



Legislation Text

File #: 060027, Version: 1

060027

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Triple Net Properties, LLC to construct and maintain electrical outlets and associated electrical conduit for the premises at 411 East Wisconsin Avenue, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Triple Net Properties, LLC to install electrical outlets in conjunction with the East Wisconsin Avenue Streetscape Project for the premises at 411 East Wisconsin Avenue.

Whereas, Triple Net Properties, LLC desires to install electrical outlets within the area of the new planters to be installed as part of the East Wisconsin Avenue Streetscape project; and

Whereas, MB Real Estate, LLC, a previous management company for the premises at 411 East Wisconsin Avenue, made the initial petition for special privilege for said items, however Triple Net Properties, LLC is the property owner; and

Whereas, Special privileges are generally only granted to the property owner; and

Whereas, The property owner has made a concerted effort to coordinate with the city's staff and contractor so that the outlets and associated electrical conduit can be installed as the streetscape work allows; and

Whereas, Said electrical outlets and associated electrical conduit 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 Triple Net Properties, LLC, 411 East Wisconsin Avenue, Suite 500, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To construct and maintain electrical wiring from the building to six in-ground planters in the south 20-foot wide sidewalk area of East Wisconsin Avenue. Said electrical wiring commences from the southline of East Wisconsin Avenue at a point approximately 43 feet west of the westline of North Jefferson Street, then 18 feet northeast to a point 30 feet 6 inches west of the westline of North Jefferson Street. The electrical wiring continues west to a point approximately 222 feet west of the westline of North Jefferson Street. The total length of the electrical wiring is approximately 240 feet.
2. To install and maintain six electrical outlets in the south, 20-foot wide sidewalk area of East Wisconsin Avenue. Said outlets are centered approximately 13 feet north of the southline of East Wisconsin Avenue and 30.5, 65.5, 89, 173, 195.5, and 222 feet west of the westline of North Jefferson Street.

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, Triple Net Properties, 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 \$3,000 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 \$300.00. 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:lja
June 14, 2006
060027