



Legislation Text

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050412
SUBSTITUTE 1
THE CHAIR

Substitute resolution to grant a special privilege to Cathedral Place LLC to construct and maintain building accent lighting recessed in the concrete sidewalk and associated electrical wiring surrounding the premises at 555 East Wells Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Cathedral Place LLC to construct and maintain accent lighting recessed in the concrete sidewalk, electrical wiring associated with said light fixtures, tree grates and a concrete bollard for the premises at 555 East Wells Street.

Whereas, The applicant is petitioning to install, keep and maintain building accent lighting recessed in the concrete sidewalk and electrical wiring associated with said lighting for the building at 555 East Wells Street; and

Whereas, A site visit revealed the presence of four tree grates and a concrete bollard in the public right-of-way; and

Whereas, Said 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 Cathedral Place LLC, c/o Van Buren Management Company, 788 North Jefferson Street, Suite 800, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To install, keep and maintain thirteen 6-inch diameter light fixtures, installed flush with the surrounding sidewalk pavement, and associated electrical wiring. Three of said light fixtures are located in the south, 10-foot wide sidewalk area of East Wells Street and are centered approximately 1-foot north of the southline of East Wells Street and 41, 56 and 71 feet north of the northline of North Jackson Street. Eight of said light fixtures are located in the west, 15-foot wide sidewalk area of North Jackson Street and are centered approximately 1 foot east of the westline of North Jackson Street and 42, 103, 163, 203, 243, 284, 323 and 343 feet south of the southline of East Wells Street. Two of said light fixtures area located in the north, 15-foot wide sidewalk area of East Mason Street and are centered approximately 1-foot south of the northline of East Mason Street, and 42 and 86 feet west of the westline of North Jackson Street.
2. To construct, keep and maintain four 4-foot square tree grates in the west, 15-foot wide sidewalk area of North Jackson Street. Said tree grates are centered approximately 12 feet east of the westline of North Jackson Street and 180, 223, 273 and 304 feet south of the southline of East Wells Street.
3. To construct, keep and maintain a 3-foot 6-inch tall, 4-inch diameter concrete bollard. Said bollard is centered approximately 1-foot south of the northline of East Mason Street and 120 feet west of the westline of North Jackson 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. All necessary permits shall have been obtained prior to the granting of this special privilege.

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, Cathedral Place 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 \$2,000.00 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 \$155.00. 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 1 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

April 19, 2006

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