



Legislation Text

File #: 951287, Version: 1

951287
SUBSTITUTE 1
62-448
THE CHAIR

Substitute resolution amending a special privilege for the installation of underground conduit, exhaust vents, security cameras, backup driveways and excess door swings and for change of ownership to Pierce Milwaukee LLC for an air intake duct for the premises at 2202 North Bartlett Avenue, in the 3rd Aldermanic District.

This resolution formally grants an amended special privilege to Pierce Milwaukee LLC for installation of underground conduit, exhaust vents, security cameras, backup driveways and excess door swings and for change of ownership for an air intake duct for the premises at 2202 North Bartlett Avenue, also known as 1707 East North Avenue.

Whereas, Pharmacia Biotech, Inc. requested a special privilege for underground conduit under the alley adjacent to its premises at 2202 North Bartlett Avenue, also known as 1707 East North Avenue; and

Whereas, A site visit revealed the presence of multiple exhaust vents, several security cameras, two backup driveways and excess door swings in the public right-of-way; and

Whereas, Lakeside Laboratories, Inc requested permission for an air intake duct to project into the alley abutting the property; and

Whereas, Permission for said air intake duct was granted in 1962 under Common Council Resolution File Number 62-448; and

Whereas, Pierce Milwaukee, LLC presently owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, All new items may only be permitted to occupy the public right-of-way by adoption of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 62-448 is hereby rescinded; and, be it

Further Resolved, That Pierce Milwaukee, LLC, 2202 North Bartlett Avenue, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To install and maintain a 4-inch diameter underground conduit under the north-south alley in the block bounded by North Bartlett Avenue, North Oakland Avenue, East North Avenue and East Windsor Place. Said underground conduit commences at the a point along the westline of the alley approximately 190 feet south of the southline of East North Avenue and crosses the eastline of the alley at a point approximately 184 feet south of the southline of East North Avenue. Total length of said conduit is 15 feet 3 inches.

2. To install and maintain 10 security cameras in the north-south alley in the block bounded by North Bartlett Avenue, North Oakland Avenue, East North Avenue and East Windsor Place. Said cameras are located along the westline of said alley and are centered approximately 7, 20, 86, 153, 196, 299, 305, 323, 427, 433 feet south of the southline of East North

Avenue. Said cameras are all approximately 1 foot long and 6 inches wide.

3. To install and maintain two security cameras in the south, 20-foot wide sidewalk area of East North Avenue and two security cameras in the east, 17-foot wide sidewalk area of North Bartlett Avenue. Said cameras in East North Avenue are centered approximately 10 and 118 feet west of the westline of the north-south alley in the block bounded by North Bartlett Avenue, North Oakland Avenue, East North Avenue and East Windsor Place. The cameras in North Bartlett Avenue are centered approximately 4 and 95 feet south of the southline of East North Avenue. Said cameras are all approximately 1 foot long and 6 inches wide.

4. To install and maintain five exhaust ducts in the north-south alley in the block bounded by North Bartlett Avenue, North Oakland Avenue, East North Avenue and East Windsor Place. Said ducts are centered approximately 89, 110, 128, 193 and 403 feet south of the southline of East North Avenue. Said ducts project 8, 10, 18, 12 and 12 inches into the public way and are 8, 12, 24, 24 and 24 inches long, respectively. The ducts are a minimum of 14 feet above grade.

5. To install and maintain three excess door swings in the north-south alley in the block bounded by North Bartlett Avenue, North Oakland Avenue, East North Avenue and East Windsor Place. Said doors are centered approximately 79, 142 and 414 feet south of the southline of East North Avenue. The doors, when fully open, project 3 feet into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

6. To install and maintain one single excess door swing in the 20-foot wide south sidewalk area of East North Avenue centered approximately 65 feet west of the westline of the north-south alley in the block bounded by North Bartlett Avenue, North Oakland Avenue, East North Avenue and East Windsor Place. Said door, when fully open, projects 3 feet into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

7. To install and maintain one double excess door swing comprised of two 3-foot wide doors, in the 17-foot wide east sidewalk area of North Bartlett Avenue. Said doors are centered approximately 95 feet south of the southline of East North Avenue. The doors, when fully open, project 2 feet 8 inches into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

8. To construct, use and maintain two backup driveways in the east 18-foot wide sidewalk area of North Bartlett Avenue. Said driveways are centered approximately 229 and 355 feet south of the southline of East North Avenue. The northern driveway serves three loading dock doors which are 8, 17 and 8 feet wide respectively. The southern driveway serves one, 10-foot wide overhead loading dock doorway. Vehicles shall occupy the sidewalk area and a portion of the roadway and shall be parked in such a manner so as not to project 8 feet beyond the south curb face of North Bartlett Avenue. Grantee is to provide sufficient traffic control to allow for continued two-way traffic while backup driveway is being used.

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, Pierce Milwaukee, 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 \$10,000 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 \$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 \$2,731.19. 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.
7. Owner must ensure sufficient traffic control while using the back up driveway to allow continued, safe traffic flow on North Bartlett Avenue. Traffic control measures may include, but are not limited to flag persons and traffic cones.

Department of Public Works
Infrastructure Services Division
MDL:lja
September 29, 2006
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