



Legislation Text

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SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Historic Third Ward Association to construct, use and maintain a steel "S" shaped lookout ramp, steel bollards, concrete ramps, trees with tree grates, wall mounted lights, retaining walls and wood boardwalks with steps and railings to be placed in the public right-of-way of East Buffalo Street, west of North Water Street, in the 4th Aldermanic District in the City of Milwaukee.

This special privilege grants the applicant permission to place a steel "S" shaped lookout ramp, steel bollards, concrete ramps, trees with tree grates, wall mounted lights, retaining walls and wood boardwalks with steps and railings in the public right-of-way of East Buffalo Street, west of North Water Street.

Whereas, Einar Tangen, agent for Business Improvement District No. 2 proposes, on behalf of the Historic Third Ward Association to place, operate and maintain a steel "S" shaped lookout ramp, steel bollards, concrete ramps, trees with tree grates, wall mounted lights, retaining walls and wood boardwalks with steps and railings in the public right-of-way of East Buffalo Street, west of North Water Street; and

Whereas, These items are to be placed as part of the Historic Third Ward Riverwalk project and will be owned and maintained by the Historic Third Ward Association; and

Whereas, Also related to the Historic Third Ward Association's riverwalk development, it was found necessary to install an underground conduit to provide for electrical power under and across East St. Paul Avenue; and

Whereas, The steel ramp, bollards, concrete ramps, trees with tree grates, lights, retaining walls and boardwalks with steps and railings and underground conduit for electrical power may only legally occupy the City of Milwaukee public right-of-way by the granting of this special privilege; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Historic Third Ward Association, 219 North Milwaukee Street, Milwaukee, WI 53202, is hereby granted the following special privilege:

1. To place, operate and/or maintain the following items in the public right-of-way of East Buffalo Street, located between North Water Street and the Milwaukee River:
 - a. An "S" shaped ramp rising from grade to approximately 8 feet above grade, consisting of steel tube columns with piles, steel joists and aluminum bar grating. The ramp is to be located at the west end of North Buffalo Street, being east of the Milwaukee River. The ramp is to vary from approximately 4 to 8 feet in width and be 64 feet long, measured east to west, and is to be used as an overlook of the River.
 - b. Sixteen concrete filled steel bollards: eight at the west end of the roadway of East Buffalo Street, between approximately 37 and 49 feet west of North Water Street, in an east facing arc, parallel to the new curbline; and eight bollards at the east end of the ramp of Item a above, in a west facing arc from approximately 102 to 111 feet west of the westline of North Water Street. The steel bollards are four inches in diameter and approximately 35 inches high. Two of the bollards at the west end of East Buffalo Street are removable.

[Detail - A5.2/13]

- c. Two concrete ramps on each side of East Buffalo Street, adjacent to the curb. The ramps are centered approximately 95.5 feet west of the westline of North Water Street and are 27 feet wide across the entire sidewalk area. The north side is primarily for vehicular access and the south side is primarily for pedestrian access to the building [Detail - A6.1/1]
- d. Eight trees with tree grates in the roadway area of East Buffalo Street. The trees are centered in pairs approximately 50 feet, 60 feet, 70 feet and 110 feet west of the westline of North Water Street, spaced approximately 40 feet apart.(north-south) Each tree has a six foot diameter iron grate at its base. [Detail A5.2/11]
- e. Eight wall-mounted lights, four on the building on the north side of East Buffalo Street and four on the building on the south side of East Buffalo Street. The four lights on the north side of East Buffalo Street are centered on the building face approximately 6 feet, 46 feet, 87 feet and 134 feet west of the westline of North Water Street, and the four lights on the south side of East Buffalo Street on the building are centered approximately 23 feet, 63 feet, 103 feet and 131 feet west of the westline of North Water Street. The lights are on private circuitry and are powered from the buildings. (also see separate agreement under C.C. 030213) [Sheet - E2.3]
- f. Wood boardwalks placed atop the existing sidewalks on the north and south sides of East Buffalo Street. The boardwalks are made of a hardwood walking surface on 2 X 6 wood sleepers. The wood boardwalks cover the concrete sidewalks on the north and south sides of East Buffalo Street, beginning at the westline of North Water Street and extending west to the river, a distance of approximately 150 feet. [Detail - A5.2/1&1]
- g. A metal hand-railing in the right-of-way located on the south side of East Buffalo Street, beginning approximately 126 feet west of North Water Street and extending west approximately 20 feet.
- h. Semicircular retaining walls adjacent to the overlook ramp on the west side of North Buffalo Street. The concrete retaining walls are 6 inches thick and approximately 3 feet high and will have plantings placed adjacent to and between them.
- i. Sixteen concrete filled steel bollards, 6 inch diameter, 42 inch high located as follows: two each located on each side of the concrete ramps of item c. above.
- j. Two concrete filled steel bollards, located as follows: one each at the entrance to the steel "s" ramp and the concrete down ramp.
- k. Metal hand-railing connecting the bollards of item i above on each side of the concrete ramps.
- l. Metal hand-railing on the north side as follows: along the north curb between 10 and 30 feet west of westline of North Water Street; seven intermittent sections dispersed on approximately 10-foot centers (east-west orientation) on the steps that extend down from the wood boardwalk to the plaza (roadway) level and located in item m below.
- m. Concrete steps located along north curb, for east-west pedestrian movement, between 36 and 72 feet and between 99 and 137 feet west of westline of North Water Street. (The steps are needed, since the boardwalk cross pitch was flattened to normal cross pitch; the roadway grades remained relatively the**

same and a large step-off would have resulted).

2. To install, use and maintain two 4-inch diameter conduits for electrical power and across East St. Paul Avenue located approximately 168 feet east of the westline of North Water Street at a depth of approximately 14 feet below street level.

Said items shall be placed, used and maintained to the approval of the Departments of Public Works, City Development and Neighborhood Services. All necessary permits shall be obtained from the Departments of Public Works and Neighborhood Services prior to placement of these items in the City of Milwaukee public right-of-way. The trees and plantings shall be approved by and maintained to the satisfaction of the City Forester

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Einar Tangen, agent for Business Improvement District No. 2, 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 \$5,000.00 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 \$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 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 \$35.00. 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 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.

Department of Public Works
Infrastructure Services Division
JJM:cjt

May 19, 2003
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