



## Legislation Details (With Text)

<b>File #:</b>	140599	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	9/3/2014	<b>In control:</b>	COMMON COUNCIL
<b>On agenda:</b>		<b>Final action:</b>	2/10/2015
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting a special privilege to Milwaukee Treasures LLC to construct and maintain underground conduits, a fence, fence railings, retaining wall and concrete curbs in the public right-of-way for the premises at 3333 West Highland Boulevard, in the 4th Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Application & Plan.PDF, 2. Cover Letter, 3. Map, 4. Photos		

Date	Ver.	Action By	Action	Result	Tally
9/3/2014	0	COMMON COUNCIL	ASSIGNED TO		
9/4/2014	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
1/28/2015	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
2/10/2015	1	COMMON COUNCIL	ADOPTED	Pass	15:0
2/19/2015	1	MAYOR	SIGNED		

140599  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to Milwaukee Treasures LLC to construct and maintain underground conduits, a fence, fence railings, retaining wall and concrete curbs in the public right-of-way for the premises at 3333 West Highland Boulevard, in the 4<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Milwaukee Treasures LLC to construct and maintain underground conduits, a fence, fence railings, retaining wall and concrete curbs in the public right-of-way for the premises at 3333 West Highland Boulevard.

Whereas, The applicant is requesting permission to construct and maintain an underground communications conduit in the public right-of-way to connect the premises at 3333 West highland Boulevard and 3234 West State Street; and

Whereas, A site visit revealed the presence of a fence, fence railings, retaining wall, and concrete curbs in 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 Milwaukee Treasures LLC, c/o Greenfire Management Services LLC, ATTN: Brian Kraus, 3215 West State Street #300, Milwaukee, WI 53208 is hereby granted the following special privileges:

1. To construct and maintain two, 2- inch diameter communications conduits crossing the 60-foot wide right-of-way of North 33<sup>rd</sup> Street at a point approximately 82 feet south of West Highland Boulevard. Said conduits are at minimum 2 feet below grade.

2. To construct and maintain a 6-foot tall decorative metal fence enclosing a portion of the west, 15-foot wide sidewalk area of North 33<sup>rd</sup> Street. Said fence, which projects 2 feet 7 inches into the public way, commences at a point approximately 81 feet south of the southline of West Highland Boulevard and extends south 60 feet 8 inches.
3. To construct and maintain two, 2.5 inch wide decorative fence railings projecting perpendicularly 2 feet 9 inches into the west, 15-foot wide sidewalk area of North 33<sup>rd</sup> Street. Said railings are centered about a point approximately 42 feet south of the southline of West Highland Boulevard and serve as handrails for a set of concrete steps located on private property.
4. To construct and maintain a concrete block retaining wall that projects 2 feet 4 inches into the south, 16-foot sidewalk area of West Highland Boulevard. Said retaining wall, which is 1 foot 1 inch wide, commences at a point approximately 61 feet west of the westline of North 33<sup>rd</sup> Street and extends west 61 feet 9 inches. The retaining wall is 2 feet 4 inches tall.
5. To construct and maintain two, 6-inch wide concrete curbs projecting perpendicularly into the south, 16-foot wide sidewalk area of West Highland Boulevard. Said curbs, which project 2 feet 5 inches into the public way, are centered approximately 160 and 188 feet west of the westline of North 33<sup>rd</sup> Street.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as it is 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 Treasures 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 \$215.86. 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.

7. Not now or in the future use the cable communication facility in a manner that will conflict with the provisions of Chapter 99 of the Code of Ordinances regarding the transmission and distribution of video entertainment programming to subscribers.

8. Join and continue to be a member of Digger's Hotline, the one call system that operates in the Milwaukee area, as long as there are private underground facilities in the public right-of-way as required in Section 182.0175(lm)(6) of the Wisconsin Statutes.

Department of Public Works

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

December 17, 2014