



## Legislation Text

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**File #: 070999, Version: 1**

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070999  
SUBSTITUTE 1  
000963  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Wheaton Franciscan Healthcare - St. Joseph, Inc. for a stationary planter in the public right-of-way for the premises at 5408 West Burleigh Street, in the 10<sup>th</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Wheaton Franciscan Healthcare - St. Joseph, Inc for a stationary planter in the public right-of-way for the premises at 5408 West Burleigh Street. Whereas, St. Joseph's Hospital requested permission to construct and maintain a stationary planter in the north sidewalk area of West Burleigh Street; and

Whereas, Permission for said planter was granted in 2001 under Common Council File Number 000963; and

Whereas, Wheaton Franciscan Healthcare - St. Joseph, Inc. now 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; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 000963 is hereby rescinded; and, be it

Further Resolved, That Wheaton Franciscan Healthcare - St. Joseph, Inc. ATTN: Ronald L. Groepper, 5000 West Chambers Street, Milwaukee, Wisconsin 53210, is hereby granted the following special privilege:

To keep and maintain a concrete block planter projecting 3 feet 5 inches into the north, 13-foot wide sidewalk area of West Burleigh Street. Said 32-foot 6-inch long planter commences at a point approximately 84 feet west of the westline of North 54<sup>th</sup> Street and extends west. The concrete block surrounding the planter is 8 inches wide.

Said above-mentioned planter shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said planter 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, Wheaton Franciscan Healthcare - St. Joseph, 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

\$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 \$45.11. 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 1<sup>st</sup> 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:lja

January 25, 2008

070999