



Legislation Text

File #: 090418, Version: 1

090418
SUBSTITUTE 1
061336
THE CHAIR

Substitute resolution amending a special privilege to Breof BNK Midwest, LLC for removal of monitoring wells and remediation system for the premises at 543 North Water Street, in the 4th Aldermanic District.

This resolution amends a special privilege to Breof BNK Midwest, LLC for removal of monitoring wells and remediation system for the premises at 543 North Water Street.

Whereas, Breof BNK Midwest, LLC requested permission to keep and maintain monitoring wells, pipes, manholes, show chutes and banner poles for its property; and

Whereas, Permission for said items was granted in 2007 under Common Council Resolution File Number 061336; and

Whereas, Breof BNK Midwest, LLC has removed the monitoring wells and the pipes that were part of the remediation system from the public right-of-way; and

Whereas, In order to release the grantee from insurance and annual fee requirements for the monitoring wells and remediation system, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 061336 is hereby rescinded; and, be it

Further Resolved, That Breof BNK Midwest, LLC, 111 East Wisconsin Avenue, Suite 100, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To keep and maintain two 4-inch diameter PVC pipes and one 2-inch diameter electrical conduit. The pipes commence at a point 83 feet west of the westline of North Water Street in the north sidewalk area of East Clybourn Street and extend east to a point 2 feet 6 inches east of the westline of North Water Street where they turn north and extend to a point 55 feet north of the northline of East Clybourn Street in the west sidewalk area of North Water Street for a total distance of 140 feet 6 inches.
2. To keep and maintain a 2-foot 6-inch wide concrete utility trench abutting 501 North Water Street in North Water Street and East Clybourn Street. Said utility trench commences at a point 78 feet 10 inches west of the westline of North Water Street in the north sidewalk area of East Clybourn Street, extends east to the westline of North Water Street where it turns and extends north, along the west sidewalk area of North Water Street, to a point approximately 28 feet north of the northline of East Clybourn Street for a total distance of 106 feet 10 inches. The utility trench is 2 feet 6 inches deep.
3. To keep and maintain a snow chute on the north side of East Clybourn Street centered approximately 37 feet west of the westline of North Water Street. Said snow chute projects 2 feet into the north sidewalk area of East Clybourn Street at a minimum elevation of 10 feet above the adjacent sidewalk grade. Said 40-foot long, from top to bottom, snow chute is 6 feet wide at the top and 4 feet wide at the bottom.
4. To keep and maintain a snow chute on the south side of East Michigan Street centered approximately 70 feet west of the westline of North Water Street. Said snow chute projects 2 feet into the south sidewalk area of East Michigan Street at a minimum elevation of 10 feet above the adjacent sidewalk grade. Said 40-foot long, from top to bottom, snow chute is 6

feet wide at the top and 4 feet wide at the bottom.

5. To keep and maintain three 3 ½-inch diameter steel banner poles in the west sidewalk area of North Water Street between East Wisconsin Avenue and East Michigan Street. Said banner support poles are 17 feet 6 inches tall and extend 6 feet below grade. Said banner poles can not be used to advertise a particular business.

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, Breof BNK Midwest, LLC 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 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 own 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 City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$254.89. 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: ns

October 13, 2009

090418