



Legislation Text

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970164
SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Wisconsin Electric Power company, to erect and maintain four canopies to project into the public rights-of-way attached to the building at 231 West Michigan Street, and for the continued use and placement of a security camera and of privately-owned uprights with brackets on City-owned pedestrian harp lights and street light poles for illumination of the exterior of the building at 231 West Michigan Street, in the 4th Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege grants the applicant permission to erect and maintain four canopies projecting into the public rights-of-way, two on the south side of West Michigan Street, one on the west side of North 2nd Street and one on the east side of North 3rd Street, attached to the building at 231 West Michigan Street. The canopies are to be installed to recreate an appearance of the building as it looked when it was built in 1905. This special privilege also grants continued use of a security camera and of 25 uprights with brackets placed on City-owned pedestrian harp lights and street light poles for illumination of the building at 231 West Michigan Street.

Whereas, The applicant desires to erect and maintain four canopies attached to the building at 231 West Michigan Street, that project into the public right-of-way in order to recreate the appearance of the building as it looked when it was built in 1905; and

Whereas, The canopies are proposed to project approximately 8 feet into the public right-of-way and Section 245-8 of the Milwaukee Code of Ordinances allows only a 6-foot projection; and

Whereas, The applicant also desires to maintain existing uprights with brackets on City-owned pedestrian harp lights and street light poles, that are used to illuminate the exterior of the building at 231 West Michigan Street; and

Whereas, An existing security camera attached to the building encroaches into the public rights-of-way of North 3rd and West Everett Streets; and

Whereas, Said canopies, uprights and camera may only legally occupy the public rights-of-way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Wisconsin Electric Power Company, 231 West Michigan Street, Milwaukee, WI 53201, is hereby granted the following special privileges:

1. To erect and maintain four canopies to be cantilevered over the public right-of-way: two on the south side of West Michigan Street, one on the west side of North 2nd Street and one on the east side of North 3rd Street.

Said canopies shall be cantilevered from the building at 231 West Michigan Street and have a minimum vertical clearance of approximately 12 feet above the sidewalk grade and project into the public right-of-way a maximum distance of 8 feet. The canopies are specifically located as follows: the canopy on the west side of North 2nd Street begins at a point approximately 9 feet south of the southline of West Michigan Street and extends approximately 32 feet south; the east canopy on the south side of West Michigan Street begins at a point approximately 8 feet west of the westline of North 2nd Street and extends approximately 32 feet west; the west canopy on the south side of West Michigan Street begins at a point approximately 8 feet east of the eastline of North 3rd Street and extends approximately 32 feet east; the canopy on the east side of North 3rd Street begins at a point approximately 9 feet south of the southline of West Michigan Street and extends approximately 32 feet south.

2. To operate and maintain uprights to illuminate the building at 231 West Michigan Street at 25 locations on City-owned pedestrian harp lights and street light poles. These locations are as follows: five uprights on the west side of North 2nd Street are located within the sidewalk area approximately 18, 63, 108, 153 and 193 feet south of the southline of West Michigan Street; eight uprights on the south side of West Michigan Street are located within the sidewalk area approximately 5, 52, 99, 146, 193, 240, 287 and 320 feet west of the westline of North 2nd Street; five uprights on the east side of North 3rd Street are located within the sidewalk area approximately 38, 78, 118, 158 and 193 feet south of the southline of West Michigan Street; seven uprights on the south side of West Everett Street are located in the sidewalk area approximately 10, 52, 92, 132, 172, 222 and 262 feet west of the westline of North 2nd Street. All poles have two lights per pole.

Underground electrical conduit and wire is installed within the sidewalk vaults on West Michigan Street, North 2nd Street and North 3rd Street and is owned by the City. Conduit and wire crossing north-south in the intersection of West Everett and North 3rd Streets and within the south

sidewalk area of West Everett Street is also owned by the City of Milwaukee. The energy for the uplights is supplied by WEPCO from the building at 231 West Michigan Street.

3. To keep and maintain a security camera mounted at the third floor level at the southwest corner of the building at 231 West Michigan Street encroaching into North 3rd and West Everett Streets.

Said canopies, camera and uplighting shall be installed and/or maintained to the satisfaction of the Commissioners of Public Works and Building Inspection and all necessary permits shall be procured from the Commissioners of Building Inspection and Public Works. No alteration or replacement of any item may be made without the written approval of the Commissioners of Public Works and Building Inspection.

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Wisconsin Electric Power Company 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.

In lieu of the required bond and insurance, the WEPCO may submit a letter signed by the appropriate corporate officer, stating the grantee's status of being a self-insured entity. Said letter and its contents to be acceptable to the City Attorney.

3. Pay to the City Treasurer an annual fee which has an initial amount of \$788.41. 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 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

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