West Wisconsin Avenue centered approximately 13 feet 6 inches north of the southline of West Wisconsin Avenue and 243 and 263 feet east of the eastline of North 6<sup>th</sup> Street. Said planters are both 2 feet 6 inches in diameter and 2 feet 4 inches tall.
15. To keep and maintain two square moveable planters in the 16-foot 6-inch wide south sidewalk area of West Wisconsin Avenue centered approximately 2 feet north of the southline of West Wisconsin Avenue and 248 and 258 feet east of the eastline of North 6<sup>th</sup> Street. Said planters are 2 feet long, wide and tall.
16. To keep, use and maintain two excess door swing encroachments into the south, 16-foot 6-inch wide sidewalk area of West Wisconsin Avenue centered approximately 7 and 135 feet west of the westline of North 5<sup>th</sup> Street. Both of the doors are flush with the property line such that they project 3 feet into the public right-of-way when fully opened.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Approval for the plant materials shall be obtained from the City Forester. All plant materials in the raised, in-ground planters and in the moveable planters shall be placed, maintained, replaced and removed at no expense

to the City of Milwaukee.

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, Milwaukee City Center, 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 \$100,000 covering bodily injury to any one person and \$200,000 covering bodily injury to more than one person in any one accident and \$40,000 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 \$986.25. 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 no 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 the Department 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  
October 21, 2005  
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