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Title: Resolution amending a grant of special privilege to Towne Realty Incorporated.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Cover Letter, 2. Fiscal Note, 3. 080600 Hearing notice list

Date	Ver.	Action By	Action	Result	Tally
9/2/2008	0	COMMON COUNCIL	ASSIGNED TO		
9/2/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/4/2008	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
9/16/2008	0	COMMON COUNCIL	ADOPTED	Pass	14:0
9/26/2008	0	MAYOR	SIGNED		

080600
ORIGINAL
071660
THE CHAIR

Resolution amending a grant of special privilege to Towne Realty Incorporated.
This resolution amends Common Council Resolution File Number 071660 adopted July 30, 2008 by inserting certain special privilege items inadvertently omitted from this file.
Whereas, Towne Realty, Inc. requested permission to keep and maintain building projections, overhead cabling and an electric control box in the public right-of-way; and

Whereas, Permission for said building projections was granted under Common Council Resolution File Number 071660; and

Whereas, The overhead cabling and electric control box were inadvertently omitted from Common Council Resolution File Number 071660; and

Whereas, For the liability for the electric control box and overhead cabling to be transferred to the current property owner, the Common Council needs to adopt an amending resolution that includes descriptions of the items; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 071660 is hereby rescinded; and, be it

Further Resolved, That Towne Realty, Inc., 710 North Plankinton Avenue, Suite 1400, Milwaukee, WI 53203, is hereby granted the following special privileges:

1. To keep and maintain a building projection encroaching 1 foot into the north 20-foot sidewalk area of East Wisconsin

Avenue. Said projection commences at a point approximately 129 feet 4 inches west of the westline of North Milwaukee Street and extends west for 6 feet.

2. To keep and maintain three building projections encroaching 2 feet into the north 20-foot sidewalk area of East Wisconsin Avenue. Said building projections are a total of 24 feet 1 inch long. The first projection commences at a point approximately 95 feet 4 inches west of the westline of North Milwaukee Street and extends west 11 feet 10 inches. The second projection commences at a point approximately 111 feet 2 inches west of the westline of North Milwaukee Street and extends west 10 feet. The third projection commences at a point approximately 135 feet 3 inches west of the westline of North Milwaukee Street and extends west 2 feet 4 inches.

3. To keep and maintain two building projections encroaching 2 feet into the west 16-foot 5-inch sidewalk area of North Milwaukee Street. Said projections are a total of 43 feet 1 inch long. The first projection commences at a point approximately 9 feet 6 inches north of the northline of East Wisconsin Avenue and extends north 9 feet. The second projection commences at a point approximately 66 feet 11 inches north of the northline of East Wisconsin Avenue and extends north 34 feet 1 inch.

4. To keep and maintain three pilasters projecting 1 foot 1 inch into the north 20-foot sidewalk area of East Wisconsin Avenue. Each pilaster is 10 inches wide. Said pilasters are centered approximately 41 feet 5 inches, 64 feet 6 inches and 89 feet 8 inches west of the westline of North Milwaukee Street and are located adjacent to the main building entrances on East Wisconsin Avenue.

5. To keep and maintain an electrical disconnect switch control box. Said electrical control box projects into the east side of the 14-foot north-south alley in the block bounded by North Broadway, North Milwaukee Street, East Mason Street and East Wisconsin Avenue. Said electric control box is 54 inches tall, 23 inches wide and 12 inches deep and is centered approximately 55 feet north of the northline of East Wisconsin Avenue. There is a minimum 10-foot clearance between the bottom of the electric control box and the alley pavement below.

6. To keep and maintain an overhead communications cable crossing the 14-foot wide, north-south alley in the block bounded by North Broadway, North Milwaukee Street, East Mason Street and East Wisconsin Avenue. Said cable crosses the alley at a point approximately 50 feet north of the northline of East Wisconsin Avenue and provides a minimum 18-foot clearance between the cable and the alley pavement below. The cable connects the buildings at 312 East Wisconsin Avenue and 324 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, Towne Realty, 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 \$1,000 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 \$1742.02. 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 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: ns

August 5, 2008