



## Legislation Details (With Text)

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<b>File created:</b>	3/26/2002	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	7/16/2002
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting a special privilege to Wisconsin Center District for railings to encroach in the public right-of-way of West Wells Street of the property known as 400 West Wisconsin Avenue, in the 4th Aldermanic District in the City of Milwaukee.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Special Privilege Application.PDF, 2. Cover Letter.pdf, 3. Fiscal Note.pdf		

Date	Ver.	Action By	Action	Result	Tally
3/26/2002	0	COMMON COUNCIL	ASSIGNED TO		
3/27/2002		PUBLIC WORKS COMMITTEE	REFERRED TO		
6/27/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/27/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/27/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/2/2002	1	CITY CLERK	DRAFT SUBMITTED		
7/3/2002	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
7/16/2002	1	COMMON COUNCIL	ADOPTED	Pass	15:0
7/25/2002	1	MAYOR	SIGNED		

011695

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Wisconsin Center District for railings to encroach in the public right-of-way of West Wells Street of the property known as 400 West Wisconsin Avenue, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Wisconsin Center District for railings to encroach in the public right-of-way of West Wells Street of the property known as 400 West Wisconsin Avenue.

Whereas, The Wisconsin Center District is the owner and operator of the Midwest Express Center at 400 West Wisconsin Avenue; and

Whereas, An existing mid-block crosswalk is located on West Wells Street, approximately 150 feet west of North 4<sup>th</sup> Street, appears now to pose a safety hazard for pedestrians entering and exiting the building; and

Whereas, This crosswalk was shown on the Phase II expansion of the convention center project and was intended to be used by people going to/coming from the building on the south side of West Wells Street and a parking area on the north side of West Wells Street; and

Whereas, They propose to remove the crosswalk and place railings and signage in the public right-of-way each side of West Wells Street to redirect pedestrian traffic entering and exiting the building to the intersection of North 4<sup>th</sup> and West Wells Streets; and

Whereas, Encroachment of the railings and signage in the public right-of-way can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Wisconsin Center District, c/o Public Safety Department, 400 West Wisconsin Avenue, Milwaukee, WI 53203, is hereby granted the following special privilege:

To install and maintain two 36-inch high railings (fences) with signs attached in the public right-of-way. One 57-foot long fence is located on the south sidewalk of West Wells Street near the curb, centered approximately 150 feet west of the westline of North 4<sup>th</sup> Street, and one 35-foot long fence is located on the north sidewalk of West Wells Street near the curb, centered approximately 150 feet west of the westline of North 4<sup>th</sup> Street. The fences shall have a sign, attached to each, directing pedestrians to the crosswalk at North 4<sup>th</sup> and West Wells Streets.

Said railings and signage shall be placed, used and/or maintained to the satisfaction of the Commissioners of Public Works and Neighborhood Services. All required permits shall be procured prior to beginning construction. Said railings shall be removed from the public right-of-way at such future time as they are no longer needed, to the satisfaction of the Departments of Public Works and 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, Wisconsin Center District, 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.
3. Pay to the City Treasurer an annual fee which has an initial amount of \$100.00. 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 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 66.0915(3) 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Infrastructure Services Division

JJM:cjt

June 26, 2002

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