



Legislation Text

File #: 031168, **Version:** 1

031168
SUBSTITUTE
THE CHAIR

Substitute resolution to grant a special privilege to Eve Grubisic and Gayle Riordan to construct and maintain a large snakelike sculpture with plantings, consisting of an effigy mound and native prairie restoration, within the public right-of-way of North Murray Avenue, between East North Avenue and East Bradford Avenue, in the 3rd Aldermanic District in the City of Milwaukee.

This resolution grants permission to Eve Grubisic and Gayle Riordan to construct and maintain a public sculpture which is located within the public right-of-way of North Murray Avenue, between East North Avenue and East Bradford Avenue.

Whereas, Eve Grubisic and Gayle Riordan, have petitioned the City of Milwaukee to place a sculpture in the public right-of-way of North Murray Avenue, between East North Avenue and East Bradford Avenue, in the area which is designated as the tree border area between the curb and the sidewalk; and

Whereas, This sculpture is made of dirt and is a large snakelike sculpture with plantings consisting of an effigy mound and native prairie restoration; and

Whereas, The sculpture will be removed from the public right-of-way and the right-of-way restored to the original condition that existed before placement of the sculpture; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Eve Grubisic and Gayle Riordan, 2825-27 North Murray Avenue, Milwaukee, WI 53211 is hereby granted the following special privilege:

To construct and maintain a large snakelike sculpture made of dirt consisting of an effigy mound and native prairie restoration within the public right-of-way of North Murray Avenue, between East North Avenue and East Bradford Avenue. The sculpture is placed in the grassy tree border area between the sidewalk and the curb on the west side of North Murray Avenue, between East North Avenue and East Bradford Avenue. The sculpture is approximately 39 feet long, 3 feet high and the width of the 5-foot wide tree border area, and is located approximately _____ feet north of East North Avenue.

Said sculpture is to be removed from the public right-of-way on order of the Commissioner of Public Works, and the right-of-way restored to a condition which existed prior to placement of the sculpture, and to the satisfaction of the Departments of Public Works and Neighborhood Services.

Said sculpture shall be installed, used, maintained and removed to the satisfaction of the Departments of Public Works and Neighborhood Services. All required permits shall be procured from the Departments of Public Works and Neighborhood Services.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special

privilege the grantees, Eve Grubisic and Gayle Riordan, 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 \$1,000.00 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 \$ _____. 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 66.0425 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 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

June 9, 2004

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