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Title: Substitute resolution amending a special privilege to West Shore Pipe Line Company for relocation of portions of an existing 16-inch diameter petroleum pipeline within the public right-of-way at various locations in the 5th, 9th, 13th, and 14th Aldermanic Districts.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Petition for Special Privilege.PDF, 2. Maps.PDF, 3. Cover letter, 4. Fiscal Note

Date	Ver.	Action By	Action	Result	Tally
1/11/2005	0	COMMON COUNCIL	ASSIGNED TO		
1/12/2005		PUBLIC WORKS COMMITTEE	REFERRED TO		
9/6/2006	1	CITY CLERK	DRAFT SUBMITTED		
9/8/2006	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/13/2006	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/26/2006	1	COMMON COUNCIL	ADOPTED	Pass	15:0
10/5/2006	1	MAYOR	SIGNED		

041240
SUBSTITUTE
932007
THE CHAIR

Substitute resolution amending a special privilege to West Shore Pipe Line Company for relocation of portions of an existing 16-inch diameter petroleum pipeline within the public right-of-way at various locations in the 5th, 9th, 13th, and 14th Aldermanic Districts.

This resolution amends a special privilege to West Shore Pipe Line Company for relocation of portions of an existing 16-inch diameter petroleum pipeline, which was previously granted permission.

Whereas, West Shore Pipe Line Company was granted permission to construct and maintain a petroleum pipeline within the public right-of-way under Common Council Resolution File Number 932007; and

Whereas, The applicant has requested permission to relocate a portion of its existing petroleum pipeline along the east side of North 124th Street in the vicinity of West Hampton Avenue; and

Whereas, West Shore Pipe Line Company is not a registered utility with the City of Milwaukee or the State of Wisconsin and as such is required to obtain a special privilege for items in the public right-of-way; and

Whereas, Said petroleum pipelines and related facilities may only be permitted to occupy the public right-of-way by adoption of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 932007 is hereby rescinded; and, be it

Further Resolved, That West Shore Pipe Line Company, Post Office Box 3758, Tulsa, Oklahoma 74102, is hereby granted the following special privileges:

1. To relocate and maintain a 16-inch diameter petroleum pipeline under and across West Hampton Avenue. Said pipeline enters the public right-of-way of West Hampton Avenue at a point approximately 9 feet east of the eastline of North 124th Street and then extends northwesterly to the northline of West Hampton Avenue at a point approximately 4 feet east of the eastline of North 124th Street. Total length of said pipeline is approximately 108 feet with a minimum depth of 4 feet below grade.
2. To relocate and maintain a 16-inch diameter petroleum pipeline entering North 124th Street at a point approximately 50 feet north of the northline of West Hampton Avenue and extending to the northwest to a bend centered approximately 5 feet west of the eastline of North 124th Street; then north approximately 3,122.86 feet to a second bend centered approximately 46 feet north of the northline of West Rohr Avenue; then northeast approximately 46 feet to a third bend centered approximately 82 feet north of the northline of West Rohr Avenue and approximately 4 feet west of the eastline of North 124th Street; then north for 712.92 feet to a fourth bend centered approximately 795 feet north of the northline of West Rohr Avenue and 4 feet west of the eastline of North 124th Street; then northwest for 38 feet to a fifth bend centered approximately 821 feet north of the northline of West Rohr Avenue and 32 feet west of the eastline of North 124th Street; then north for 1,093.3 feet to a point approximately 180 feet south of the southline of West Silver Spring Drive; then northeast for 60 feet where the pipe meets the eastline of North 124th Street. Total length of said pipe is 5,097.75 feet with a minimum depth of 4 feet below grade.
3. To keep and maintain a 16-inch diameter petroleum pipeline crossing West Silver Spring Drive at a point approximately 38 feet west of the eastline of North 124th Street for a distance of 150 feet. Said pipeline is located a minimum of 4 feet below grade.
4. To keep and maintain a 16-inch diameter petroleum pipeline in North 124th Street commencing at the eastline of North 124th Street at a point approximately 450 feet south of the centerline of West Bobolink Avenue; then extending northwest 85 feet to a point approximately 30 feet west of the eastline of North 124th Street; then north and roughly parallel to the eastline of North 124th Street approximately 1,000 feet to a point approximately 35 feet south of the northline of S.W. ¼ Section 30-8-21; then northeast 30 feet to the eastline of North 124th Street approximately 15 feet south of the northline of the aforementioned ¼ section. Total length of said pipeline is 1,565 feet with a minimum depth of 4 feet below grade.
5. To keep and maintain a 16-inch diameter petroleum pipeline in West Appleton Avenue, entering the right-of-way from the southerly line of West Appleton Avenue approximately 10 feet east of the westline of Milwaukee County. Total length of said pipeline is 100 feet with a minimum depth of 4 feet below grade.
6. To keep and maintain a 16-inch diameter petroleum pipeline in North 124th Street, commencing at the northerly line of West Appleton Avenue at a point 10 feet east of the westline of Milwaukee County; the extending north approximately 2,315 feet to the southline of West Good Hope Road at a point approximately 10 feet east of the westline of Milwaukee County. Said pipeline is a minimum of 4 feet below grade.
7. To keep and maintain a 16-inch diameter petroleum pipeline crossing West Good Hope Road, commencing at the southline of West Good Hope Road at a point approximately 30 feet east of the westline of Milwaukee

