



Legislation Details (With Text)

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Title: Substitute resolution amending a special privilege to East Milwaukee Operating Associates, L.P. for encroachment into the public right-of-way of electrical conduit from the building to five trees on Wisconsin Avenue and to remove five concrete planters and five tree grates on Wisconsin Avenue for the premises at 250 East Wisconsin Avenue, in the 4th Aldermanic District of the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Petition for Special Privilege and Drawing.PDF, 2. City Engineer Letter (3-14-06), 3. Fiscal Note, 4. Picture, 5. Picture

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|------------------------|--------------------------|--------|-------|
| 5/3/2005 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 5/4/2005 | 1 | PUBLIC WORKS COMMITTEE | REFERRED TO | | |
| 3/23/2006 | 1 | CITY CLERK | DRAFT SUBMITTED | | |
| 3/27/2006 | 1 | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT | | |
| 3/27/2006 | 1 | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT | | |
| 3/29/2006 | 1 | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass | 5:0 |
| 4/11/2006 | 1 | COMMON COUNCIL | ADOPTED | Pass | 15:0 |
| 4/18/2006 | 1 | MAYOR | SIGNED | | |

050019
SUBSTITUTE
991481
THE CHAIR

Substitute resolution amending a special privilege to East Milwaukee Operating Associates, L.P. for encroachment into the public right-of-way of electrical conduit from the building to five trees on Wisconsin Avenue and to remove five concrete planters and five tree grates on Wisconsin Avenue for the premises at 250 East Wisconsin Avenue, in the 4th Aldermanic District of the City of Milwaukee.

This resolution grants an amended special privilege to East Milwaukee Operating Associates, L.P. for encroachment into the public right-of-way of electrical conduit with electrical outlets from the building to five trees on Wisconsin Avenue and to remove five concrete planters and five tree grates on Wisconsin Avenue. Five tree grates and ten moveable planters in the North Broadway right-of-way will remain.

Whereas, East Milwaukee Operating Associates, L.P. requested a special privilege for tree grates and moveable planters in the public right-of-ways of East Wisconsin Avenue and North Broadway; and

Whereas, Permission was granted in 2000 by adoption of Common Council Resolution File Number 991481; and

Whereas, East Milwaukee Operating Associates, L.P. removed the moveable planters and tree grates from the East Wisconsin Avenue right-of-way in conjunction with the Wisconsin Avenue Streetscape project; and

Whereas, The City of Milwaukee constructed and owns new tree grates around the existing trees as part of the Wisconsin Avenue Streetscape project; and

Whereas, The applicant desires to run electrical wiring to the existing trees and to place electrical outlets within said tree grates; and

Whereas, Said outlets and electrical wiring may only legally encroach into the public right-of-way by the 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 Common Council Resolution File Number 991481 is hereby rescinded; and, be it;

Further Resolved, that East Milwaukee Operating Associates, L.P., 250 East Wisconsin Avenue, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain electrical wiring from the building to five tree box-outs in the north 20-foot wide sidewalk area of East Wisconsin Avenue. Said electrical wiring commences from the building at the eastline of the vacated north-south alley in the block bounded by North Broadway, East Mason Street, North Water Street and East Wisconsin Avenue and runs south approximately 14 feet where it turns and continues 105 feet to the east.
2. To install and maintain five electrical outlets in the north 20-foot wide sidewalk area of East Wisconsin Avenue. Said outlets are centered approximately 14 feet south of the northline of East Wisconsin Avenue and 23, 43, 83, 103 and 123 feet west of the westline of North Broadway.
3. To keep and maintain ten, 30-inch tall, 4-foot by 4-foot square precast concrete moveable planters in the west, 20-foot wide sidewalk area of North Broadway. Four planters are centered approximately 15 feet 6 inches east of the westline of North Broadway and 34, 54, 74 and 94 feet north of the northline of East Wisconsin Avenue. Six planters are centered approximately 15 feet 6 inches east of the westline of North Broadway and 22, 52, 72, 92, 112 and 132 feet south of the southline of East Mason Street.
4. To keep and maintain five 5-foot by 5-foot tree grates in the west 20-foot wide sidewalk area of North Broadway centered approximately 15 feet 6 inches east of the westline of North Broadway and 23, 43, 63, 83 and 103 feet north of the northline of East Wisconsin Avenue.

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, East Milwaukee Operating Associates, L.P., 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 \$5,000.00 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 \$344.00. 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 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 1st 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
March 14, 2006
050019