



## Legislation Text

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**File #: 131757, Version: 1**

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131757  
SUBSTITUTE 1  
131202  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Associated Bank to keep and maintain various private items in the public right-of-way for the premises at 1301 North Dr. Martin Luther King Jr. Drive, in the 6<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Associated Bank to keep and maintain shuffleboard courts; benches; private light fixtures with appurtenant electrical wiring; a sun shade structure over a parking area; several signs; and a concrete wall for the premises at 1301 North Dr. Martin Luther King Jr. Drive.

Whereas, The previous property owner constructed a bank on private property with encroachments in the public right-of-way and an adjacent park area in the public right-of-way; and

Whereas, Permission for the items within the public right-of-way was granted in general under Common Council Resolution File Number 131202 in 2014, prior to start of the construction project; and

Whereas, Associated Bank now owns the premises at 1301 North Dr. Martin Luther King Jr. Drive; and

Whereas, This resolution formalizes quantities and dimensions of the private items in the public right-of-way for the bank and park area; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 131202 is hereby rescinded; and, be it

Further Resolved, That Associated Bank, c/o MB Acquisition LLC, 788 North Jefferson Street, Suite 800, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To keep and maintain an 83-foot long sun shade structure projecting approximately 5 feet into the north, variable width sidewalk area of West McKinley Avenue. Said sun shade structure is supported by four columns built onto 18-inch diameter sonitube footings. The sun shade is over a parking lot area that also partially occupies the public right-of-way.
2. To keep and maintain seven signs adjacent to the parking lot area located near and south of the northline of West McKinley Avenue. Said signs designate the parking spaces in the parking lot, which is partially in the public right-of-way, as being for the adjacent bank building. One of the sign posts for the seven signs also supports a sign to designate one of the spaces for disabled parking.
3. To keep and maintain fifteen private light fixtures with appurtenant electrical wiring and conduit in the north variable width sidewalk area of West McKinley Avenue. Four of said light fixtures are mounted to the sun shade structure footings described in Item #1 above. Ten of said light fixtures are encapsulated in bollards that are 3 feet 5 inches tall and 10 inches in diameter and are positioned adjacent to the walkways of the park area. One tall light pole is located in the center of the shuffleboard courts described in Item #8 below.
4. To keep and maintain three benches in the park area located south of the northline of West McKinley Avenue and west of the westline of North Dr. Martin Luther King Jr. Drive. Said benches are 6 feet long, 1 foot 7 inches wide and 1 foot 7 inches tall. The benches are positioned adjacent to walkways in the park area.

5. To keep and maintain a trash can in the north, variable width sidewalk area of North McKinley Avenue. Said trash can is 1 foot 9 inches square and 3 feet 4 inches tall.
6. To keep and maintain an information sign in the north, variable width sidewalk area of West McKinley Avenue that, on one side, details the history of the Haymarket Square Neighborhood and, on the other side, provides the rules for shuffleboard. The sign is 8 feet 6 inches wide and is supported by four columns built on 1-foot diameter sonitube footings.
7. To keep and maintain two, 10-inch thick decorative concrete walls in the north, variable width sidewalk area of North McKinley Avenue. The north-south portion of the east section of wall commences approximately 15 feet north of the north curb line of West McKinley Avenue and extends north approximately 22 feet parallel to North Dr. Martin Luther King Jr. Drive. The east-west portion of the east section of wall commences at a point approximately 26 feet west of the westline of North Dr. Martin Luther King Jr. Drive and extends west 40 feet 9 inches running parallel to West McKinley Avenue. The west portion of wall commences at a point 72 feet west of the westline of North Dr. Martin Luther King Jr. Drive and extends west 39 feet. The walls that run parallel to West McKinley Avenue are located 14 feet 6 inches north of the face of the West McKinley Street curb. The wall that runs parallel to North Dr. Martin Luther King Jr. Drive is located 26 feet west of the westline of North Dr. Martin Luther King Jr. Drive. Said walls vary between 10 inches and 1 foot 8 inches in height.
8. To keep and maintain two shuffleboard courts in the north, variable width sidewalk area of North McKinley Avenue. Said courts are constructed of concrete topped with a special surface treatment. The courts are 52 feet long and 24 feet wide and are slightly elevated above the adjacent grade.

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 condition that by acceptance of this special privilege the grantee, Associated Bank, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$180.00. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

January 15, 2016