Legislation Text

File #: 071540, **Version:** 0

071549
ORIGINAL
981327
060027
THE CHAIR
Resolution combining two special privileges and changing the name to Triple Net Properties, LLC for encroachment into the public right-of-way of items previously granted permission for the premises at 411 East Wisconsin Avenue, in the 4th Aldermanic District in the City of Milwaukee.
This resolution changes the name for items previously granted permission under Common Council Resolution File Number 981327 and combines both special privileges granted under Common Council Resolution File Numbers 981327 and 060027.
Whereas, Triple Net Properties, LLC requested permission to construct and maintain underground electrical conduit and electrical outlets in the public right-of-way; and

Whereas, Common Council Resolution File Number 060027 was drafted to grant permission for said items to encroach into the public right-of-way, however, through clerical oversight, items previously granted permission under Common Council Resolution File Number 981327 were not included in the newer resolution; and

Whereas, The name of the owner must be amended for the items granted permission under Common Council Resolution File Number 981327 in order to transfer liability to the current property owner and this amendment should have been done under Common Council Resolution File Number 060027; and

Whereas, Combining both special privileges will make future management of the special privileges more efficient; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Triple Net Properties, LLC, 411 East Wisconsin Avenue, Suite 500, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To keep and maintain electrical wiring from the building to six in-ground planters in the south 20-foot wide sidewalk area of East Wisconsin Avenue. Said electrical wiring commences from the southline of East Wisconsin Avenue at a point approximately 43 feet west of the westline of North Jefferson Street, then 18 feet northeast to a point 30 feet 6 inches west of the westline of North Jefferson Street. The electrical wiring continues west to a point approximately 222 feet west of the westline of North Jefferson Street. The total length of the electrical wiring is approximately 240 feet.

2. To keep and maintain six electrical outlets in the south, 20-foot wide sidewalk area of East Wisconsin Avenue. Said outlets are centered approximately 13 feet north of the southline of East Wisconsin Avenue and 30.5, 65.5, 89, 173, 195.5, and 222 feet west of the westline of North Jefferson Street.

3. To keep and maintain seven, 5-foot square metal tree grates in the west, 15-foot wide fully paved sidewalk area of North Jefferson Street. The tree grates are centered approximately 11 feet east of the westline of North Jefferson Street and 44, 80, 116, 152, 188, 224, 317 feet south of the southline of East Wisconsin Avenue.

4. To keep and maintain six, 5-foot square metal tree grates in the north, 12-foot wide sidewalk area of East Michigan Street. The tree grates are centered approximately 8 feet 6 inches south of the northline of East Michigan Street and 40, 76, 112, 148, 184 and 220 feet west of the westline of North Jefferson Street.

5. To keep and maintain six, 5-foot square metal tree grates in the east, 12-foot wide sidewalk area of North Milwaukee Street. The tree grates are centered approximately 8 feet 6 inches west of the eastline of North Milwaukee Street and 40, 76, 112, 148, 300 and 336 feet south of the southline of East Wisconsin Avenue.

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, Triple Net Properties, 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 $3,000 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 $395.00. 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 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
February 27, 2008