



Legislation Details (With Text)

File #: 071710 **Version:** 1

Type: Resolution **Status:** Passed

File created: 4/9/2008 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 12/16/2008

Effective date:

Title: Substitute resolution to amend a special privilege to KJ Greentree LLC for addition of light poles and electrical conduit encroaching into the public right-of-way for the premises at 6767 North Industrial Road, in the 9th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Special Privilege Petition, 2. Drawing, 3. Cover letter from Dept of Public Works, 4. Fiscal note, 5. Pictures, 6. Map, 7. Hearing notice list

Date	Ver.	Action By	Action	Result	Tally
4/9/2008	0	COMMON COUNCIL	ASSIGNED TO		
4/11/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/26/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/26/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/3/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
12/16/2008	1	COMMON COUNCIL	ADOPTED	Pass	14:0
12/22/2008	1	MAYOR	SIGNED		

071710
SUBSTITUTE 1
060791
THE CHAIR

Substitute resolution to amend a special privilege to KJ Greentree LLC for addition of light poles and electrical conduit encroaching into the public right-of-way for the premises at 6767 North Industrial Road, in the 9th Aldermanic District. Substitute resolution amending a special privilege to KJ Greentree LLC for addition of seven private light poles and electrical conduit encroaching into the public right-of-way for the premises at 6767 North Industrial Road. Whereas, KJ Greentree LLC had requested permission to construct and maintain an underground communications package and to keep and maintain a private manhole and storm sewer in the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 060791 in 2006; and

Whereas, KJ Greentree LLC is currently requesting permission to install and maintain seven private light poles and associated electrical conduit 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 060791 is rescinded; and, be it

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

1. To install and maintain seven private light poles in the west, 26-foot wide sidewalk area of North Industrial Road. Said light poles are centered approximately 19 feet east of the westline of North Industrial Road and 335, 392, 449, 506, 563, 620, and 678 feet east of the eastline of North 74th Street.
2. To install and maintain underground electrical conduit to provide power to the aforementioned private light poles. Said conduit commences at a point along the eastline of North Industrial Road approximately 491 feet east of the eastline of North 74th Street and extends 19 feet east where said conduit turns both north and south. Said conduit continues 187 feet to the south and 156 feet to the north. Total conduit length is 362 feet.
3. To keep 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 conduit package is approximately 1236 feet east of the eastline of North 76th Street where North 76th Street and West Green Tree Road/North Industrial Road intersect.
4. 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 17 feet north of the southline of North Industrial Road and 2055 feet east of the eastline of North 76th Street where it intersects with West Green Tree Road/North Industrial Road.
5. 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 manhole described above. That portion of sewer within the public right-of-way is 40 feet in length and intersects the south street line of North Industrial Road at an angle of 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.

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 \$5,000.00 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 \$583.36. 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: ns

October 7, 2008

071710

Clerical correction -- jro -- 03/19/09