



## Legislation Details (With Text)

<b>File #:</b>	100234	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	6/15/2010	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	6/14/2011
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution amending a special privilege for removal of raised planters and tree grates from the public right-of-way for the premises at 777 East Wisconsin Avenue, in the 4th Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Cover Letter, 2. Petition, 3. Map, 4. Photos, 5. Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
6/15/2010	0	COMMON COUNCIL	ASSIGNED TO		
9/1/2010	0	CITY CLERK	REFERRED TO		
5/26/2011	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/2/2011	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
6/14/2011	1	COMMON COUNCIL	ADOPTED	Pass	15:0
6/23/2011	1	MAYOR	SIGNED		

100234  
SUBSTITUTE 1  
051639  
THE CHAIR

Substitute resolution amending a special privilege for removal of raised planters and tree grates from the public right-of-way for the premises at 777 East Wisconsin Avenue, in the 4th Aldermanic District.

This resolution amends a special privilege for removal of raised planters and tree grates from the public right-of-way for the premises at 777 East Wisconsin Avenue.

Whereas, U.S. Bank National Association notified the Department of Public Works that it removed raised planters from the public right-of-way; and

Whereas, Permission for said items was granted in 2006 under Common Council File Number 051639; and

Whereas, A site visit revealed that six of the tree grates have been removed from the public right-of-way and that two of the raised planters remain in the public right-of-way; and

Whereas, Only the Common Council may amend a special privilege for removal of items from 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 051639 is hereby rescinded; and, be it

Further Resolved, That U.S. Bank National Association, 777 East Wisconsin Avenue #3175, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To keep and maintain fourteen, 4-foot square tree grates along the east side of North Van Buren Street as follows.

Eight tree grates in the east, 16-foot wide sidewalk area of North Van Buren Street between east Michigan Street and East Wisconsin Avenue. Said tree grates are centered approximately 10 feet west of the eastline of North Van Buren Street and 27, 47, 147, 167, 187, 207, 227 and 247 feet north of the northline of East Michigan Street.

Six tree grates in the east, 15-foot wide sidewalk area of North Van Buren Street between East Clybourn Street and East Michigan street. Said tree grates are centered approximately 12 feet west of the eastline of North Van Buren Street and 18, 131, 156, 181, 256 and 283 feet north of the northline of East Clybourn Street

2. To keep and maintain six 4-inch PVC conduits under and directly across the 80-foot wide right-of-way of North Cass Street between East Michigan Street and East Wisconsin Avenue. Said conduits are placed perpendicular to the east and west street lines of North Cass Street. The conduits extend from a pull-box located 41 feet north of the northline of East Michigan Street west to the east wall of the building at 777 East Wisconsin Avenue at a point 41 feet north of the northline of East Michigan Street. Said conduits are located approximately 2 feet below grade.

3. To keep and maintain two raised planters surrounded by 6-inch wide and 6-inch tall concrete curbing in the north, 15-foot wide sidewalk area of East Clybourn Street. The planters are centered approximately 361 and 379 feet east of the eastline of North Van Buren Street and centered 11.5 feet south of the northline of East Clybourn Street. The circular planters are 5 feet in diameter.

4. To keep and maintain one rigid 1-inch diameter conduit starting at the northline of East Clybourn Street, at a point approximately 396 feet east of the eastline of North Van Buren Street, to a point 3 feet north of the southline of East Clybourn Street and approximately 390 feet east of the eastline of North Van Buren Street to a point 3 feet north of the southline of east Clybourn Street and 118 feet east of the eastline of North Van Buren Street. Total length of said conduit is 352 feet.

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, U.S. Bank National Association 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 \$610.87. 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.

Department of Public Works  
Infrastructure Services Division

MDL:ns

May 13, 2011

100234