



## Legislation Text

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**File #: 060791, Version: 1**

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060791  
SUBSTITUTE  
031056  
THE CHAIR

Substitute resolution amending a special privilege to KJ Greentree, LLC for an underground conduit package for the premises at 6761 North Industrial Road, in the 9<sup>th</sup> Aldermanic District.

This resolution amends a special privilege to KJ Greentree, LLC for an underground conduit package for the premises at 6761 North Industrial Road, also known as 6745 North Industrial Road and 6767 North Industrial Road.

Whereas, KJ Greentree, LLC petitioned for a special privilege to keep and maintain a private manhole and storm sewer in the public right-of-way; and

Whereas, Permission for said private manhole and storm sewer was granted in 2005 under Common Council File Number 031056; and

Whereas, KJ Greentree, LLC is now requesting permission to construct an underground conduit package consisting of one 3-inch diameter conduit and two 4-inch diameter conduits to be used for security wiring for a parking lot across the street; and

Whereas, Said underground conduit package 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 031056 is hereby rescinded; and, be it

Further Resolved, That KJ Greentree, LLC, 39 South LaSalle Street, Suite 1010, Chicago, Illinois 60603 is hereby granted the following special privileges:

1. To construct and maintain an underground conduit package consisting of one 3-inch diameter conduit and two 4-inch diameter conduits crossing the 100-foot wide right-of-way of North Industrial Road. Said underground conduit package will be approximately 1236 feet east of the eastline of North 76<sup>th</sup> Street where North 76<sup>th</sup> Street and West Green Tree Road/ North Industrial Road intersect.
2. To keep and maintain an existing manhole in the public right-of-way adjacent to the property known as 6761 North Industrial Road. The center of said manhole is located approximately 17 feet northeasterly of the southwesterly street line of North Industrial Road and at a distance of approximately 2055 feet southeasterly of the intersection of the centerlines of North 76<sup>th</sup> Street and West Green Tree Road/ North Industrial Road. Said manhole is precast concrete, 3 feet 6 inches in diameter.
3. To keep and maintain an existing 12-inch diameter storm sewer in the public way adjacent to the property known as 6761 North Industrial Road. Said sewer serves as a connection between a catch basin located on private property to the northwest of the manhole described above. That portion of the sewer within the public right-of-way is 40 feet in length and intersects the southwesterly street line of North Industrial Road at an angle approximately 26 degrees at a point approximately 36 feet northwest of the center of the manhole, as measured along the street line. The top of said sewer is no less than 8 feet below 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 this special privilege is granted only on condition that by acceptance of this special privilege the grantee, KJ Greentree, LLC, 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. 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 \$150.87. 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. Not now or in the future use the cable communication facility in a manner that will conflict with the provisions of Chapter 99 of the Code of Ordinances regarding the transmission and distribution of video entertainment programming to subscribers.
8. 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:lja  
November 2, 2006  
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