



## Legislation Details (With Text)

**File #:** 000923      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 10/19/2000      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 11/28/2000

**Effective date:**

**Title:** Substitute resolution granting a special privilege to Liberty Property Limited Partnership (LIBERTY) to install and maintain storm sewer pipe in North 110th Street, extending west from 10901 West Park Place to a manhole on the west side of the median of North 110th Street, in the 15th Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
10/19/2000	0	COMMON COUNCIL	ASSIGNED TO		
10/23/2000		PUBLIC WORKS COMMITTEE	REFERRED TO		
11/10/2000	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/14/2000	1	CITY CLERK	DRAFT SUBMITTED		
11/15/2000	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
11/28/2000	1	COMMON COUNCIL	ADOPTED	Pass	16:0
12/7/2000	1	MAYOR	SIGNED		

000923

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Liberty Property Limited Partnership (LIBERTY) to install and maintain storm sewer pipe in North 110<sup>th</sup> Street, extending west from 10901 West Park Place to a manhole on the west side of the median of North 110<sup>th</sup> Street, in the 15<sup>th</sup> Aldermanic District in the City of Milwaukee. This resolution grants a special privilege resolution to Liberty Property Limited Partnership permitting the installation and maintenance of reinforced concrete storm sewer pipe within and beneath North 110<sup>th</sup> Street, extending west from 10901 West Park Place to a manhole on the west side of the median of North 110<sup>th</sup> Street. Whereas, Liberty proposes to develop a parcel of land lying east of North 110<sup>th</sup> Street (site) and in order to comply with the requirements of Chapter 120 of the Code of Ordinances have chosen to construct a retention pond (pond) west of North 110<sup>th</sup> Street and convey the Site surface water flow to the pond by a pipe under and across North 110<sup>th</sup> Street; and

Whereas, The sewer is to extend from a manhole (No. 2) east of North 110<sup>th</sup> Street, on the site through a manhole (No. 1), located in the west gutter of the roadway median, and then on to the pond; and

Whereas, It is intended that the portion of the pipe from manhole (No. 1) to the pond also provide an outfall

path for an existing 15-inch diameter City storm sewer, that conveys some street drainage runoff of North 110<sup>th</sup> Street, which Liberty has consented to through the stormwater permit process; and

Whereas, Said storm sewer pipe may only be permitted to occupy the public right-of-way by the adoption of a special privilege by the Common Council; and

Whereas, The special privilege is only for the portion of the sewer pipe extending west from the eastline of North 110<sup>th</sup> Street and extending 68 feet west to manhole (No. 2); now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Liberty Property Limited Partnership, 245 South Executive Drive, Suite 365, Brookfield, WI 53005 is hereby granted the following special privilege: To install and maintain a reinforced concrete storm sewer pipe as follows: a 42-inch diameter pipe located under and across North 110<sup>th</sup> Street having started on private property (site) at manhole (No. 1), beginning at a point on the eastline of North 110<sup>th</sup> Street, approximately 100 feet south of the southline of West Park Place and extending westerly approximately 68 feet to a manhole (No. 2), located in the southbound roadway of North 110<sup>th</sup> Street adjacent to the roadway median. Said pipe continues westerly from manhole (No. 2) under North 110<sup>th</sup> Street and then to the pond. Said pipe shall be located approximately 6 feet below grade.

The sewer pipe shall be installed, operated and maintained to the approval of the Departments of Public Works and Neighborhood Services. The grantee shall procure the necessary permits from the Departments of Public Works and City Development. Grantee shall provide three copies of "as-built" plans of the sewer pipe installation from invert to outfall to the City Engineer in a timely manner;

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Liberty Property Limited Partnership, 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 bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$5,000.00 such bond to be approved by the City Attorney. The applicant shall also 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 one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled 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 \$272.00. 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 any 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 66.045 of the Wisconsin Statutes (1979), 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Infrastructure Services Division

JJM:cjt

November 10, 2000

000923

**CITY OF MILWAUKEE FISCAL NOTE**CC-170 (REV. 6/86)

Ref: GEN\FISCALNT.MST

A) DATE: November 10, 2000

FILE NUMBER: 000923

Original Fiscal Note ☒ Substitute ☐

SUBJECT: Substitute resolution granting a special privilege to Liberty Property Limited Partnership (LIBERTY) to install and maintain storm sewer pipe in North 110<sup>th</sup> Street, extending west from 10901 West Park Place to a manhole on the west side of the median of North 110<sup>th</sup> Street.

B) SUBMITTED BY Jeffrey S. Polenske, P.E./ City Engineer/Infrastructure Services Division/2400

C) CHECK ONE: ☐ ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  
NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  
SECTION G BELOW.

☐ ADOPTION OF THIS FILE DOES  
☐ LIST ANTICIPATED COSTS IN

☒ NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: ☒ DEPARTMENTAL ACCOUNT (DA)

☐ CONTINGENT FUND (CF)

☐

CAPITAL PROJECTS FUND (CPF)

☐ SPECIAL PURPOSE ACCOUNTS (SPA)

☐ PERM.

IMPROVEMENT FUNDS (PIF)

☐ GRANT & AID ACCOUNTS (G & AA)

☐ OTHER (SPECIFY)

E)	PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:		Annual billing/initial	Inspection	\$2.77/4.04		

SUPPLIES:

MATERIALS:

NEW EQUIPMENT:

EQUIPMENT REPAIR:

OTHER: \$272.00

TOTALS: \$2.77/4.04 \$272.00

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX

BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

☐ 1-3 YEARS ☐ 3-5 YEARS Annual Cost Billing - \$2.77/4.04

☐ 1-3 YEARS ☐ 3-5 YEARS Annual Fee (Income) - \$272.00

☐ 1-3 YEARS ☐ 3-5 YEARS

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

**Special Privilege Committee Fee Schedule**

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE ☐