



## Legislation Details (With Text)

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<b>Type:</b>	Resolution	<b>Status:</b>	Passed
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<b>On agenda:</b>		<b>Final action:</b>	9/22/2015
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting a special privilege to Water Accelerator LLC to install and maintain four moveable planters in the public right-of-way for the premises at 247 West Freshwater Way, in the 12th Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	PERMITS		
<b>Attachments:</b>	1. Cover Letter.pdf, 2. Petition and Plans, 3. MAP.pdf, 4. Photo.pdf		

Date	Ver.	Action By	Action	Result	Tally
6/11/2013	0	COMMON COUNCIL	ASSIGNED TO		
6/12/2013	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		

130217

### SUBSTITUTE 1

Substitute resolution granting a special privilege to Water Accelerator LLC to install and maintain four moveable planters in the public right-of-way for the premises at 247 West Freshwater Way, in the 12<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Water Accelerator LLC to install and maintain four moveable planters in the public right-of-way for the premises at 247 West Freshwater Way, formally known as 223 West Pittsburgh Avenue.

Whereas, The applicant is requesting permission to install and maintain four moveable planters in the public right-of-way; and

Whereas, Said planters 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 Water Accelerator LLC, 171 North Broadway, Floor 2, Milwaukee, Wisconsin 53202 is hereby granted the following special privilege:

To install and maintain four moveable planters in the east, 15-foot wide sidewalk area of South 3<sup>rd</sup> Street centered about a point approximately 42 feet south of the southline of West Freshwater Way. Two of said planters, which are 3 feet square and 2 feet 6 inches tall, abut the building. The other two planters, which are 2 feet 4 inches square and 2 feet tall, are positioned adjacent to the street curb.

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

Said moveable planters 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, Water Accelerator 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 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 \$60.00. 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 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

July 13, 2015