



## Legislation Text

---

**File #:** 981596, **Version:** 1

---

981596

SUBSTITUTE 1

970477

THE CHAIR

Substitute resolution amending a special privilege for the Wisconsin Center District to allow for the construction and maintenance of the following items placed in the public right-of-way: additional raised curb planters, a sculpture, special concrete sidewalk scoring patterns and colored concrete, tree grates with guards, trash receptacles and protective railings adjacent to the building located at 400 West Wisconsin Avenue, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to Wisconsin Center District for encroachment into the public right-of-way of additional raised curb planters, a sculpture, special concrete sidewalk scoring patterns and colored concrete, trash receptacles, tree grates with guards and protective railings adjacent to the building, known as the Midwest Express Center, located at 400 West Wisconsin Avenue.

Whereas, The City of Milwaukee and the Wisconsin Center District entered into a “Public Amenities, Easement and Right-of-Way Agreement” authorized under and attached to Common Council Resolution File Number 970477; and

Whereas, The Special Privilege generally granted permission to the Wisconsin Center District to construct and maintain raised planters and a sculpture adjacent to the building at 400 West Wisconsin Avenue was attached to the aforementioned resolution as Exhibit A; and

Whereas, When Common Council Resolution File Number 970477 was passed, the items granted permission in the special privilege were not yet constructed; and

Whereas, Exact locations and measurements for said items can now be determined; and

Whereas, Wisconsin Center District is now requesting permission for concrete sidewalk with special scoring patterns and concrete sidewalk from colored concrete to encroach into the public right-of-way; and

Whereas, A site visit revealed the presence of tree grates with guards, trash receptacles and protective railings within the public right-of-way adjacent to the building; and

Whereas, The raised planters in West Wisconsin Avenue will be replaced by the City of Milwaukee as part of the streetscaping project of West Wisconsin Avenue from North 4 Street to North 10<sup>th</sup> Street and will no longer be included in this special privilege; and

Whereas, Said items may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, be it

Resolved, By the Common Council of the City of Milwaukee, that the special privilege granted to the Wisconsin Center District as described in Exhibit A attached to Common Council Resolution File Number

970477 is hereby rescinded;

; and, be it

Further Resolved, That Wisconsin Center District, c/o Richard A. Geyer, 500 West Kilbourn Avenue, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct, keep and maintain raised planting areas surrounded by a 6-inch high and 1-foot wide concrete curbing as follows:
  - a. Four planters projecting 4 feet 4 inches into the 15-foot wide, west sidewalk area of North 4<sup>th</sup> Street located between West Wisconsin Avenue and West Wells Street and centered approximately 180, 210, 300, 330 feet north of the northline of West Wisconsin Avenue.
  - b. Two, 6-foot wide planters in the 15-foot 4-inch wide, south sidewalk area of West Kilbourn Avenue centered approximately 9 feet north of the southline of West Kilbourn Avenue and 43 feet and 133 feet east of the eastline of North 6<sup>th</sup> Street.
  - c. Four, 4-foot wide planters in the east, 14-foot 6-inch wide sidewalk area of North 6<sup>th</sup> Street between West Wells Street and West Kilbourn Avenue. Said planters area centered approximately 9 feet 4 inches west of the eastline of North 6<sup>th</sup> Street and 60, 87, 119 and 152 feet south of the southline of West Kilbourn Avenue.
  - d. Three, 12-foot wide planters in the east sidewalk area of North 6<sup>th</sup> Street between West Wells Street and West Kilbourn Avenue. The sidewalk area in the area of North 6<sup>th</sup> Street varies in width between 14 feet 6 inches and 9 feet. Said planters are centered approximately 5 feet west of the eastline of North 6<sup>th</sup> Street and 278, 308, and 339 feet north of the southline of West Kilbourn Avenue.
  - e. Three, 12-foot wide planters in the east, 15-foot wide sidewalk area of North 6<sup>th</sup> Street between West Wells Street and West Wisconsin Avenue. Said planters are centered approximately 9 feet west of the eastline of North 6<sup>th</sup> Street and 92, 182, and 335 feet south of the southline of West Wells Street.
2. To install, keep and maintain nine tree grates with guards in the 15-foot 4-inch wide, south sidewalk area of West Kilbourn Avenue. Said 4-foot square tree grates with tree guards are located between North 6<sup>th</sup> Street and North 4<sup>th</sup> Street.
3. To install, keep and maintain four, 4-foot square tree grates with guards in the west, 12-foot wide sidewalk area of North 4<sup>th</sup> Street, uniformly spaced between West Wells Street and West Kilbourn Avenue.
4. To install, keep and maintain five trash receptacles in the 15-foot 4-inch wide sidewalk area of West Kilbourn Avenue.
5. To install, keep and maintain one trash receptacle in the 12-foot wide sidewalk area of North 4<sup>th</sup> Street.
6. To install, keep and maintain protective railings in the north and south sidewalk areas of West Wells Street at the locations of curb bump-outs meant to serve as a mid-block crossing of West Wells Street. The railing located in the south, 12-foot wide sidewalk area of West Wells Street commences at a point 106 feet west of the westline of North 4<sup>th</sup> Street and ends at a point 50 feet to the west. The railing located in the north, 11-foot wide sidewalk area of West Wells Street commences at a point approximately 81 feet west of the westline of North 4

<sup>th</sup> Street and ends at a point 50 feet to the west. Said railings on both sides of West Wells Street are located within 12 inches behind the face of curb and follow the contours of the curb bump-outs.

7. To keep and maintain a sculptural bench in the north, 16-foot 6-inch wide sidewalk area of West Wisconsin Avenue centered approximately 59 feet east of the eastline of North 5<sup>th</sup> Street extended and 9 feet 8 inches south of the northline of West Wisconsin Avenue.

8. To keep and maintain concrete sidewalk that has special scoring patterns and/or has been constructed from colored concrete within the north sidewalk area of West Wisconsin Avenue; the west sidewalk area of North 4<sup>th</sup> Street; and the east sidewalk area of North 6<sup>th</sup> 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, Wisconsin Center District, 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 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 \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 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 \$35.00. 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<sup>st</sup> 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:lja

May 12, 2006

981596