Legislation Details (With Text)

File #:	071561 **Version:** 1		
Type:	Resolution	**Status:**	Passed
File created:	3/18/2008	**In control:**	PUBLIC WORKS COMMITTEE
On agenda:		**Final action:**	5/20/2008
Effective date:			
Title:	Substitute resolution amending a special privilege for change of ownership to Milwaukee Science Education Consortium, Inc. for private lighting and appurtenant facilities in the public right-of-way for the premises at 2100 West Kilbourn Avenue, in the 4th Aldermanic District.		
Sponsors:	THE CHAIR		
Indexes:	SPECIAL PRIVILEGE PERMITS		
Attachments:	1. Petition for Special Privilege, 2. Cover letter, 3. Fiscal Note, 4. Map, 5. Hearing notice list		

Date	Ver.	Action By	Action	Result	Tally
3/18/2008	0	COMMON COUNCIL	ASSIGNED TO		
3/19/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
4/17/2008	1	CITY CLERK	DRAFT SUBMITTED		
4/30/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/7/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
5/20/2008	1	COMMON COUNCIL	ADOPTED	Pass	13:0
5/30/2008	1	MAYOR	SIGNED		

071561
SUBSTITUTE 1
84-1047
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Milwaukee Science Education Consortium, Inc. for private lighting and appurtenant facilities in the public right-of-way for the premises at 2100 West Kilbourn Avenue, in the 4th Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Milwaukee Science Education Consortium, Inc. for private lighting and appurtenant facilities in the public right-of-way for the premises at 2100 West Kilbourn Avenue.

Whereas, Good Samaritan Medical Center requested permission to install and maintain 25 private light fixtures and appurtenant facilities in the public right-of-ways adjacent to the subject premises; and

Whereas, Permission for said private light fixtures and appurtenant facilities was granted in 1984 under Common Council File Number 84-1047; and

Whereas, Milwaukee Science Education Consortium, Inc. now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 84-1047 is hereby

rescinded; and, be it

Further Resolved, That Milwaukee Science Education Consortium, Inc., 2100 West Kilbourn Avenue, Milwaukee, Wisconsin 53233, is hereby granted the following special privileges:

1. To keep and maintain 10 decorative lighting fixtures and appurtenant electrical conduit in the north, 18-foot wide sidewalk area of West Kilbourn Avenue. Said light fixtures are centered 4 feet 6 inches south of the northline of West Kilbourn Avenue and approximately 42, 103, 164, 225, 286, 348, 404, 446, 503 and 560 feet west of the westline of North 20th Street.

2. To keep and maintain 6 decorative lighting fixtures and appurtenant electrical conduit in the south, 10-foot wide sidewalk area of West State Street. Said light fixtures are centered 6 inches north of the southline of West State Street and approximately 41, 113, 185, 274, 334 and 394 feet west of the westline of North 20th Street.

3. To keep and maintain 9 decorative lighting fixtures and appurtenant electrical conduit in the west, 15-foot sidewalk area of North 20th Street. Said light fixtures are centered 1 foot 10 inches east of the westline of North 20th Street and approximately 39, 94, 149, 204, 259, 314, 369, 424 and 479 feet north of the northline of West Kilbourn Avenue.

Said above-mentioned private light fixtures and appurtenant electrical conduit shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said private light fixtures and appurtenant electrical conduit 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 Science Education Consortium, Inc., 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 such bond to be approved by the City Attorney. This 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 $50,000 covering bodily injury to any one person and $100,000 covering bodily injury to more than one person in any one accident and $20,000 covering property damage to any own 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 cancelled 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 $250.00. 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 and/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 1st 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:ns
April 11, 2008
071561

6/11/08 Clerical error in address changed 2000 to 2100 W. Kilbourn. dkf