



Legislation Text

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011013
SUBSTITUTE
71-1461a
THE CHAIR

Substitute resolution amending a special privilege granted to 700 North Water Street LLC, to maintain building encroachments at 200 East Wisconsin Avenue and to install and maintain underground electrical cabling under, across and within the north sidewalk of East Wisconsin Avenue, extending between street trees and the building at 200 East Wisconsin Avenue, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege resolution to 700 North Water Street, LLC, to maintain building encroachments at 200 East Wisconsin Avenue and to permit the installation and maintenance of electrical cabling under, across and within the north sidewalk of East Wisconsin Avenue, extending between street trees and the building at 200 East Wisconsin Avenue.

Whereas, Common Council Resolution File Number 71-1461a granted permission to construct and maintain building encroachments on the building at 200 East Wisconsin Avenue; and

Whereas, 700 North Water Street LLC, now desires to install and maintain electrical cabling within the north sidewalk of East Wisconsin Avenue to connect street trees and the building at 200 East Wisconsin Avenue; and

Whereas, The cabling was initially intended to be used to provide power for holiday lights placed on the street trees along the north sidewalk area of East Wisconsin Avenue but it may be decided to be used during other evening hours; and

Whereas, Said electrical cabling may only be permitted to occupy the public right-of-way by the 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 71-1461a is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that 700 North Water Street, LLC, 700 North Water Street, Milwaukee, WI 53202 is hereby granted the following special privileges pertaining to the building known as 200 East Wisconsin Avenue:

1. To keep and maintain projections on fifteen columns along North Water Street and East Wisconsin Avenue, each column having the two projections constructed of four inch wide bricks projecting approximately four inches beyond respective lot lines; said brick projections to extend from sidewalk grades to the floor level of the second floor.
2. To keep and maintain a series of brick corbeling, starting at a minimum of approximately eleven feet and maximum of approximately sixteen feet above the sidewalk grade and extending upward approximately six feet six inches, said projection to be a maximum of one foot seven inches beyond the respective lot lines.

3. To keep and maintain an eight foot high projecting brick façade, starting at a minimum of approximately seventeen feet six inches above the sidewalk grade, and extending to the third floor, said projection to be a maximum of one foot eight inches beyond the respective lot line.
4. To keep and maintain a brick facade starting at approximately the level of the third floor and extending to the level of the fourth floor, said facade to project approximately twelve inches beyond the respective lot lines.
5. To install and maintain electrical cabling in conduit under the north sidewalk area of East Wisconsin Avenue. The conduit is located beneath the surface of the sidewalk, running in a north-south direction for a distance of approximately 10 feet 6 inches from the building to a street tree on the north side of West Wisconsin Avenue, located approximately 99 feet east of the eastline of North Water Street, then running easterly approximately 21 feet to one tree and approximately 74 feet westerly to the other 5 trees. The cabling is fed to locked outlet boxes for connection of light-strings that are located on the branches of the trees.

Said conduit is proposed to be located approximately 2 feet below grade. Grantee shall provide "as-built" plans of the conduit installation to the City Engineer in a timely manner.

The aforementioned items shall be installed, operated and maintained to the approval of the Departments of Public Works and Neighborhood Services. The grantee shall procure the necessary permits from the Departments of the City Development, and Public Works;

and, be it

Further Resolved, Recognizing that it is in the grantee's best interests as well as the health of the trees, that if the light-strings are to be left on the trees during the growing season, they shall be periodically monitored to minimize any girdling effect on the tree trunk and branches;

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, 700 North Water Street 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 \$10,000.00 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 \$100,000 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 \$5,670.77. 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 66.0915((3) 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

7. Not now or in the future use the cable facility in a manner that will conflict with the provisions of Chapter 99 of the Code of Ordinances regarding the transmission and distribution of video entertainment programming to subscribers.

8. 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 right-of-way, as required in Section 182.0175 (lm)(6) of the Wisconsin Statutes.

Department of Public Works
Infrastructure Services Division

JJM:cjt
January 25, 2002
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