



## Legislation Details (With Text)

**File #:** 120025 **Version:** 1  
**Type:** Resolution **Status:** Passed  
**File created:** 5/22/2012 **In control:** COMMON COUNCIL  
**On agenda:** **Final action:** 9/24/2013  
**Effective date:**

**Title:** Substitute resolution granting a special privilege to St. Marcus Evangelical Lutheran Church to install and maintain an underground conduit, handrails and tree planters in the public right-of-way for the premises at 2215 North Palmer Street, in the 6th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition and Drawings, 2. Cover Letter, 3. Photos, 4. Map

Date	Ver.	Action By	Action	Result	Tally
5/22/2012	0	COMMON COUNCIL	ASSIGNED TO		
9/6/2013	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/11/2013	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
9/24/2013	1	COMMON COUNCIL	ADOPTED	Pass	15:0
9/27/2013	1	MAYOR	SIGNED		

120025

### SUBSTITUTE 1

Substitute resolution granting a special privilege to St. Marcus Evangelical Lutheran Church to install and maintain an underground conduit, handrails and tree planters in the public right-of-way for the premises at 2215 North Palmer Street, in the 6<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to St. Marcus Evangelical Lutheran Church to install and maintain an underground conduit, handrails and raised tree planters in the public right-of-way for the premises at 2215 North Palmer Street.

Whereas, The applicant has requested permission to install and maintain an underground conduit and several stair handrails in the public right-of-way; and

Whereas, A site visit revealed the presence of two, raised tree planters that also occupy the public right-of-way; and

Whereas, Said items may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that St. Marcus Evangelical Lutheran Church, 2215 North Palmer Street, Milwaukee, WI 53212 is hereby granted the following special privileges:

1. To install and maintain a 1-inch diameter PVC conduit crossing under the 80-foot wide right-of-way of North 1<sup>st</sup> Street in order to supply power to a light pole in the parking lot at 108 West Garfield Avenue. Said conduit commences at the eastline of North 1<sup>st</sup> Street at a point approximately 82 feet north of the northline of East Garfield Avenue and extends southwesterly to the westline of North 1<sup>st</sup> Street at a point approximately 54 feet north of the northline of West Garfield Avenue. Total length of said conduit is approximately 84.8 feet.

2. To install and maintain six sections of handrails projecting 1 foot 5 inches into the west, 22-foot wide sidewalk area of North Palmer Street. Said sections of handrails are 1 foot 4 inches wide and are centered approximately 8, 14, 28.5, 37, 49, and 55 feet north of the northline of East Garfield Avenue.

3. To install and maintain two raised timber tree planters in the north, 18-foot wide sidewalk area of East Garfield Avenue. Said planters are centered approximately 14 feet 6 inches south of the northline of East Garfield Avenue and 36 and 80 feet west of the westline of North Palmer Street. The planters measure 4 feet 6 inches square and 7 inches tall and are constructed from timbers that are 7 inches wide.

Said items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are 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, St. Marcus Evangelical Lutheran Church, 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 \$144.80. 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 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  
Infrastructure Services Division  
MDL:clm  
August 13, 2013