



## Legislation Details (With Text)

**File #:** 160722 **Version:** 1

**Type:** Resolution **Status:** Passed

**File created:** 9/20/2016 **In control:** COMMON COUNCIL

**On agenda:** **Final action:** 10/11/2016

**Effective date:**

**Title:** Substitute resolution amending a special privilege to Noble I Milwaukee, LLC for removal of benches encroaching in the public right-of-way for the premises at 333 West Kilbourn Avenue, in the 4th Aldermanic District.

**Sponsors:** ALD. BAUMAN

**Indexes:** PERMITS

**Attachments:** 1. Letter to Ghassan Korban

Date	Ver.	Action By	Action	Result	Tally
9/20/2016	0	COMMON COUNCIL	ASSIGNED TO		
9/28/2016	1	PUBLIC WORKS COMMITTEE	SUBSTITUTED	Pass	5:0
9/28/2016	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
10/11/2016	1	COMMON COUNCIL	ADOPTED	Pass	14:0
10/19/2016	1	MAYOR	SIGNED		

160722

SUBSTITUTE 1

070680

Alderman Bauman

Substitute resolution amending a special privilege to Noble I Milwaukee, LLC for removal of benches encroaching in the public right-of-way for the premises at 333 West Kilbourn Avenue, in the 4<sup>th</sup> Aldermanic District.

This resolution amends a special privilege to Noble I Milwaukee, LLC for removal of benches encroaching in the public right-of-way for the premises at 333 West Kilbourn Avenue.

Whereas, Noble I Milwaukee, LLC requested permission to keep and maintain two covered walks, two exterior floodlights with associated electrical conduits, moveable planters, benches, and private trashcans in the public right-of-way; and

Whereas, Permission for said items to continue to encroach into the public right-of-way was granted under Common Council Resolution File Number 070680; and

Whereas, Noble I Milwaukee, LLC is now requesting removal of five concrete benches encroaching in the public right-of-way; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 070680 is hereby rescinded; and, be it

Further Resolved, That Noble I Milwaukee, LLC, 3424 Peachtree Road, NE, Suite 1100, Atlanta, Georgia

30326 is hereby granted the following special privileges:

1. To keep and maintain seven rectangular and two circular concrete moveable planters. Said planters are located in the south sidewalk area of West Kilbourn Avenue between North Old World Third Street and North 4<sup>th</sup> Street adjacent to the curb.
2. To keep and maintain three rectangular and two circular concrete moveable planters. Said planters are located in the west, 25-foot wide sidewalk area of North Old World Third Street. The circular planters are located adjacent to the curb, one at each vertical support of the covered walk of Item #7. The three rectangular planters are centered approximately 3 feet east of the westline of Old World Third Street.
3. To keep and maintain five private trash cans located in the west, 25-foot wide sidewalk area of North Old World Third Street between West Wells Street and West Kilbourn Avenue. Said metal trashcans are 2 feet in diameter and 3 feet 6 inches tall.
4. To keep and maintain two floodlight units in the west sidewalk area of Old World Third Street centered approximately 35 and 168 feet south of the southline of West Kilbourn Avenue and 2 feet east of the westline of Old World Third Street. Each floodlight unit consists of a pole with six light fixtures attached. Minimum vertical clearance between the light fixtures and the adjacent grade below is 11 feet.
5. To keep and maintain underground electrical conduits in the public right-of-way to supply power to the floodlight units. A conduit exits the northeast corner of the building at a point approximately 39 feet south of the southline of West Kilbourn Avenue and extends in a northeasterly direction toward the north light fixture. Total length of said conduit is 36 feet.
6. To keep and maintain a covered walk projecting 12 feet into the 14-foot south sidewalk area of West Kilbourn Avenue. Said covered walk is 24 feet wide and centered approximately 119 west of the westline of Old World Third Street. The covered walk has vertical supports centered approximately 8 feet north of the southline of West Kilbourn Avenue.
7. To keep and maintain a covered walk projecting 23 feet into the 25-foot wide west sidewalk area of Old World Third Street. Said covered walk is 12 feet wide and centered approximately 89 feet south of the southline of West Kilbourn Avenue. A set of vertical supports for the covered walk is located approximately 19 feet east of the eastline of Old World Third Street.

All fixtures and materials for illumination of the covered walks shall be indicated on the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walks. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

The grantee is required to keep a "Loading Zone", "No Parking", or "Taxi Stand" status adjacent to the covered walks as long as the covered walks occupy the public right-of-way.

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, Noble I Milwaukee, 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 the 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 canceled until 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 \$478.79. 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.

; and, be it

Further Resolved, That the City of Milwaukee Department of Public works is authorized to remove and retain ownership of five concrete benches in the west, 25-foot wide sidewalk area of North Old World Third Street between West Wells Street and West Kilbourn Avenue.

Department of Public Works

Administration Division

KAREN DETTMER/DAWN SCHMIDT

September 19, 2016