



Legislation Text

File #: 051435, **Version:** 1

051435

SUBSTITUTE

031692

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Grand Avenue City Mall, LLC for encroachment into the public rights-of-way of existing items such as harp lights, brick pavers, signs on the parking structures at 176 West Michigan Street and 615 North 2nd Street and the entry sign at 161 West Wisconsin Avenue for the premises at 275 West Wisconsin Avenue, in the 4th Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege for change of ownership to Grand Avenue City Mall, LLC for harp lights, brick pavers, two parking structure signs, an entrance sign, tree grates and tree guards and a back-up driveway, and grants permission for an entry sign.

Whereas, New Arcade, LLC had petitioned to keep and maintain seven harp lights, brick pavers, signs on two parking structures, eight tree grates, and 12 tree grates with tree guards, a back-up driveway and two non-governmental flags for the premises at 275 West Wisconsin Avenue; and

Whereas, Permission for said items was granted in 2004 under Common Council File Number 031692; and

Whereas, Subsequently, New Arcade, LLC had petitioned in 2005 under Common Council File Number 050123 to erect a new entry sign at 161 West Wisconsin Avenue for the premises at 275 West Wisconsin Avenue; and

Whereas, New Arcade, LLC erected said entry sign; and

Whereas, Two of four of said harp lights and both non-governmental flags at 161 West Wisconsin Avenue have been removed from the public right-of-way as a result of erecting the new entry sign; and

Whereas, The remaining two harp lights at 161 West Wisconsin Avenue are scheduled for removal under the proposed 2006 Wisconsin Avenue Streetscape; and

Whereas, Grand Avenue City Mall, LLC now owns the property; and

Whereas, A site visit revealed the presence of two additional tree guards; and

Whereas, The application for the new entry sign is now included in the current application for better special privilege file management; and

Whereas, Said entry sign and two tree guards may only legally encroach into the public rights-of-way by granting of a special privilege resolution adopted by the Common Council; and

Whereas, Common Council File Number 050123 will be placed on file as no longer needed; now, therefore, be

it

Resolved, That Common Council Resolution File Number 031692 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Grand Avenue City Mall, LLC 433 5th Avenue, 2nd Floor, New York, NY 10016 is hereby granted the following special privileges:

1. To construct, keep and maintain one sign to demarcate the West Wisconsin Avenue entrance to the 161 West Wisconsin Avenue building. The sign projects approximately 8 feet 6 inches into the 16.5-foot wide south sidewalk area of West Wisconsin Avenue. The sign located approximately 211 feet west of the westline of North Plankinton Avenue is approximately 22 feet across and provides approximately 10 feet 8 inches of vertical clearance.
2. To keep, use and maintain two 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. The units are centered 13 feet 8 inches north of the southline of West Wisconsin Avenue approximately 195 feet and 227 feet west of the westline of North Plankinton Avenue. The harp lights are scheduled for removal under the proposed 2006 Wisconsin Avenue Streetscape.
3. To keep, use and maintain three 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 9 feet east of the westline of North Plankinton Avenue approximately 129 feet south of the southline of West Wisconsin Avenue. Two units are centered 13 feet east of the westline of North Plankinton Avenue, approximately 121 feet and 137 feet south of the southline of West Wisconsin Avenue.
4. 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.
5. 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.
6. To keep and maintain six round tree grates and 14 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.
7. 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 westline 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.

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 the 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, Grand Avenue City Mall, LLC, 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 \$100,000.00 covering bodily injury to any one person and \$200,000.00 covering bodily injury to more than one person in any one accident and \$50,000.00 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 \$3,058.78. 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.
7. Owner must ensure sufficient traffic control while using the back-up driveway to allow continued, safe traffic flow on North Plankinton Avenue. Traffic control measures may include, but are not limited to flag persons and traffic cones.

Department of Public works
Infrastructure Services Division
MDL:lja
March 13, 2006
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