



## Legislation Text

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**File #: 181041, Version: 1**

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181041

### SUBSTITUTE 1

Substitute resolution granting a special privilege to United Community Center Incorporated to construct and maintain a portion of a pylon sign, a set of steps, and an underground electrical conduit in the public right-of-way for the premises at 1038 South 6<sup>th</sup> Street, in the 12<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to United Community Center Incorporated to construct and maintain a portion of a pylon sign, a set of steps, and an underground electrical conduit in the public right-of-way for the premises at 1038 South 6<sup>th</sup> Street.

Whereas, United Community Center Incorporated, the applicant, is requesting permission to construct and maintain a pylon sign and an underground electrical conduit in the public right-of-way; and

Whereas, A site visit revealed the presence of a set of steps with handrails in the public right-of-way; 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, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that United Community Center Incorporated, 1028 South 9<sup>th</sup> Street, Milwaukee, WI 53204 is hereby granted the following special privileges:

1. To construct and maintain a 30-foot tall illuminated pylon sign with a base that is partially in the public right-of-way. The sign is supported by a 2-foot 6-inch diameter foundation that extends 8 feet 9 inches below grade. The base of the sign, which is 2 feet 9 inches square, is centered approximately 2 feet east of the east line of South 6<sup>th</sup> Street over the aforementioned foundation such that the base extends approximately 9 inches into the east, 15-foot wide sidewalk area of South 6<sup>th</sup> Street.
2. To construct and maintain a concrete set of steps with hand rails projecting into the east, 15-foot wide sidewalk area of South 6<sup>th</sup> Street. The 5-foot wide steps project 7 inches into the public way, while the handrails at the north and south edges of the steps projects 1 foot 6 inches beyond the edge of the steps. The steps and handrails are centered approximately 5 feet south of the south line of the east-west alley north of West Washington Street.
3. To construct and maintain an underground electrical conduit crossing under the 20-foot wide east-west alley north of West Washington Street between the subject premises to a parking lot on the north side of the alley. Said conduit, which is no larger than 6 inches in diameter, is centered approximately 45 feet east of the east line of South 6<sup>th</sup> Street.

Said 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, United Community Center Incorporated, 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 \$95.08. 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 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. 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

JERREL KRUSCHKE/DAWN SCHMIDT

April 28, 2020

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