



## Legislation Text

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**File #: 990178, Version: 1**

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990178  
SUBSTITUTE

### THE CHAIR

Substitute resolution granting a special privilege to Milwaukee Properties L.P. to keep and maintain an informational sign with a planter at its base located within the public right-of-way adjacent to the property at 5444 North 124th Street, in the 15th Aldermanic District in the City of Milwaukee.

### - Analysis -

This special privilege allows maintenance of an existing informational sign with a planter at its base to be located on the east side of North 124th Street at 5444 North 124th Street. These encroaching items were discovered in conjunction with the improvement of North 124th Street.

Whereas, An informational sign is located on public right-of-way on the east side of North 124th Street, adjacent to the premises at 5444 North 124th Street, in order to indicate the location of the facility at this location; and

Whereas, The sign is located such that its placement does not impede the visibility of motorists using North 124th Street or West Silver Spring Drive; and

Whereas, The sign has a wood planter at its base which encroaches into the public right-of-way; and

Whereas, These encroaching items were discovered during the Plan preparation for the urban cross-section development of North 124th Street; and

Whereas, The owners are desirous of having these items remain where they are located; and

Whereas, Said privately owned informational sign with planter at its base may only be permitted in the public way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Milwaukee Properties L.P., P.O. Box 1229, Camp Hill, PA. 17001-1229, is hereby granted the following special privilege:

To keep and maintain an approximately 6-foot high by 14-foot 10-inch wide sign, with the bottom of the sign being approximately 15 feet above grade supported by two approximately 8-inch diameter metal poles. An approximately 4-foot 3-inch high by 8-foot 9-inch long manual changeable message board sign is attached between the metal poles, below the informational sign, the bottom of said sign being 8'-6" above grade with said two-sided signs facing east-west. An approximately 3-foot 10-inch wide by 12-foot 8-inch long planter constructed of wood ties, approximately 12-inches high, is located at the base of the signage. Said planter contains a variety of plant material. The planter encroachment is approximately 7.7 feet.

Said signs shall be maintained to the approval of the Departments of Public Works and Neighborhood Services and all necessary permits shall be procured from the Departments of City Developments/Neighborhood Services and Public Works. Said planter material shall be maintained to the approval of the City Forester. No alteration or replacement of the signs or planter may be made without the written approval of the Departments of Public Works and 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 Properties L.P. 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 \$3,000.00 such bond to be approved by the City Attorney. The 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 \$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. Both bond and insurance policy shall provide that they shall not be canceled 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 \$35.00. 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 any 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 66.045 of the Wisconsin Statutes (1979), 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

June 21, 1999

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