



Legislation Text

File #: 991381, Version: 1

991381
SUBSTITUTE
980564
THE CHAIR

Substitute resolution amending a special privilege granted to Johnson Controls Inc., to construct and maintain a wooden ramped entrance for handicapped access within the public right-of-way adjacent to their property at 514 North Jefferson Street, to now give permission for tree grates and security cameras with conduits to be placed in the public rights-of-way adjacent to 507 East Michigan Street and delete reference to the handicap ramp, in the 4th Aldermanic District in the City of Milwaukee.

Substitute resolution amending a special privilege granted to Johnson Controls Inc. to construct and maintain a wooden ramped entrance for handicapped access within the public right-of-way adjacent to their property at 514 North Jefferson Street, to now give permission for tree grates and security cameras with conduits to be placed in the public rights-of-way adjacent to 507 East Michigan Street and delete reference to the handicap ramp.

Whereas, Johnson Controls Inc. (Johnson) was granted a special privilege under Common Council Resolution File 980564 on September 23, 1998, to place and maintain a wooden ramped entrance in the public right-of-way for interim handicapped access to 514 North Jefferson Street during the time while an addition known as 525 East Michigan Street was being constructed; and

Whereas, Now that the addition is completed with barrier-free access being provided to the building complex by a flush entrance on East Michigan Street, the ramped entrance on North Jefferson Street was no longer necessary so it was removed from the public right-of-way; and

Whereas, Johnson submitted a Petition for a Special Privilege Amendment to install and maintain brick pavers and tree grates in the sidewalk areas on the east side of North Jefferson Street, the south side of East Michigan Street and the west side of North Jackson Street, adjacent to 507 East Michigan Street; and

Whereas, Soon after submitting the Petition, Johnson decided that placing stamped concrete rather than brick pavers would achieve the same textural effect with less probable long-term maintenance and one of their representatives telephoned that intent; and

Whereas, Soon after completion of the building addition Johnson began to notice graffiti on the addition as well as the new building, which then created a proposal to attach closed-circuit security cameras to some City light poles surrounding the building complex; and

Whereas, All of the above work has been undertaken due to the press of the weather; and

Whereas, Placement of tree grates and security cameras with conduits in the public rights-of-way can only be allowed through the adoption of a 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

980564 is hereby rescinded; and, be it

Further Resolved, By the Common Council of Milwaukee that Johnson Controls Inc., 507 East Michigan Street, Milwaukee, WI 53201, is hereby granted the following special privileges based upon "as-built" measurements:

1. To keep and maintain four 4-foot by 6-foot metal tree grates in the 15-foot wide fully paved sidewalk area on the east side of North Jefferson Street. The tree grates shall be centered approximately 12 feet west of the eastline of North Jefferson Street and 46, 106, 149 and 182 feet south of the southline of East Michigan Street. There shall be a minimum of 10 feet of clear sidewalk area for pedestrian use.
2. To keep and maintain five 4-foot by 6-foot metal tree grates in the 12-foot wide sidewalk area on the south side of East Michigan Street. The tree grates shall be centered approximately 9 feet north of the southline of East Michigan Street and 30, 65, 105, 151 and 196 feet east of the eastline of North Jefferson Street. There shall be a minimum of 7 feet of clear sidewalk area for pedestrian use.
3. To keep and maintain four 4-foot by 6-foot metal tree grates in the 16-foot wide sidewalk area on the west side of North Jackson Street. The tree grates shall be centered approximately 13 feet east of the westline of North Jackson Street and 22, 54, 89 and 123 feet south of the southline of East Michigan Street. There shall be a minimum of 11 feet of clear sidewalk area for pedestrian use.

Said tree grates shall be designed and supported such that the minimum live load capacity is 250 pounds per square foot. Openings in the grates shall be positioned such that the maximum opening in the general direction of pedestrian travel is $\frac{3}{4}$ inches. The tree grates shall be installed and maintained in a manner satisfactory to the Departments of Public Works and Neighborhood Services.

4. To keep and maintain closed-circuit security cameras attached to City street light poles at the following locations:
 - a. In East Michigan Street, approximately 55 and 124 feet east of the eastline of North Jefferson Street.
 - b. In North Jefferson Street, approximately 173 feet south of the southline of East Michigan Street.

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Johnson Controls 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 \$7,000.00 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 \$250,000 covering bodily injury to any one person and \$500,000 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 \$113.87. 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.
7. Join and continue to be a member of Diggers Hotline, the one-call system that operates in the Milwaukee area, as long as there is a private underground cable in the public rights-of-way serving the building at 507 East Michigan Street, as required in Section 182.0175(1m)(b) of the Wisconsin Statutes.

Department of Public Works
Infrastructure Services Division

JJM:cjt

October 17, 2001

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