



Legislation Text

File #: 060199, **Version:** 1

060199

SUBSTITUTE

971505

THE CHAIR

Substitute resolution amending a special privilege to Flanders Westborough Delaware, Inc. for change of ownership for tree grates with guards and raised planter areas previously granted permission for the premises at 330 East Wells Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege for change of ownership to Flanders Westborough Delaware, Inc. for tree grates with guards and raised planter areas previously granted permission for the premises at 330 East Wells Street.

Whereas, Kilbourn Investors Limited Partnership petitioned for a special privilege to keep and maintain tree grates with guards and raised planter areas in the public right-of-way; and

Whereas, Permission for said items was granted in 1998 under Common Council File Number 971505; and

Whereas, Flanders Westborough Delaware, Inc. now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 971505 is hereby rescinded; and, be it

Further Resolved, That Flanders Westborough Delaware, Inc., c/o Tishman Speyer Properties, 330 East Kilbourn Avenue, Suite 805, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To keep and maintain thirteen, 4-foot square tree grates with guards. Said tree grates with guards are located as follows: two in the east, 20-foot wide sidewalk area of North Broadway centered approximately 17.5 feet west of the eastline of North Broadway and 49 and 168 feet north of the northline of East Wells Street; six in the north, 10-foot wide sidewalk area of East Wells Street, all centered approximately 7 feet south of the northline of East Wells Street at 14.5, 46.5, 78.5, 110.5, 142.5 and 174.5 feet east of the eastline of North Broadway; and five in the west, 12-foot wide sidewalk area of North Milwaukee Street, all centered approximately 9.5 feet east of the westline of North Milwaukee Street at 46, 78, 110, 142 and 174 feet north of the northline of East Wells Street.

2. To keep and maintain three raised planter areas surrounded by 8-inch thick concrete walls. Said planters encroach a maximum of 3 feet 9 inches into the east, 20-foot wide sidewalk area of North Broadway. An 8-foot long planter is centered approximately 5 feet north of the northline of East Wells Street. A 58-foot long planter commences approximately 57 feet north of the northline of East Wells Street. Finally, a 17-foot long planter commences approximately 158 feet north of the northline of East Wells 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, Flanders Westborough Delaware, Inc. 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 \$254.94. 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
June 14, 2006
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