



Legislation Text

File #: 060297, Version: 1

060297
SUBSTITUTE 1
960877
THE CHAIR

Substitute resolution amending a special privilege to Kraft Foods Global, Inc. for change of ownership for a 4-inch diameter force main sewer with 6 cleanouts for the premises at 530 East College Avenue, in the 13th Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege for change of name to Kraft Foods Global, Inc. for a 4-inch diameter force main sewer with 6 cleanouts for the premises at 530 East College Avenue.

Whereas, Phillip Morris Management Company petitioned for a special privilege to keep and maintain a 4-inch diameter force main sewer with 6 cleanouts in the public right-of-way; and

Whereas, Permission for said items was granted in 1996 under Common Council File Number 960877; and

Whereas, Kraft Foods Global, Inc. now occupies the subject premises, which is owned by Milwaukee County; and

Whereas, For the liability to be formally transferred to the current property lessee, 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 960877 is hereby rescinded; and, be it

Further Resolved, That Kraft Foods Global, Inc., Three Lakes Drive, Northfield, IL 60093-2753 is hereby granted the following special privileges:

1. To keep and maintain a 4-inch diameter PVC pipe force main sanitary sewer in the public way to serve the premises at 530 East College Avenue. The sewer enters the public right-of-way at a point approximately 1,690 feet east of the centerline of South Howell Avenue and extends to a point 5 feet south of the northline of East College Avenue. The pipe then extends approximately 400 feet to the west where it meets an existing City of Milwaukee sanitary manhole centered approximately 1,290 feet east of the centerline of South Howell Avenue. The top of the force main sanitary sewer shall have a minimum ground cover of 60 inches.

2. To keep and maintain six cleanouts along the 400 foot section of the aforementioned force main at equally spaced intervals. Said cleanouts shall not extend above the adjacent existing grade.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

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 when the City of Milwaukee constructs a public sanitary sewer in East College Avenue, which would serve the subject property, the owner/lessee shall:

1. Connect the sanitary building sewer serving the building(s) on the subject property to said public sanitary sewer within six (6) months.
2. Abandon in accordance with City specifications, that portion of the 4-inch diameter sanitary force main located within the public right-of-way.

; and, be it

Further Resolved, That it is understood that the owner and/or lessee shall pay a sewer special assessment when the public sanitary sewer is available and serving said property; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Kraft Foods Global, 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 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 \$3,000 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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 \$405.00. 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 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:lja

June 23, 2006

060297