County; then extending northwest for approximately 60 feet to the westline of Milwaukee County at a point approximately 20 feet north of the centerline of West Good Hope Road. Total length of said pipeline is 60 feet with a minimum depth of 4 feet below grade.

8. To keep and maintain a 16-inch diameter petroleum pipeline in the common right-of-way of U.S. Highways 145, 41, and 45, and North 124th Street, and connecting roadways and service roads; commencing at the southline of the common right-of-way at a point approximately 120 feet southeasterly, along the right-of-way line, from the westline of Milwaukee County; extending at a right angle across U.S. Highway 145 and a connecting roadway for a distance of approximately 350 feet to a point; then northwesterly and roughly parallel to the connecting roadway curving to the right for a distance of approximately 830 feet to a point; then north approximately 50 feet east of and parallel to the westline of Milwaukee County for approximately 215 feet; then northerly on an irregular course roughly parallel to the westline of Milwaukee County for approximately 765 feet to the southline of West Bradley Road at a point approximately 33 feet east of the westline of Milwaukee County. Total length of said pipeline is 2,160 feet with a minimum depth of 4 feet below grade.

9. To keep and maintain a 16-inch diameter petroleum pipeline crossing West Bradley Road, from the southline to the northline, at a point approximately 33 feet east of the westline of Milwaukee County for a total length of 49.5 feet. Said pipeline is a minimum of 4 feet below grade.

10. To keep and maintain a 16-inch diameter petroleum pipeline crossing North 124th Street, extending from the northline of West Bradley Road at a point approximately 30 feet east of the westline of Milwaukee County north along an irregular course roughly parallel to the westline of Milwaukee County for approximately 1,750 feet to the northeasterly line of North 124th Street at a point approximately 22 feet east of the westline of Milwaukee County. Said pipeline is a minimum of 4 feet below grade.

11. To keep and maintain a 16-inch diameter petroleum pipeline crossing West Brown Deer Road at a point approximately 28 feet east of the westline of Milwaukee County for a total distance of 150 feet under the public right-of-way. Said pipeline is a minimum of 4 feet below grade.

12. To keep and maintain a 16-inch diameter petroleum pipeline in West County Line Road, extending northwest from the intersection of the eastline of North 124th Street and the southline of West County Line Road for 33 feet to meet the northline of Milwaukee County at a point approximately 8 feet east of the westline of Milwaukee County. Said pipeline is a minimum of 4 feet below grade.

13. To keep and maintain a 16-inch diameter petroleum pipeline crossing South Harbor Drive at a point approximately 15 feet north the northline of East Bay Street for approximately 43 feet. Said pipeline is a minimum of 4 feet below grade.

14. To keep and maintain a 16-inch diameter petroleum pipeline crossing the intersection of East Bay Street and South Carferry Drive, crossing the centerline of South Carferry Drive in a southeasterly direction for a total distance of approximately 190 feet. Said pipeline is a minimum of 4 feet below grade.

