



Legislation Text

File #: 031692, **Version:** 1

031692

SUBSTITUTE

960894

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to New Arcade, LLC d/b/a the Shops of Grand Avenue for encroachment into the public rights-of-way of existing items such as harp lights and brick pavers and new signs on the parking structures at 176 West Michigan Street and 615 North 2nd Street for the premises at 275 West Wisconsin Avenue, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to New Arcade LLC d/b/a the Shops of Grand Avenue for existing items such as brick pavers and harp lights, which the previous owner had received permission to have, and new signs on the parking structures at 176 West Michigan Street and 615 North 2nd Street and for tree grates on West Michigan Avenue to encroach into the public right-of-way, near the premises at 275 West Wisconsin Avenue.

Whereas, Rouse-Milwaukee Inc. requested a special privilege for some items to encroach into the public rights-of-way abutting the Grand Avenue Mall d/b/a The Shops of Grand Avenue; and

Whereas, Permission was granted in 1996 by adoption of Common Council Resolution File Number 960894; and

Whereas, Rouse-Milwaukee, Inc. became New Arcade, LLC; and

Whereas, New Arcade, LLC has requested permission for two new projecting signs to be located at the entrances to their parking structures; and

Whereas, These signs do not comply with the projecting sign ordinance and in order to be located in the public rights-of-way a special privilege must be obtained; and

Whereas, A site visit revealed that several items that were permitted in the public rights-of-way under Common Council Resolution File Number 960894 have been removed from the public way; and

Whereas, A site visit also revealed the presence of uniformly spaced tree grates adjacent to said premises on West Michigan Street, between North Plankinton Avenue and approximately 180 feet west of North 2nd Street; and

Whereas, Our viewing also revealed that a truck dock located toward the North Plankinton Avenue end of the building at 161 West Wisconsin Avenue is now being used as a backup driveway and needs to be granted permission for this operation to continue; and

Whereas, For the liability for said items in the public rights-of-way to be formally transferred to the current owners, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, That Common Council Resolution File Number 960894 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that New Arcade LLC (The Shops at Grand Avenue), 275 West Wisconsin Avenue, Suite 5, Milwaukee, Wisconsin 53203 is hereby granted the following special privilege:

1. To keep, use and maintain four harp lights in the 16.5-foot wide south sidewalk area of West Wisconsin Avenue adjacent to an entrance to the Shops of Grand Avenue known as 161 West Wisconsin Avenue. Two units are centered 10 feet north of the southline of West Wisconsin Avenue approximately 204 feet and 219 feet west of the westline of North Plankinton Avenue. Two units are centered 12 feet 6 inches north of the southline of West Wisconsin Avenue approximately 195 feet and 227 feet west of the westline of North Plankinton Avenue.
2. To keep, use and maintain four harp lights in the 15-foot wide west sidewalk area of North Plankinton Avenue adjacent to the east entrance to the Shops of Grand Avenue. One unit is centered 10 feet east of the westline of North Plankinton Avenue approximately 129 feet south of the southline of West Wisconsin Avenue. Two units are centered 14 feet east of the westline of North Plankinton Avenue, approximately 121 feet and 137 feet south of the southline of West Wisconsin Avenue.
3. To keep and maintain brick pavers in the 15-foot wide west sidewalk area of North 2nd Street adjacent to an entrance to the Shops of Grand Avenue. Said brick pavers occupy an 8-foot 9-inch wide area of the sidewalk abutting the westline of North 2nd Street and are located between 150 feet and 190 feet south of the southline of West Wisconsin Avenue, approximately. Said pavers shall be maintained flush with adjacent concrete walk.
4. To keep and maintain two signs to demarcate the North Plankinton Avenue and North 2nd Street parking structure entrances. Both signs are approximately 17 feet across. The sign located in the west sidewalk area of North Plankinton Avenue projects approximately 8 feet 6 inches and provides approximately 8 feet 5 inches of vertical clearance. The sign located in the west sidewalk area of North 2nd Street projects approximately 8 feet 5 inches and provides approximately 8 feet 2 inches of vertical clearance.
5. To keep and maintain 8 round tree grates and 12 round tree grates with tree guards, all uniformly spaced between North Plankinton Avenue and approximately 180 feet west of the westline of North 2nd Street within the public right-of-way of North Michigan Street.
6. To keep and use a backup driveway extending into North Plankinton Avenue, approximately 224 feet south of the southline of West Wisconsin Avenue, for an eight-foot wide truck dock located approximately 51 feet west of the eastline of North Plankinton Avenue. Said vehicles are allowed to extend onto the sidewalk area and no more than the 8-foot wide parking lane on the west side of North Plankinton Avenue.
7. To keep, use and maintain two non-governmental flags, which are not compliant with Section 245-27 of the Code of Ordinances. Said flags are mounted on the north face of 161 West Wisconsin Avenue.

Said items shall be used and maintained to the satisfaction of the Departments of Public Works and Neighborhood Services. Said items shall be removed from the public right-of-way, at such future time as they are no longer needed to the satisfaction of said departments. All required permits shall have been obtained for the placement of said items into the public way; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special

privilege the grantee, New Arcade, LLC (The Shops of Grand Avenue), 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 \$10,000.00 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 \$300,000.00 covering bodily injury to any one person and \$600,000.00 covering bodily injury to more than one person in any one accident and \$120,000.00 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 \$2,019.35. 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 66.0425 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division

MDL:cjt

December 3, 2004

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