



## Legislation Text

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**File #: 000565, Version: 1**

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000565  
SUBSTITUTE  
882416  
THE CHAIR

Substitute resolution amending a special privilege granted to Washington Square Associates II Ltd. Partnership to install and maintain granite pavers, three flag poles and six bollards with lights in the public right-of-way adjacent to the property located at 731 North Jackson Street, to now change the name of the grantee of the special privilege to Jackson Street Real Estate, LLC, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee. This resolution amends a special privilege granted to Washington Square Associates II Ltd. Partnership to construct and maintain granite pavers, three flag poles and six bollards with lights in the public right-of-way on the west side of North Jackson Street, adjacent to the premises known as 731 North Jackson Street, to now allow placement of four pavement uprights in the public right-of-way, and delete reference to the bollards and change the name of the grantee of the special privilege to Jackson Street Real Estate, LLC.

Whereas, Washington Square Associates II Ltd. Partnership was granted a special privilege under Common Council Resolution File 882416, on April 25, 1989, to install and maintain granite pavers, three flag poles and six bollards with lights encroaching into the public right-of-way on the west side of North Jackson Street, adjacent to the premises at 731 North Jackson Street; and

Whereas, The current owner of the property is Jackson Street Real Estate, LLC and should now be named as the grantee of the special privilege; and

Whereas, A recent field investigation found that the bollards have been removed from the public right-of-way and four pavement uprights have been placed adjacent to the flag poles; and

Whereas, The granite pavers, three flag poles and four pavement uprights may only occupy the public right-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 882416 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Jackson Street Real Estate, LLC, c/o Hoffman Mgmt. Co., 150 North Sunnyslope Road Suite 200, Brookfield, WI 53005, is hereby granted the following special privileges:

1. To keep and maintain granite pavers across the entire 15-foot wide sidewalk area, for a length of approximately 17 feet, centered at a distance of approximately 152.5 feet south of the southline of East Mason Street.
2. To keep and maintain three 35-foot high flag poles centered approximately 12 feet east of the westline of North Jackson Street at distances of approximately 124, 133.75 and 143.5 feet south of the southline of East Mason Street.

3. To keep and maintain four approximately 12-inch diameter pavement uprights being used to accent the flag poles that are identified in Item 2 above. The pavement uprights are centered approximately 12 feet east of the westline of North Jackson Street at distances of approximately 119, 128.75, 138.5, and 148.5 feet south of the southline of East Mason Street. All conduits to provide electrical energy for the lights shall be contained within the hollow sidewalk.

The pavers, flag poles and pavement uprights shall be used and maintained to the approval of the Departments of Public Works and Neighborhood Services. Said items shall be removed from the public right-of-way at such future time that they are no longer needed, to the satisfaction of the Commissioners of Public Works and Neighborhood Services. Permits for removal and public sidewalk restoration are required to be obtained for that work

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Jackson Street Real Estate, 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 \$10,000.00 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 \$100,000 covering bodily injury to any one person and \$200,000 covering bodily injury to more than one person in any one accident and \$100,000 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 \$70.00. 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 66.045 of the Wisconsin Statutes (1979), 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt  
September 19, 2000  
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