



## Legislation Text

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**File #: 051433, Version: 1**

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051433

SUBSTITUTE 1

ALD. D'AMATO

Substitute resolution to grant a special privilege to Columbia St. Mary's Inc. to construct and maintain an underground technology duct, excess door swings, sidewalk pavers, a loop detector, a barrier-free access ramp and benches for the premises at 2301 North Prospect Avenue, in the 3<sup>rd</sup> Aldermanic District of the City of Milwaukee.

This resolution grants a special privilege to Columbia St. Mary's Inc. to construct and maintain an underground technology duct, excess door swings, sidewalk pavers, a loop detector, a barrier-free access ramp and benches for the premises at 2301 North Prospect Avenue.

Whereas, Columbia St. Mary's Inc. is in the process of constructing the new Prospect Medical Commons building as part of the development of its expanded medical campus; and

Whereas, Columbia St. Mary's Inc. is requesting permission to construct several private items 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 Columbia St. Mary's Inc., 2320 North Lake Drive, Milwaukee, Wisconsin 53211 is hereby granted the following special privileges:

1. To construct and maintain two excess door swings which, when fully open, will project 2 feet 9 ½ inches into the north 15-foot wide sidewalk area of East North Avenue. This projection is in excess of the 12 inches allowed under Section 248-4.8 of the Milwaukee Code of Ordinances. Said doors will be centered approximately 204 and 210 feet west of the westline of North Prospect Avenue.
2. To construct and maintain a barrier-free access ramp in the north, 15-foot wide sidewalk area of East North Avenue. Said barrier-free access ramp will project 4 feet 7 inches for a length of 30 feet 10 inches.
3. To install and maintain four benches in the north 15-foot wide sidewalk area of East North Avenue. Said benches will be 2 feet wide and 8 feet long. Said benches will be centered approximately 70, 86, 100 and 118 feet west of the westline of North Prospect Avenue.
4. To construct and maintain one single and one double excess door swing projecting into the west, 22-foot 6-inch wide sidewalk area of North Maryland Avenue. The single excess door swing, centered approximately 103 feet north of the westerly line of North Prospect Avenue, will project 2 feet 4 3/8 inches into the public way when fully open. The 6-foot wide double door swing, centered approximately 88 feet north of the westerly line of North Prospect Avenue, will project 2 feet 5 inches into the public way when fully open. All of these doors will project more than the 12 inches allowed under Section 245-4.8 of the Milwaukee Code of Ordinances.
5. To construct and maintain a 6-foot wide double excess door swing which, when fully open, will project 1 foot 8 inches into the east, 11-foot wide sidewalk area of North Farwell Avenue. Said doors will be centered approximately 464 feet north of the northline of East North Avenue. These doors will project more than the 12 inches allowed under Section 245-4.8 of the Milwaukee Code of Ordinances.

6. To construct and maintain a 17-foot long loop detector in the east, 11-foot wide sidewalk area of North Farwell Avenue. Said loop detector is to be embedded into the sidewalk pavement and will be centered approximately 506 feet north of the northline of East North Avenue.
7. To construct and maintain sidewalk pavers in the north, 15-foot wide sidewalk area of East North Avenue; the westerly sidewalk area of North Prospect Avenue, which varies in width between 16.72 and 18 feet; and the west, 22-foot 6-inch wide sidewalk area of North Maryland Avenue. In East North Avenue, the sections of pavers will be centered approximately 34, 64, 92, 124, 154, 184 and 214 feet west of the westline of North Prospect Avenue. In North Prospect Avenue, the sections of pavers will be centered approximately 64, 98, 138, 174 and 216 feet northeasterly of the northline of East North Avenue, where it intersects the westerly line of North Prospect Avenue. In North Maryland Avenue, the sections of pavers will be centered approximately 24, 60, 96, 160 and 184 feet north of the northerly line of North Prospect Avenue where it intersects the westline of North Maryland Avenue. In total there will be 17 sections of pavers, all of which will be 6 feet wide measured parallel to the curbline.
8. To construct and maintain an underground technology duct which will commence at 9-foot square manhole in the North Prospect Avenue sidewalk area centered approximately 124 feet southerly of the westline of North Maryland Avenue, where it intersects the westerly line of North Prospect Avenue, and 14 feet easterly of the westerly line of North Prospect Avenue. Said duct will continue in a northeast direction for approximately 66 feet where it will turn to the east to cross North Prospect Avenue and will end at a point approximately 68 feet to the east of the turning point at the easterly line of North Prospect Avenue approximately 30 feet southerly from the westline of North Maryland at the point where it intersects the westerly line of North Prospect Avenue. The technology duct has a cross-sectional area greater than 1 square foot but less than 2 square feet.

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, Columbia St. Mary's 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 \$10,000.00 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 \$100,000 covering bodily injury to any one person and \$200,000 covering bodily injury to more than one person in any one accident and \$40,000 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 \$555.93. 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 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 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 26, 2006

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