15. To keep and maintain a 16-inch diameter petroleum pipeline in South Bay Street commencing at a point approximately 193.5 feet north of the northline of the East Lincoln Avenue Overpass and extending southwest for 3 feet; then continuing south 811.73 feet crossing East Lincoln Avenue to a point approximately 375.5 feet south of the southline of East Lincoln Avenue; continuing along the eastline of South Bay Street south 327.3 feet; continuing southwest 52.47 feet to a point approximately 24.5 feet north of the northline of East Conway Street and 6 feet west of the eastline of South Bay Street; continuing south for 672.2 feet crossing East Conway Street; continuing southwest 59.23 feet; continuing southwest 256.64 feet from a point approximately 197 feet

north of the northline of East Potter Avenue and 13 feet west of the eastline of south Bay Street, to a point approximately 8 feet north of the southline of East Potter Avenue and 25 feet west of the eastline of South Bay Street; continuing southwest 112.22 feet to a point approximately 95 feet south of the southline of East Potter Avenue and 14 feet west of the eastline of the vacated portion of South Bay Street. Total length of said pipeline is 2,291.79 feet. Said pipeline is a minimum of 4 feet below grade.

16. To keep and maintain a 16-inch diameter petroleum pipeline crossing the East Potter Avenue right-of-way at a point approximately 10 feet west of the westline of the Union Pacific Railroad Company (UPR) right-of-way. Total length of said pipeline is 102.15 feet with a minimum depth of 5.5 feet below grade.

17. To keep and maintain a 16-inch diameter petroleum pipeline crossing East Russell Avenue beginning at a point approximately 50 feet west of the westline of the UPR right-of-way and ending at a point approximately 55 feet west of the westline of UPR right-of-way. Total length of the pipeline in the public way is 66 feet with a minimum depth of 4 feet below grade.

18. To keep and maintain a 16-inch diameter petroleum pipeline crossing East Pryor Avenue, beginning at a point approximately 52 feet west of the westline of the UPR right-of-way and ending at a point approximately 9 feet west of the westline of UPR right-of-way. Total length of the pipeline in the public way is 72 feet at a minimum depth of 5.5 feet below grade.

19. To keep and maintain a 16-inch diameter petroleum pipeline crossing South Kinnickinnic Avenue approximately 15 feet west of the westline of the UPR right-of-way. Total length of said pipeline is 110 feet with a minimum depth of 5.5 feet below grade.

20. To keep and maintain a 16-inch diameter petroleum pipeline crossing East Oklahoma Avenue on a pipe bridge centered approximately 180 feet east of the eastline of South Brust Avenue for a total length of 106.31 feet. Said pipe bridge structure is 8 feet in width and 7.5 feet in height and provides a minimum vertical clearance of 15 feet.

21. To keep and maintain a 16-inch diameter petroleum pipeline crossing East Morgan Avenue starting at a point 5 feet west and ending 3 feet east of the westline of the Lake Parkway right-of-way. Total length of said pipeline is 76 feet with a minimum depth of 4 feet below grade.

22. To keep and maintain a 16-inch diameter petroleum pipeline crossing East College Avenue at a point approximately 25 feet east of the UPR right-of-way for a total length of 110 feet. Said pipeline is a minimum of 4 feet below grade.

23. To install and maintain a cathodic protection system consisting of an impressed current system with a sacrificial deep anode ground bed, sheet pile monitoring electrodes and a ground bed rectifier specifically located as follows:

a) Three sheet pile monitoring electrodes approximately 363.2, 435.2 and 507.2 feet north of the southline of East Potter Avenue and 1.1, 1.0 and 0.9 feet west of the eastline of South Bay Street, respectively.

b) A deep anode ground bed approximately 3.42 feet south of the southline of East Potter Avenue and 12.92 feet west of the eastline of South Bay Street.

c) A current rectifier approximately 56.3 feet north of the southline of East Potter Avenue and 2.8 feet east of the eastline of South Bay Street.

Said items are to be installed and maintained to the satisfaction of the Commissioner of Public Works and Department of Neighborhood Services and all necessary permits shall be obtained before the work is commenced.

Said items shall be maintained, abandoned, 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

Resolved, By the Common Council of the City of Milwaukee, that this special privilege is granted only on condition that by acceptance of this special privilege the grantee, West Shore Pipe Line Company, 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 \$10,000 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 \$250,000 covering bodily injury to any one person and \$500,000 covering bodily injury to more than one person in any one accident and \$100,000 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 \$33,411.00. 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 66.0425 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.
7. The cost of alterations to water mains, sewers, or any other underground municipal facilities because of the granting of this special privilege shall be borne by the applicant.
8. Join and continue to be a member of Digger's Hotline, the once call system that operates in the Milwaukee area, as long as there is a private pipeline in the public right-of-way as described in this special privilege and as required in Section 182.0175(lm) of the Wisconsin Statutes.

Department of Public works
Infrastructure Services Division
MDL:lja
August 28, 2006
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