



Legislation Text

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071169

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Community Care, Inc. to construct and maintain an underground conduit and a key card reader for the premises at 3220 West Vliet Street, in the 4th Aldermanic District.

This resolution grants a special privilege to Community Care Inc to construct and maintain an underground conduit and a key card reader for the premises at 3220 West Vliet Street.

Whereas, The applicant desires to connect two of its facilities with an underground conduit for security purposes; and

Whereas, A site visit revealed the presence of a key card reader in the public right-of-way; and

Whereas, Said items 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 Community Care, Inc., 3220 West Vliet Street, Milwaukee, Wisconsin 53208, is hereby granted the following special privileges:

1. To construct and maintain a 1 ¼-inch diameter conduit crossing under the 60-foot wide right-of-way of West Cherry Street between 3220 West Vliet Street and 3116 West Cherry Street. Said conduit will cross West Cherry Street at a point approximately 141 feet west of the westline of North 31st Street.
2. To construct and maintain a key card reader in the west, 15-foot wide sidewalk area of North 31st Street. Said key card reader is centered approximately 5 feet 4 inches east of the westline of North 31st Street and 61 feet south of the southline of West Cherry Street. Said key card reader is constructed on a 1-foot diameter sonotube footing and is supported to a height of 3 feet 6 inches.

Said above-mentioned 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 it is 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, Community Care, 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 \$1,000 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 \$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 \$70.00. 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.

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 is are private pipes in the public right-of-way serving facilities on the north and south sides of West Cherry Street, as required in Section 182.0175(lm)(6) of the Wisconsin Statutes.

Department of Public Works
Infrastructure Services Division

MDL:lja
January 9, 2008
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