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Title: Substitute resolution granting a special privilege to Milwaukee Ballet Company Incorporated to construct and maintain four private, in-ground light fixtures and an excess awning projection into the public right-of-way for the premises at 128 North Jackson Street, in the 4th Aldermanic District.

Sponsors: ALD. BAUMAN

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Application & Plans, 2. CCF 180640 Photos.pdf, 3. CCF 180640 Map.pdf

Date	Ver.	Action By	Action	Result	Tally
7/31/2018	0	COMMON COUNCIL	ASSIGNED TO		
6/24/2020	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
7/7/2020	1	COMMON COUNCIL	ADOPTED	Pass	15:0
7/17/2020	1	MAYOR	SIGNED		

180640
SUBSTITUTE 1
Ald. Bauman

Substitute resolution granting a special privilege to Milwaukee Ballet Company Incorporated to construct and maintain four private, in-ground light fixtures and an excess awning projection into the public right-of-way for the premises at 128 North Jackson Street, in the 4th Aldermanic District.

This resolution grants a special privilege to Milwaukee Ballet Company Incorporated to construct and maintain four private, in-ground light fixtures and an excess awning projection into the public right-of-way for the premises at 128 North Jackson Street.

Whereas, Milwaukee Ballet Company Incorporate, the applicant, constructed a new facility at the intersection of East Corcoran Avenue and North Jackson Street in the Historic Third Ward; and

Whereas, The applicant is requesting permission to construct and maintain four private light fixtures and an excess awning projection; 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 Ballet Company Incorporated, 128 North Jackson Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

- To construct and maintain four in-ground, flush-mounted light fixtures and appurtenant electrical wiring in the south, variable width sidewalk area of East Corcoran Avenue. Said lights are centered about the main entrance to the building, which is located approximately 10 feet west of the east line of North Jackson Street. Two of the light fixtures are located on each side of the doorway at a point approximately 18 inches north of the south line of East Corcoran Avenue.

2. To construct and maintain an 8-foot wide awning projecting 12 feet into the south, variable width sidewalk area of East Corcoran Avenue in excess of the 6 feet permitted under Milwaukee Code of Ordinances Section 245-7-4. Said awning is centered above the main entrance to the building, which is located approximately 10 feet west of the east line of North Jackson Street. The awning is at least 10 feet above the adjacent sidewalk grade.

Said 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 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, Milwaukee Ballet Company Incorporated, 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 \$110.00. 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 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

Administration Division

JERREL KRUSCHKE/DAWN SCHMIDT

June 11, 2020

180640