



## Legislation Text

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**File #: 160864, Version: 1**

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160864  
SUBSTITUTE 1  
Ald. Bauman

Substitute resolution granting a special privilege to U.S. Bank National Association to install and maintain a garage door detector loop in the public right-of-way for the premises at 818 East Clybourn Street, in the 4<sup>th</sup> Aldermanic District. This resolution grants a special privilege to U.S. Bank National Association to install and maintain a garage door detector loop under the paved public sidewalk in the public right-of-way for the premises at 818 East Clybourn Street. Whereas, U.S. Bank National Association has requested permission to install and maintain a detector loop under the paved public sidewalk; and

Whereas, Said detector loop 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 U.S. Bank National Association, 777 East Wisconsin Avenue, Suite 3175, Milwaukee, WI 53202 is hereby granted the following special privilege:

To install and maintain a garage door loop detector under the north, 15-foot wide paved sidewalk of East Clybourn Street. Said loop is 40 inches wide and 86 inches long. The loop detector is centered approximately 415 feet east of the east line of North Van Buren Street and 7 feet south of the north line of East Clybourn Street.

Said detector loop 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 detector loop 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, U.S. Bank National Association, 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 \$50.00. 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 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  
May 5, 2020  
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