



Legislation Text

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071266
SUBSTITUTE 1
THE CHAIR

Substitute resolution granting a special privilege to Lamar Outdoor Advertising for two concrete pads, a fence and electrical equipment in the public right-of-way at 302 West Rosedale Avenue, in the 14th Aldermanic District.

This resolution grants a special privilege to Lamar Outdoor Advertising for two concrete pads, a fence and electrical equipment in the public right-of-way at 302 West Rosedale Avenue.

Whereas, Lamar Outdoor Advertising was permitted to construct and maintain a billboard sign adjacent to the I-94/43 freeway on property that was owned by a railroad company; and

Whereas, Subsequently, the City of Milwaukee acquired said property; and

Whereas, The applicant then constructed two concrete platforms and a fence enclosing electrical equipment and electrical equipment for related to the billboard sign without acquiring permission to construct said items; and

Whereas, Said property has since been dedicated as public right-of-way; and

Whereas, Lamar Outdoor Advertising is requesting permission to keep and maintain two concrete pads, a fence enclosing electrical equipment and electrical equipment for the billboard sign; and

Whereas, The billboard sign is allowed to exist in the public right-of-way by virtue of agreements made prior to dedication of the property as public right-of-way; and

Whereas, Said concrete platforms, fence and electrical equipment may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Lamar Outdoor Advertising, 2809 South 5th Court, Milwaukee, Wisconsin 53207 is hereby granted the following special privileges:

1. To keep and maintain two concrete platforms in the public right-of-way of the Kinnickinnic River Bike Trail adjacent to a billboard pole centered approximately 400 feet west of the westline of South Chase Avenue and 10 feet north of the northerly line of West Rosedale Avenue. The northern platform measures 14 feet 2 inches long, 8 feet 7 inches wide and 6 inches tall. The southern platform measures 5 feet 11 inches long, 5 feet 10 inches wide and 1 foot tall.
2. To keep and maintain a chain link fence enclosure for electrical equipment related to the adjacent electronic billboard. Said fence enclosure is 7 feet tall and is located on the northern concrete platform described in Item #1 above.
3. To keep and maintain electrical equipment required for the adjacent electronic billboard. Said equipment is located on the northern concrete platform described in Item #1 and within the enclosure described in Item #2.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as it is 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 conditions that, by acceptance of this special privilege the grantee, Lamar Outdoor Advertising, 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 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 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 \$120.00. 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 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.

Department of Public Works
Infrastructure Services Division
MDL: ns
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