



Legislation Details (With Text)

File #: 070998 **Version:** 1

Type: Resolution **Status:** Passed

File created: 11/9/2007 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 2/26/2008

Effective date:

Title: Substitute resolution amending a special privilege for change of ownership to Wheaton Franciscan Healthcare - St. Joseph, Inc. to keep and maintain brick piers, seat walls, ornamental fencing, and an electrical control box in the public right-of-way for the premises at 5000 West Burleigh Street, in the 10th Aldermanic District.

Sponsors: THE CHAIR

Indexes: HOSPITALS, SPECIAL PRIVILEGE PERMITS

Attachments: 1. Petition for a Special Privilege, 2. Cover letter, 3. Fiscal Note, 4. pictures 5000 W Burleigh St, 5. map

Date	Ver.	Action By	Action	Result	Tally
11/9/2007	0	COMMON COUNCIL	ASSIGNED TO		
11/13/2007	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
1/31/2008	1	CITY CLERK	DRAFT SUBMITTED		
2/8/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/13/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
2/26/2008	1	COMMON COUNCIL	ADOPTED	Pass	14:0
3/5/2008	1	MAYOR	SIGNED		

070998
SUBSTITUTE 1
980162
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Wheaton Franciscan Healthcare - St. Joseph, Inc. to keep and maintain brick piers, seat walls, ornamental fencing, and an electrical control box in the public right-of-way for the premises at 5000 West Burleigh Street, in the 10th Aldermanic District.
This resolution amends a special privilege for change of ownership to Wheaton Franciscan Healthcare - St. Joseph, Inc. to keep and maintain brick piers, seat walls, ornamental fencing, and an electrical control box in the public right-of-way for the premises at 5000 West Burleigh Street.

Whereas, Permission for piers, seat walls, ornamental fencing and an electrical control box to occupy the public right-of-way was granted to Wheaton Franciscan Healthcare - St. Joseph's Hospital under Common Council Resolution File Number 980162 in 2007; and

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

Whereas, For the liability to be formally transferred to the current owner for said items, 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Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 980162 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Wheaton Franciscan Healthcare - St. Joseph, Inc. Attn: Ronald Groepper, 5000 West Chambers Street, Milwaukee, Wisconsin 53210, is hereby granted the following special privileges:

1. To keep and maintain two brick piers connected by a masonry seat wall in the eastern most sidewalk area of North Gengler Circle. The east pier measures 1 foot 6 inches square; the west pier measures 1 foot 10 inches square. The 2-foot tall seat wall is 1-foot 1-inch wide and 11 feet 10 inches long. Said structure of piers and seat wall is centered 9 feet 6 inches north of the northline of West Burleigh Street and commences at a point approximately 11 feet west of the eastline of North Gengler Circle and ends 15 feet to the west. Total area of the both piers and seat wall is 18.65 square feet.
2. To keep and maintain two brick piers connected by a masonry seat wall in the western sidewalk area of North Gengler Circle. The west pier measures 1 foot 6 inches square; the east pier measures 1 foot 10 inches square. The 2-foot tall seat wall is 1-foot 1-inch wide and 11 feet 8 inches long. Said structure of piers and seat wall is centered 9 feet 6 inches north of the northline of West Burleigh Street and commences at a point approximately 11 feet east of the westline of North Gengler Circle and ends 15 feet to the west. Total area of both piers and seat wall is 18.36 square feet.
3. To keep and maintain an electrical control box in the east-west alley in the block bounded by North 49th Street, North 50th Street, West Auer Street and West Burleigh Street. Said box is centered on the eastline of North Gengler Circle and a point approximately 11 feet north of the southline of the east-west alley. Said electrical control box is 10 inches long and 5 inches wide.
4. To keep and maintain two 6-foot tall, line fences crossing the 18-foot wide east-west alley in the block bounded by North 49th Street, North 50th Street, West Auer Street and West Burleigh Street. The west fence commences at the southline of the alley at the westline of North Gengler Circle and intercepts the northline of the alley at a point approximately 7 feet east of the westline of North Gengler Circle. The east fence crosses the alley at a point approximately 12 feet 6 inches east of the eastline of North Gengler Circle.

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 \$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 \$101.77. 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

January 25, 2008

070998