



Legislation Text

File #: 991481, Version: 1

991481
SUBSTITUTE
871155
THE CHAIR

Substitute resolution amending a special privilege granted to RREEF Funds to keep and maintain fifteen precast concrete movable planters and ten metal tree grates in the public rights-of-way adjacent to their property located at 250 East Wisconsin Avenue, to now change the name of the grantee of the special privilege to East Milwaukee Operating Associates, LP, and give permission for the movable planters and ten of the tree grates to remain, in the 4th Aldermanic District in the City of Milwaukee.

- Analysis -

Substitute resolution amending a special privilege granted to RREEF Funds to keep and maintain fifteen precast concrete movable planters and eleven metal tree grates in the public rights-of-way adjacent to their property located at 250 East Wisconsin Avenue, to now change the name of the grantee of the special privilege to East Milwaukee Operating Associates, LP, and give permission for the movable planters and ten of the tree grates to remain.

Whereas, RREEF Funds was granted a special privilege under Common Council Resolution File Number 871155 on October 27, 1987, to keep and maintain 15 movable planters and 11 metal tree grates in the public rights-of-way; and

Whereas, Field investigation found one of the tree grates has been removed from the public right-of-way on the north side of East Wisconsin Avenue; and

Whereas, The current owner of the property is East Milwaukee Operating Associates, LP and should now be named as the grantee of the special privilege; and

Whereas, Continued existence of the movable planters and tree grates in the public rights-of-way can only be allowed through the adoption of an amending special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 871155 is hereby rescinded; and, be it

Further Resolved, By the Common Council of Milwaukee that East Milwaukee Operating Associates, LP, 250 East Wisconsin Avenue, Suite 925, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To keep and maintain fifteen, 30-inch high, 4-foot by 4-foot square precast concrete movable planters in the public rights-of-way as follows: Five planters are located in the 20-foot wide north sidewalk area of East Wisconsin Avenue centered approximately 14.5 feet south of the northline of East Wisconsin Avenue and at distances of approximately 13, 32, 53, 73 and 95 feet west of the westline of North Broadway; Four planters are located in the 20-foot wide west sidewalk area of North Broadway centered approximately 15.5 feet east of the westline of North Broadway and at distances of approximately 34, 54, 74 and 94 feet north of the northline of East Wisconsin Avenue; Six planters are located in the 20-foot wide west sidewalk area of North Broadway centered approximately 15.5 feet east of the westline of North Broadway and at distances of approximately 22, 52, 72, 92, 112 and 132 feet south of the southline of East Mason Street.

2. To keep and maintain ten, 5-foot by 5-foot tree grates in the public rights-of-way as follows: Five tree grates are located in the 20-foot wide north sidewalk area of East Wisconsin Avenue centered approximately 14.5 feet south of the northline of East Wisconsin Avenue and at distances of approximately 23, 43, 83, 103 and 123 feet west of the westline of North Broadway; Five tree grates are located in the 20-foot wide west sidewalk area of North Broadway centered approximately 15.5 feet east of the westline of North Broadway and at distances of approximately 23, 43, 63, 83 and 103 feet north of the northline of East Wisconsin Avenue; 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, LP, 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. 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 \$275.00. 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 66.045 of the Wisconsin Statutes (1979), 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.

Infrastructure Services Division

JJM:cjt

February 8, 2000

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