



## Legislation Details (With Text)

<b>File #:</b>	080006	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	4/15/2008	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	7/30/2008
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution amending a special privilege for change of ownership to First Financial Office Investment, LLC for building encroachments and underground conduit in the public right-of-way for the premises at 200 East Wisconsin Avenue, in the 4th Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Special Privilege Petition, 2. Letter from Dept of Public Works, 3. Fiscal note, 4. pictures of 200 E Wisconsin Ave, 5. map, 6. Hearing notice list		

Date	Ver.	Action By	Action	Result	Tally
4/15/2008	0	COMMON COUNCIL	ASSIGNED TO		
4/28/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
7/8/2008	1	CITY CLERK	DRAFT SUBMITTED		
7/9/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/16/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
7/30/2008	1	COMMON COUNCIL	ADOPTED	Pass	12:0
8/6/2008	1	MAYOR	SIGNED		

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SUBSTITUTE 1  
011013  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to First Financial Office Investment, LLC for building encroachments and underground conduit in the public right-of-way for the premises at 200 East Wisconsin Avenue, in the 4<sup>th</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to First Financial Office Investment, LLC for building encroachments and underground conduit in the public right-of-way for the premises at 200 East Wisconsin Avenue.

Whereas, 700 North Water Street, LLC requested permission to keep and maintain building encroachments and to install and maintain underground conduit with electrical outlet boxes in the public right-of-way; and

Whereas, Permission for said items was granted in 2002 under Common Council Resolution File Number 011013; and

Whereas, First Financial Office Investment, LLC 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 011013 is hereby rescinded; and, be it

Further Resolved, That First Financial Office Investment, LLC, 700 North Water Street, Suite 400, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To keep and maintain a brick building facade projecting 1 foot 3 inches into the east 12-foot wide sidewalk area of North Water Street. Said facade commences, approximately, at the northline of East Wisconsin Avenue and extends 114 feet to the north. The facade is approximately 11 feet above the sidewalk grade.
2. To keep and maintain a brick building façade projecting 1 foot 3 inches into the north 20-foot wide sidewalk area of East Wisconsin Avenue. Said projection commences, approximately, at the eastline of North Water Street and extends 124 feet to the east. The façade is approximately 11 feet above the sidewalk grade.
3. To keep and maintain a brick building façade consisting of banding and 8 brick columns varying in size projecting approximately 1 foot 10 inches into the east 12-foot sidewalk area of North Water Street. Said façade commences, approximately, at the northline of East Wisconsin Avenue and extends 114 feet to the north. The facade is approximately 17 feet 6 inches above the sidewalk grade.
4. To keep and maintain a brick building façade consisting of banding and 8 brick columns varying in size projecting approximately 1 foot 10 inches into the north 20-foot sidewalk area in of East Wisconsin Avenue. Said projection commences, approximately, at the eastline of North Water Street and extends 124 feet to the east. The façade is approximately 17 feet 6 inches above the sidewalk grade.
5. To keep and maintain electrical cabling in conduit under the north, 20-foot wide sidewalk area of East Wisconsin Avenue. Said conduit enters the public way at a point approximately 99 feet east of the eastline of North Water Street; then extends south for a distance of 10 feet 6 inches to a street tree; and then extends east 21 feet to one tree and 74 feet west to the other 5 trees. The conduit is located approximately 2 feet beneath the surface of the sidewalk. The cabling is fed to locked outlet boxes for connection of light-strings that are located on the branches of the trees. The total length of electrical conduit is 165 feet 6 inches.
6. To keep and maintain six electrical outlets within the north 20-foot wide sidewalk area of East Wisconsin Avenue. Each outlet is located approximately 10 feet 10 inches south of the northline of East Wisconsin Avenue and 25, 47, 67, 87, 109 and 130 feet east of the east line of North Water Street. Said outlets measure 3 inches wide, 5 inches long and 6 inches tall.

Said above-mentioned 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, First Financial Office Investment, 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 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 \$5,000 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 \$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 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 \$3643.53. 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 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:ns

July 7, 2008

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