



## Legislation Text

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**File #:** 121797, **Version:** 1

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121797  
SUBSTITUTE 1  
961103  
991938  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Northwestern Mutual Life Insurance Company and for addition of ten moveable planters in the public right-of-way for the premises at 733 North Van Buren Street, in the 4<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Northwestern Mutual Life Insurance Company and for addition of ten moveable planters in the public right-of-way for the premises at 733 North Van Buren Street.

Whereas, Previous property owners had requested permission to keep and maintain building façade encroachments, tree grates, and underground conduits to occupy the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Numbers 961103 and 991938; and

Whereas, The building façade encroachments are now permitted by the Milwaukee Code of Ordinances; and

Whereas, A site visit revealed that three of the tree grates have been removed while ten moveable planters have been installed in the public right-of-way; and

Whereas, Said moveable planters may only legally encroach into the public right-of-way by 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By the Common Council of the City of Milwaukee that Common Council Resolution File Numbers 961103 and 991938 are hereby rescinded; and, be it

Further Resolved, That Northwestern Mutual Life Insurance Company, 720 East Wisconsin Avenue, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To install and maintain four concrete moveable planters of varying sizes in the south, approximately 14-foot 6-inch wide sidewalk area of East Mason Street. Said concrete planters are positioned about the building entrance centered approximately 76 feet west of the westline of North Van Buren Street. Said planters are placed adjacent to the building face, the southline of East Mason Street.
2. To install and maintain six concrete moveable planters of varying sizes in the west, 16-foot wide sidewalk area of North Van Buren Street. Four of said planters are located about the building entrance, which is centered approximately 133 feet south of the southline of East Mason Street. Two of said planters are located about a point approximately 34 feet south of the southline of East Mason Street. All of said planters are placed adjacent to the building face, the westline of North Van Buren Street.
3. To keep and maintain an underground communication duct package crossing the 80-foot wide right-of-way of North Van Buren Street at a point approximately 55 feet south of the southline of East Mason Street. Said duct package contains two, 3-inch diameter conduits encased in concrete.

4. To keep and maintain one metal tree grate in the west, 16-foot wide sidewalk area of North Van Buren Street. Said tree grate is centered approximately 46 feet south of the southline of East Mason Street and 11 feet east of the westline of North Van Buren 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 it is 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, Northwestern Mutual Life Insurance Company, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the Commissioner of Public Works 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 one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$240.00. 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 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.
7. Not now or in the future use the cable communication facility in a manner that will conflict with the provisions of Chapter 99 of the Code of Ordinances regarding the transmission and distribution of video entertainment programming to subscribers.
8. Join and continue to be a member of Digger's Hotline, the one call system that operates in the Milwaukee area, as long as there are private underground facilities in the public right-of-way as required in Section 182.0175(lm)(6) of the Wisconsin Statutes.

Department of Public Works

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

March 19, 2015