



Legislation Details (With Text)

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On agenda:		Final action:	12/16/2008
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Title:	Substitute resolution amending a special privilege for change of ownership to Highbridge Condominium Owners Association Inc for a retaining wall and steps in the public right-of-way for the premises at 1888 North Water Street, in the 3rd Aldermanic District.		
Sponsors:	THE CHAIR		
Indexes:	SPECIAL PRIVILEGE PERMITS		
Attachments:	1. Special Privilege Petition, 2. Fiscal Note, 3. Cover Letter, 4. Pictures, 5. Map, 6. Hearing notice list		

Date	Ver.	Action By	Action	Result	Tally
7/1/2008	0	COMMON COUNCIL	ASSIGNED TO		
7/2/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/21/2008	1	CITY CLERK	DRAFT SUBMITTED		
11/26/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/26/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/3/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
12/16/2008	1	COMMON COUNCIL	ADOPTED	Pass	14:0
12/22/2008	1	MAYOR	SIGNED		

080399
SUBSTITUTE 1
991711
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Highbridge Condominium Owners Association Inc for a retaining wall and steps in the public right-of-way for the premises at 1888 North Water Street, in the 3rd Aldermanic District.

This resolution amends a special privilege for change of ownership to Highbridge Condominium Owners Association Inc for a retaining wall and steps in the public right-of-way for the premises at 1888 North Water Street.

Whereas, New Land Enterprises requested permission to construct and maintain a retaining wall and concrete steps in the public right-of-way; and

Whereas, Permission for said items was granted in 2000 under Common Council File Number 991711; and

Whereas, Highbridge Condominium Owners Association Inc is now responsible for the property; and

Whereas, For liability for said items to be formally transferred to Highbridge Condominium Owners Association Inc, 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 991711 is hereby rescinded; and, be it

Further Resolved, That Highbridge Condominium Owners Association Inc, 5645 North Green Bay Avenue, Glendale, Wisconsin 53209, is hereby granted the following special privileges:

1. To keep and maintain an 8-inch thick concrete retaining wall in the south 15-foot wide sidewalk area of North Water Street. Said wall commences at a point approximately 425 feet easterly of the eastline of North Humboldt Avenue and ends at a point approximately 315 to the southeast as measured parallel to easterly line of North Water Street. The wall, which is generally located approximately 11 feet west of the easterly line of North Water Street, varies in height from 8 inches to 3 feet and is interrupted by five sets of concrete steps. For each set of steps, except for the main entrance steps, the wall turns perpendicularly towards the easterly right-of-way line of North Water Street on either side of each set of steps. Total length of said retaining wall, including the sidewalls for the aforementioned concrete steps, is 308 feet 4 inches.
2. To keep and maintain a set of concrete stairs and pillars with steel handrails at the main entrance to the building at 1888 North Water Street. Said steps and pillars with handrails are located approximately 550 feet west of the westline of North Humboldt Avenue and extend to the south a total distance of 27 feet 9 inches. The steps and pillars are five feet wide and are centered approximately 10 feet west of the easterly line of North Water Street. Each pillar stands 5 feet tall and is located at either end of the concrete steps.
3. To keep and maintain four sets of 3-foot wide concrete steps with handrails in the easterly sidewalk area of North Water Street, approximately 10 feet west of the easterly line of North Water Street and connecting the curb elevation to the raised concrete . Said steps are centered approximately 445, 515, 645 and 705 feet westerly of the westline of North Humboldt Avenue and measure 2 feet 11 inches, 4 feet 9 inches, 4 feet and 2 feet 11 inches, respectively.
4. To keep and maintain a set of concrete steps with handrails projecting 5 feet 2 inches into the easterly, 15-foot wide sidewalk area of North Water Street at vacated North Astor Street. Said 20-foot 5-inch wide steps are located approximately 340 feet west of the westline of North Humboldt Avenue.
5. To keep and maintain steel handrails within the easterly, 15-foot wide sidewalk area of North Water Street. Said handrails are located 3 inches west of the easterly line of North Water Street adjacent to several sets of concrete steps located on private property.

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, Highbridge Condominium Owners Association 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 \$10,000.00 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 \$1404.69. 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
October 23, 2008
080399