



Legislation Text

File #: 001576, **Version:** 1

001576
SUBSTITUTE 1
870837
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Hales Corners Development Corporation for sidewalk medallions and stationary planters for the premises at 815 North Water Street, in the 4th Aldermanic District of the City of Milwaukee.

This resolution formally grants an amended special privilege changing the name to Hales Corners Development Corporation for sidewalk medallions and stationary planters for the premises at 815 North Water Street.

Whereas, MTD Partners, which developed the Milwaukee Center (Theater District) of the block bounded by East Kilbourn Avenue, North Water Street, East Wells Street and the Milwaukee River, requested permission for a canopy, columns with lights, above-ground planters with a single light fixture each and granite sidewalk medallions for the entire block; and

Whereas, Permission was granted in 1988 by adoption of Common Council Resolution File Number 870837; and

Whereas, Subsequently, the development was divided and portions sold to different owners; and

Whereas, The current owner of the building at 815 North Water Street is Hales Corners Development Corporation; and

Whereas, In order to transfer liability for special privilege items to the current owners, the Common Council must adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 870837 is hereby rescinded; and, be it

Further Resolved, That Hales Corners Development Corporation, 815 North Water Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To keep and maintain granite ornamental sidewalk medallions which are approximately 9 inches square. Said medallions are spaced uniformly in the 15-foot wide, west sidewalk area of North Water Street abutting the premises at 815 North Water Street. Said medallions are installed flush with the surrounding sidewalk pavement.
2. To keep and maintain four stationary planters in the west sidewalk area of North Water Street. Said planters are 7 feet 6 inches long, 7 feet 6 inches wide and 2 feet 9 inches tall. Said planters have a 1-foot wide wall and are centered approximately 214, 227, 259 and 272 feet south of the southline of East Kilbourn Avenue and 4 feet east of the westline of North Water 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.

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, Hales Corners Development Corporation, 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 \$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 \$223.04. 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
April 12, 2006
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