



Legislation Text

File #: 990179, **Version:** 1

990179

SUBSTITUTE 1

74-512b

THE CHAIR

Substitute resolution amending a special privilege to change the name to Old World Third Street Organization and to allow for the placement of benches, trash cans, and planters in the public right-of-way of Old World Third Street between West State Street and West Juneau Avenue in the 4th Aldermanic District.

This resolution formally grants an amended special privilege changing the name to Old World Third Street Organization and grants permission for the placement of benches, trash cans and planters in the public right-of-way of Old World Third Street between West State Street and West Juneau Avenue.

Whereas, The Downtown Third Street Advancement Association requested a special privilege for moveable planters, waste baskets, aluminum signs, gas lamps and electrical conduits in the right-of-way of Old World Third Street; and

Whereas, Permission was granted in 1985 by adoption of Common Council Resolution File Number 74-512-b; and

Whereas, The Downtown Third Street Advancement Association has become the Old World Third Street Organization; and

Whereas, The applicant has installed new benches, trash cans and moveable planters; and

Whereas, Brick pavers located within the Old World Third Street right-of-way between West Juneau Avenue and West State Street are owned by the City of Milwaukee except for the brick driveways at Usinger's, which extend into the paved sidewalk area and are covered under a separate permissive resolution; and

Whereas, Previously existing aluminum business community signs have been removed from the public right-of-way and replaced by fabric banners; and

Whereas, There currently exists a permit process which allows the hanging of banners on streetlight poles and the aforementioned fabric banners are subject to that process and, thus, permission for the banners is not granted by this special privilege resolution; and

Whereas, Old World Third Street Organization has been made aware of the permitting process for the hanging of banners on streetlight poles and has been asked to acquire said permits; and

Whereas, For the liability to be formally transferred to Old World Third Street Organization for existing items the Common Council needs to adopt an amending resolution; and

Whereas, Said new items may only legally encroach into the public right-of-way by the 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 Common Council Resolution File Number 74-512-b is hereby rescinded; and, be it;

Further Resolved, That Old World Third Street Organization, 1110 North Old World Third Street, Milwaukee, Wisconsin 53203 is hereby granted the following special privileges:

1. To keep and maintain 9 metal trash cans located along the curb. Said trash cans are located within the public sidewalk area of Old World Third Street between West State Street and West Juneau Avenue and on streets adjacent within the near vicinity as indicated below:

1 trash can at 1001 North Old World Third Street on the west side of Old World Third Street

1 trash can at 1025 North Old World Third Street on the west side of Old World Third Street

1 trash can at 1037 North Old World Third Street on the south side of Highland Avenue, west of Old World Third Street

1 trash can at 1030 North Old World Third Street on the east side of Old World Third Street

1 trash can at 1044 North Old World Third Street on the south side of Highland Avenue, east of Old World Third Street

1 trash can at 1103 North Old World Third Street on the north side of Highland Avenue, west of Old World Third Street

1 trash can south of the southwest corner of West Juneau Avenue and Old World Third Street on the west side of Old World Third Street

2 trash cans at 1110 North Old World Third Street on the east side of Old World Third Street

2. To keep and maintain 14 benches located along the curb. Said benches are located within the public sidewalk area of Old World Third Street between West State Street and West Juneau Avenue and on streets adjacent within the near vicinity as indicated below:

2 benches at 1001 North Old World Third Street, one being on the north side of West State Street west of Old World Third Street and the other being on the west side of Old World Third Street

1 bench at 1009 North Old World Third Street on the west side of Old World Third Street

2 benches at 1029 North Old World Third Street on the west side of Old World Third Street

1 bench at 1030 North Old World Third Street on the east side of Old World Third Street

3 benches at 1037 North Old World Third Street, one on the south side of Highland Ave west of Old World Third Street and two on the west side of Old World Third Street

1 bench at 1044 North Old World Third Street on the south side of Highland Avenue, east of Old World Third Street

2 benches at 1101 North Old World Third Street one on the north side of Highland Avenue west of Old World Third Street and one on the west side of Old World Third Street

2 benches at 1110 North Old World Third Street on the east side of Old World Third Street.

3. To keep and maintain 10 moveable planters located along the curb. Said moveable planters are located within the public sidewalk area of Old World Third Street between West State Street and West Juneau Avenue and on streets adjacent within the near vicinity as indicated below:

1 moveable planter at 1001 North Old World Third Street on the north side of State Street west of Old World Third Street

1 moveable planter at 1021 North Old World Third Street on the west side of Old World Third Street

3 moveable planters at 1029 North Old World Third Street on the west side of Old World Third

2 moveable planters at 1030 North Old World Third Street on the east side of Old World Third

1 moveable planter at 1101 North Old World Third Street on the north side of Highland Avenue west of Old World Third Street

1 moveable planter at 1105 North Old World Third Street on the west side of Old World Third Street

1 moveable planter south of the southwest corner of West Juneau Avenue and Old World Third Street on the west side of Old World Third Street

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, Old World Third Street Organization, 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 \$1,000 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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. Both bond and 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 \$495.00. 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 no 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.

Department of Public Works
Infrastructure Services Division
MDL:lja

September 27, 2006
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