



## Legislation Details (With Text)

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<b>Title:</b>	Substitute resolution granting a special privilege to Milwaukee School of Engineering to construct and maintain several private items in the public right-of-way for the premises at 1305 North Broadway, in the 3rd Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	PERMITS		
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Date	Ver.	Action By	Action	Result	Tally
9/5/2012	0	COMMON COUNCIL	ASSIGNED TO		
9/6/2012	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/9/2015	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
9/22/2015	1	COMMON COUNCIL	ADOPTED	Pass	15:0
9/29/2015	1	MAYOR	SIGNED		

120553

### SUBSTITUTE 1

Substitute resolution granting a special privilege to Milwaukee School of Engineering to construct and maintain several private items in the public right-of-way for the premises at 1305 North Broadway, in the 3<sup>rd</sup> Aldermanic District. This resolution grants a special privilege to Milwaukee School of Engineering to construct and maintain an underground communications duct package; platform with steps; two raised planter areas; a wall-mounted flag pole; a trench drain; emergency phone; and a sidewalk that does not conform to the City-established grade in the public right-of-way at 1305 North Broadway.

Whereas, Milwaukee School of Engineering, the applicant, constructed a parking garage with a rooftop regulation collegiate soccer field; and

Whereas, As part of the project, the applicant is requesting permission to construct and maintain a platform with steps, raised planters, and an underground communications duct package in the public right-of-way; and

Whereas, A site visit revealed the presence of a wall-mounted flag pole, sidewalk that does not conform to the City-established grade, emergency phone, and a trench drain in 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 Milwaukee School of Engineering, 1205 North Broadway, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain a concrete platform and steps projecting 5 feet 4 inches into the west, 20-foot wide sidewalk area of North Broadway. Said structure commences at a point approximately 36 feet north of the northline of

East Knapp Street and extends north 57 feet 1 inch. The platform has steps on both the north and south sides.

2. To construct and maintain two raised planter bed areas projecting 5 feet 6 inches on average into the west, 20-foot wide sidewalk area of North Broadway. The first raised planter bed commences at a point approximately 93 feet north of the northline of East Knapp Street and extends north 45 feet 6 inches. The second raised planter bed commences at a point approximately 113 feet north of the northline of East Knapp Street and extends north 159 feet. Said planters are surrounded by 6-inch wide concrete curbs with a total length of 223 feet 11 inches.
3. To construct and maintain an underground communications duct package consisting of four 4-inch diameter PVC conduits crossing the 80-foot wide right-of-way of East Knapp Street. Said duct package is centered approximately 50 feet east of the eastline of North Market Street.
4. To construct and maintain a 1-foot 1-inch wide trench drain in the north variable width sidewalk area of East Knapp Street. The metal trench drain, which abuts the northline of East Knapp Street, commences at a point approximately 17 feet west of the westline of North Broadway and extends 14 feet 2 inches east.
5. To install and maintain an emergency phone projecting 4 inches into the north, variable width sidewalk area of East Knapp Street. Said 9-inch long phone is centered approximately 14 feet east of the eastline of North Market Street.
6. To construct and maintain a wall-mounted flag pole projecting 1 foot 2 inches into the east, 12-foot wide sidewalk area of North Market Street. Said 1-foot 4-inch diameter flag pole is centered approximately 25 feet north of the northline of East Knapp Street. The lowest point of the flag pole is 3 feet above the adjacent sidewalk grade.
7. To construct and maintain a sidewalk that does not conform to the City-established grade or the standard cross slope on East Knapp Street between North Broadway and North Market Street. The sidewalk is sloped to accommodate building elevation errors made during construction.

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, Milwaukee School of Engineering, 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 \$208.58. 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.

7. Join and continue to be a member of Digger's Hotline, the one call system that operates in the Milwaukee area, as long as there are private underground facilities in the public right-of-way as required in Section 182.0175(lm)(6) of the Wisconsin Statutes.

Department of Public Works

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

August 19, 2015