



## Legislation Details (With Text)

<b>File #:</b>	131202	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	12/17/2013	<b>In control:</b>	COMMON COUNCIL
<b>On agenda:</b>		<b>Final action:</b>	4/22/2014
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting a special privilege to Associated Bank to construct and maintain various encroachments for a new bank building and adjacent park area in the public right-of-way for the premises at 1301 North Martin L. King Jr. Drive, in the 6th Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	BANKS AND LENDING INSTITUTIONS, SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Cover Letter, 2. Park Renderings, 3. Petition & Plans Amended 12.12.2013, 4. Petition & Plans, 5. Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
12/17/2013	0	COMMON COUNCIL	ASSIGNED TO		
12/18/2013	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
4/4/2014	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/7/2014	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/9/2014	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
4/22/2014	1	COMMON COUNCIL	ADOPTED	Pass	14:0
4/28/2014	1	MAYOR	SIGNED		

131202

### SUBSTITUTE 1

Substitute resolution granting a special privilege to Associated Bank to construct and maintain various encroachments for a new bank building and adjacent park area in the public right-of-way for the premises at 1301 North Martin L. King Jr. Drive, in the 6<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Associated Bank to construct and maintain a trellis, a portion of a parking lot, a stone wall, a retaining wall with park signage, multiple benches, and two shuffleboard courts in the public right-of-way for the premises at 1301 North Martin L. King Jr. Drive.

Whereas, The applicant is proposing to construct a new bank building with parking lot and adjacent park space; and

Whereas, A portion of the parking lot with overhead trellis and a decorative stone wall with integral signage will be located in the public right-of-way; and

Whereas, The entirety of the park space, which will include two shuffleboards, several benches, retaining wall with integral signage, and covered bench, will be located within 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 Associated Bank, 300 Wisconsin Avenue, Waukesha, WI 53186 is hereby granted the following special privileges:

1. To construct and maintain a trellis structure to project up to 4 feet into the variable width sidewalk area of West McKinley Avenue. Said structure is to be supported by six columns located on private property north of the northline of West McKinley Avenue. Said trellis structure shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction.
2. To construct and maintain a decorative stone wall with integral business signage. Said wall is proposed to project into the north variable width sidewalk area of West McKinley Avenue and will be located adjacent to the vacated north-south alley to the west of the subject premises.
3. To construct and maintain a concrete retaining wall with integral signage in the public right-of-way near the intersection of the westline of North Dr. Martin L. King Jr. Drive and the northline of West McKinley Avenue.
4. To install and maintain four benches in the north, variable width sidewalk area of West McKinley Avenue.
5. To construct and maintain two shuffleboard courts in the north, variable width sidewalk area of West McKinley Avenue.
6. To construct and maintain a portion of parking lot projecting up to 19 feet into the north, variable width sidewalk area of West McKinley Avenue. Said parking lot area shall be constructed of permeable pavers.

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, 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 \$75.00. 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

Infrastructure Services Division

MDL:clm

April 1, 2014