



## Legislation Details (With Text)

<b>File #:</b>	021742	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	3/25/2003	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	6/3/2003
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting a special privilege to Grand View Development Partners, LLC, to construct four raised granite planters located within the public right-of-way of East Wisconsin Avenue, adjacent to the premises known as 875 East Wisconsin Avenue, in the 4th Aldermanic District in the City of Milwaukee.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Special Privilege Petition and Drawing.PDF, 2. Cover Letter.pdf, 3. Fiscal Note.pdf		

Date	Ver.	Action By	Action	Result	Tally
3/25/2003	0	COMMON COUNCIL	ASSIGNED TO		
3/26/2003		PUBLIC WORKS COMMITTEE	REFERRED TO		
5/16/2003	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/16/2003	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/19/2003	0	CITY CLERK	DRAFT SUBMITTED		
5/20/2003	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
6/3/2003	1	COMMON COUNCIL	ADOPTED	Pass	16:0
6/11/2003	1	MAYOR	SIGNED		

021742

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Grand View Development Partners, LLC, to construct four raised granite planters located within the public right-of-way of East Wisconsin Avenue, adjacent to the premises known as 875 East Wisconsin Avenue, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee. This special privilege grants the applicant permission to locate four raised granite planters in the public right-of-way of East Wisconsin Avenue within the 20-foot wide sidewalk area on the south side of East Wisconsin Avenue adjacent to the property known as 875 East Wisconsin Avenue.

Whereas, Grand View Development Partners, LLC, proposes to place and maintain four 5.5-foot by 16-foot rectangular granite planters, which are to be located in the public right-of-way on the south side of East Wisconsin Avenue, adjacent to 875 East Wisconsin Avenue abutting a new building being constructed; and

Whereas, The planters are to be constructed of granite and are to be 10 inches in height and similar to those soon to be placed on West Wisconsin Avenue between North 2<sup>nd</sup> and North 4<sup>th</sup> Street as a part of The Milwaukee Downtown Primary Pedestrian Corridors Development Project (Streetscape), that ultimately will extend to the east end of East Wisconsin Avenue; and

Whereas, Since it is highly probable that the new building will be completed and occupied prior to the Streetscaping project getting there and since the developer wants to have streetscaping now, they have decided to undertake the work at this time with a special privilege; and

Whereas, The planters may only legally occupy the City of Milwaukee public right-of-way by the granting of a special privilege; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Grand View Development Partners, LLC, 10201 Innovation Drive, #600, Milwaukee, WI 53226, is hereby granted the following special privilege:

To construct and maintain four 5.5-foot wide, 16-foot long and 10 inch high granite planters within the public right-of-way located as follows: the planters are to be located within the south sidewalk area of East Wisconsin Avenue, near to the curb, adjacent to 875 East Wisconsin Avenue at specific locations that are agreeable to all involved parties.

Said planters shall be constructed and maintained to the approval of the Departments of Public Works and Neighborhood Services/City Development. All necessary permits shall be obtained from the Departments of Public Works and City Development prior to placement of these items in the City of Milwaukee public right-of-way. The plant material shall be approved by and maintained to the satisfaction of the City Forester

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Grand View Development Partners, 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 \$1,000.00 such bond to be approved by the City Attorney. The 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 one 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 canceled 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 \$35.00. 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 any 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

; and, be it

Further Resolved, That this special privilege shall remain in effect until the City receives a written notification from B.I.D. #21 that they are accepting ownership and all responsibility for the planters and plant material.

Department of Public Works

Infrastructure Services Division

JJM:cjt

May 15, 2003

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