

..Number

130933

..Version

SUBSTITUTE

..Reference

080274

..Sponsor

..Title

Substitute resolution amending a special privilege to MillerCoors LLC for addition of an underground conduit for the premises at 3939 West Highland Boulevard in the 15th Aldermanic District.

..Analysis

This resolution amends a special privilege to MillerCoors LLC for addition of an underground conduit for the premises at 3939 West Highland Boulevard.

..Body

Whereas, In 2008, MillerCoors LLC obtained permission to keep and maintain various items in the public right-of-way for which the Common Council had previously granted permission; and

Whereas, The applicant is currently requesting permission to install and maintain an underground conduit crossing the public right-of-way; and

Whereas, Said conduit 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 080274 is hereby rescinded; and, be it

Further resolved, That MillerCoors LLC, 3939 West Highland Avenue, Milwaukee, WI 53208 is hereby granted the following special privileges:

1. To install and maintain a conduit package consisting of one 1 ¼-inch diameter PVC conduit and one 1-inch diameter PVC conduit. Said conduits cross the 60-foot wide right-of-way of North 38th Street at a point approximately 226 feet north of the northline of West State Street.
2. To keep and maintain two 3-inch diameter underground electrical conduits crossing the 60-foot wide public right-of-way of North 38th Street at a depth of approximately 3 feet below grade. Said conduits are centered approximately 278 and 279 feet south of the southline of West Highland Avenue.
3. To keep and maintain a 51-foot long trench drain 17 inches in width located in the gutter section in North 38th Street centered approximately 89 feet north of the northline of vacated West Linden Place and centered approximately 12 feet 6 inches east of the westline of North 38th Street.
4. To keep and maintain two 4-foot long, 6-inch high, and 6-inch wide sections of concrete curbing in the south sidewalk area of West Highland Boulevard centered approximately 19 and 38 feet west of the eastline of vacated North 39th Street. Said curbing sections extend perpendicularly from the southline of West Highland Boulevard and extend north to the paved public sidewalk.
5. To keep and maintain two, 4-foot 7-inch tall bollards in the south sidewalk area of West Highland Boulevard. Said 8-inch diameter bollards are centered 2 feet 6 inches north of the southline of West Highland Boulevard and approximately 12 and 35 feet west of the eastline of

vacated North 39th Street. It should be noted that these bollards are located south of the paved public sidewalk and do not interfere with any pedestrian movements on the paved public sidewalk.

Said 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, MillerCoors 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 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 \$276.53. 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 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.
- ..Requestor
Department of Public Works
..Drafter
Administration Division
MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY
November 18, 2014