



Legislation Text

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010704
SUBSTITUTE
970015, 76-829
THE CHAIR

Substitute resolution amending a special privilege granted to Universal Foods Corporation for a storage tank, utility trench, two masonry buildings, a chain link fence, an underground water supply pipe and underground clean water discharge pipe, all located on public right-of-way beneath the 27th Street Viaduct adjacent to the property known as 2702 West Greves Street, to now change the name of the grantee of the special privilege to Lesaffre Yeast Corporation, in the 8th Aldermanic District in the City of Milwaukee.

Substitute resolution amending a special privilege granted to Universal Foods Corporation for a storage tank, utility trench, two masonry buildings, a chain link fence, an underground water supply pipe and underground clean water discharge pipe, all located on public right-of-way beneath the 27th Street Viaduct adjacent to the property known as 2702 West Greves Street, to now change the name of the grantee of the special privilege to Lesaffre Yeast Corporation.

Whereas, Common Council Resolution File Number 970015 adopted on June 24, 1997, granted a special privilege to Universal Foods Corporation to keep and maintain an underground water supply pipe, an underground clean water discharge pipe, a 6-foot wide covered utility trench, an existing circular steel molasses storage tank, an existing men's locker room building, an existing concrete block building and an existing chain link fence, all located on, across and/or beneath public right-of-way whose lands are designated for the 27th Street Viaduct adjacent to 2702 West Greves Street; and

Whereas, The applicant now desires to change the name of the grantee of the special privilege to Lesaffre Yeast Corporation; and

Whereas, Placement of these items within the public right-of-way can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 970015 granted to Universal Foods Corporation is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Lesaffre Yeast Corporation, 433 East Michigan Street, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To keep and maintain a 12-inch diameter underground water supply pipe in the public right-of-way of West Greves Street and on public lands within the area designated for the 27th Street Viaduct, more particularly described as follows:

Commencing at the westline of the 35-foot wide 27th Street Viaduct right-of-way, approximately 156 feet north of the northline of West Greves Street, and extending approximately 172 feet southeasterly to a tapping valve and valve box located approximately 3 feet southeasterly of the northline of West Greves Street, of which the

northwesterly 56 feet is within the 27th Street Viaduct right-of-way.

2. To keep and maintain a 24-inch diameter underground clear water discharge pipe in the public right-of-way of West Greves Street and on public lands within the area designated for the 27th Street Viaduct, more particularly described as follows:

Commencing at the westline of the 35-foot wide 27th Street Viaduct right-of-way approximately 134 feet north of the northline of West Greves Street, then extending southeasterly approximately 8 feet to a manhole, then extending southerly approximately 68 feet to a manhole, then extending southeasterly approximately 40 feet to a proposed 60-inch diameter sampling manhole, then extending southeasterly approximately 24 feet to a proposed manhole over the existing 30-inch diameter public storm sewer in West Greves Street located approximately 16 feet southeasterly of the northline of West Greves Street.

3. To keep and maintain an existing circular steel molasses storage tank, 60 feet in diameter, and 32 feet high with an approximate capacity of 670,000 gallons of which a portion is located within public right-of-way described as follows:

"That part of the Southeast ¼ of Section 25, Township 7 North, Range 21 East, in the City and County of Milwaukee, Wisconsin, bounded and described as follows: Commencing at a point in the eastline of said ¼ Section 253.00 feet north of the intersection of the northerly line of West Greves Street with said ¼ Section line; thence north along said 1/4 Section line 75.00 feet to a point; thence west on a line at right angles to the eastline of said 1/4 Section 35.00 feet to a point; thence south on a line which is 35 feet west in the eastline of the 35-foot wide 27th Street Viaduct right-of-way of and parallel to the eastline of said 1/4 Section 75.00 feet to a point; thence east on a line at right angles to the eastline of said ¼ Section 35.00 feet to the point of beginning."

4. To keep and maintain a 6-foot wide covered utility trench across and under lands whose description within the area designated for the 27th Street Viaduct is as follows: From a point located approximately 182 feet north of the northline of West Greves Street, as measured along the eastline of the Southeast ¼ of Section 25, Township 7 North, Range 21 East, to a point of reference, the west limit of said tunnel within the 35-foot wide 27th Street Viaduct right-of-way is located approximately 35 feet westerly of said point of reference. The utility trench is constructed of reinforced concrete with reinforced removable concrete covers approximately 5 feet 6 inches square with the covers at existing grade.

5. To keep and maintain an existing masonry men's locker room building located approximately 192 feet north of the northline of West Greves Street, as measured along the eastline of the Southeast ¼ of Section 25, Township 7 North, Range 21 East, to a point of reference; then extending approximately 62 feet north of said reference point and whose east limit is located approximately 24 feet west of the eastline of the Southeast ¼ of Section 25, Township 7 North, Range 21 East. Said building extends westerly beyond the limits of the area designated for the 35-foot wide 27th Street Viaduct right-of-way.

6. To keep and maintain an existing chain link fence gate beginning at the westerly edge of the viaduct pier located just north of West Greves Street, being approximately 15 feet north of the northline of said street, being approximately 9.5 feet west of the eastline of the Southeast ¼ of Section 25, Township 7 North, Range 21 East, and extending approximately 25.5 feet northwesterly being approximately 27 feet north of the northline of West Greves Street and on the westline of the 35-foot wide 27th Street Viaduct right-of-way and then extending

northwest to private property; and, be it

Further Resolved, That the cost of alteration to the above stated items due to any maintenance or reconstruction of the 27th Street Viaduct in the future shall be borne by the grantee and upon completion of the installation of all structures, the grantee shall prepare and submit to the City Engineer "as-built" plans showing the actual location, depth and dimensions of all such structures; and, be it

Further Resolved, That the cost of alteration to water mains, sewers, or any other underground municipal facilities because of the granting of this special privilege shall be borne by the applicant. Said structures are to be installed and maintained to the approval of the Commissioner of Public Works and the Commissioner 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, Lesaffre Yeast Corporation, 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 \$10,000.00 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 \$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 \$870.55. 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 66.0915((3) 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.

Department of Public Works
Infrastructure Services Division
JJM:cjt
December 26, 2001

010704