



Legislation Details (With Text)

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Title:	Substitute resolution granting a special privilege to North End Phase I LLC to construct and maintain stationary planters, private light fixtures with electrical outlets, and associated electrical wiring for the premises at 1531 North Water Street, in the 3rd Aldermanic District.		
Sponsors:	THE CHAIR		
Indexes:	SPECIAL PRIVILEGE PERMITS		
Attachments:	1. Special Privilege Petition, 2. Drawing, 3. Cover letter from Dept of Public Works, 4. Fiscal note, 5. Pictures, 6. Map, 7. Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
10/29/2008	0	COMMON COUNCIL	ASSIGNED TO		
10/30/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
12/22/2009	1	CITY CLERK	DRAFT SUBMITTED		
12/23/2009	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/6/2010	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
1/20/2010	1	COMMON COUNCIL	ADOPTED	Pass	15:0
1/29/2010	1	MAYOR	SIGNED		

080942

SUBSTITUTE 1

THE CHAIR

Substitute resolution granting a special privilege to North End Phase I LLC to construct and maintain stationary planters, private light fixtures with electrical outlets, and associated electrical wiring for the premises at 1531 North Water Street, in the 3rd Aldermanic District.

This resolution grants a special privilege to North End Phase I LLC to construct and maintain stationary planters, private light fixtures with electrical outlets, and associated electrical wiring for the premises at 1531 North Water Street, also known as 1551 North Water Street.

Whereas, North End Phase I LLC, the applicant, has constructed an apartment building at the subject premises; and

Whereas, To beautify the area adjacent to the new apartment building, the applicant is requesting permission to install private light fixtures with electrical outlets and associated electrical wiring in the public right-of-way; and

Whereas, A site visit revealed the presence of raised stationary planters 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 North End Phase I LLC, C/O Mandel Group Inc, 301 East Erie Street, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain 16 private light fixtures with electrical outlets for the purpose of up-lighting the adjacent building and providing electricity for holiday lighting on the area street trees. Said light fixtures with electrical outlets are mounted on top of 1-foot diameter concrete sonotube foundations which are centered approximately 6 feet easterly of the westerly line of North Water Street. There are two light fixtures with outlets in each of 8 raised planter beds adjacent to the subject property.
2. To construct and maintain electrical conduit and wiring for the aforementioned private light fixtures and electrical outlet boxes. Said conduits project perpendicularly from the westerly line of North Water Street 8 feet at points approximately 30, 70, 110, 147, 199, 256, 296 and 336 feet east of the east line of North Milwaukee Street.
3. To construct and maintain 8 stationary planters in the westerly, 10-foot wide sidewalk area of North Water Street. Said planters are centered 6 feet east of the westerly of North Water Street, measure 5 feet wide, measure 25 feet long, and are surrounded by a 5-inch tall, 6-inch wide curb head. The southerly end of each planter is located approximately 12, 52, 97, 137, 157, 211, 256 and 296 feet northerly of the easterly line of North Milwaukee Street. Total length of the curb head is 464 feet.

Said 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, North End Phase I 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 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. The 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 \$558.82. 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.
7. Provide and maintain a sidewalk for pedestrian traffic that is clear of all obstructions and that is a minimum of 5 feet wide.

Department of Public Works
Infrastructure Services Division
MDL:ns
December 10, 2009
080942