



Legislation Details (With Text)

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

**File created:** 2/9/2010      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 5/25/2010

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to City on a Hill, Inc. for a private utility package and for removal of a second utility package in the public right-of-way for the premises at 2224 West Kilbourn Avenue, in the 4th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition, 2. Letter from Dept. of Public Works, 3. Fiscal note, 4. Map, 5. Map of utility package crossing, 6. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
2/9/2010	0	COMMON COUNCIL	ASSIGNED TO		
2/11/2010	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
5/6/2010	1	CITY CLERK	DRAFT SUBMITTED		
5/7/2010	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/12/2010	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
5/25/2010	1	COMMON COUNCIL	ADOPTED	Pass	14:0
6/1/2010	1	MAYOR	SIGNED		

091328  
 SUBSTITUTE 1  
 62108  
 66-3839  
 66-3839-a  
 66-3839-b  
 THE CHAIR

Substitute resolution amending a special privilege for change of ownership to City on a Hill, Inc. for a private utility package and for removal of a second utility package in the public right-of-way for the premises at 2224 West Kilbourn Avenue, in the 4<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to City on a Hill, Inc. for a private utility package and for removal of a second utility package in the public right-of-way for the premises at 2224 West Kilbourn Avenue. Whereas, Lutheran Hospital of Milwaukee, Inc. requested permission to keep and maintain two private utility “tunnels”, also known as “packages” in the public right-of-way; and

Whereas, Permission for said private utility packages was granted in 1975 under Common Council Resolution File Number 66-3839-b; and

Whereas, City on a Hill, Inc. now owns the subject premises; and

Whereas, The current owner reports that one of the private utility packages had been abandoned at sometime in the past; and

Whereas, For the liability for said remaining private utility package to be formally transferred to the current property owner, 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 Numbers 62108, 66-3839, 66-3839-a and 66-3839-b are hereby rescinded; and, be it

Further Resolved, That City on a Hill, Inc., 2224 West Kilbourn Avenue, Milwaukee, Wisconsin 53233, is hereby granted the following special privilege:

To keep and maintain a private utility package crossing under the 60-foot right-of-way of North 23<sup>rd</sup> Street at a point approximately 165 feet south of the southline of West State Street. Said utility package is a minimum depth of 5 feet below grade and is 4 feet wide and is 3 feet tall.

Said above-mentioned private utility package shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said private utility package 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, City on a Hill, Inc., 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. Both bond and insurance policy shall provide that they 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 \$240.00. 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 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 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

Infrastructure Services Division

MDL: ns

April 15, 2010

091328