



## Legislation Details (With Text)

<b>File #:</b>	080173	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	5/20/2008	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	10/29/2008
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution amending a special privilege for change of ownership to Harley-Davidson Museum LLC for underground conduit and pipe and for addition of electrical conduit, light fixtures, and clearance signage in the public right-of-way for the premises at 126 North 6th Street, in the 12th Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Special Privilege Petition, 2. Fiscal Note, 3. Cover letter, 4. Pictures, 5. Map, 6. Hearing notice list		

Date	Ver.	Action By	Action	Result	Tally
5/20/2008	0	COMMON COUNCIL	ASSIGNED TO		
5/21/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/24/2008	1	CITY CLERK	DRAFT SUBMITTED		
10/9/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/15/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/29/2008	1	COMMON COUNCIL	ADOPTED	Pass	12:0
11/3/2008	1	MAYOR	SIGNED		

080173  
SUBSTITUTE 1  
071218  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Harley-Davidson Museum LLC for underground conduit and pipe and for addition of electrical conduit, light fixtures, and clearance signage in the public right-of-way for the premises at 126 North 6<sup>th</sup> Street, in the 12<sup>th</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Harley-Davidson Museum LLC for underground conduit and irrigation pipe and for addition of electrical conduit, light fixtures and clearance signage in the public right-of-way for the premises at 126 North 6<sup>th</sup> Street.

Whereas, H-D Milwaukee LLC requested permission to construct and maintain an underground conduit and irrigation pipe under and across West Canal Street; and

Whereas, Permission for said underground conduit and irrigation pipe was granted in 2008 under Common Council File Number 071218; and

Whereas, Harley-Davidson Museum LLC now owns the property; and

Whereas, For the liability for the underground conduit and irrigation pipe to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, The applicant is requesting permission to construct and maintain additional electrical conduit, light fixtures and clearance signs all of which will be attached to the 6<sup>th</sup> Street Viaduct; and

Whereas, The City has granted the applicant an easement for the area under the 6<sup>th</sup> Street Viaduct for the purposes of installing streetscape items; however, the easement specifically precludes the attachment of items to the 6<sup>th</sup> Street Viaduct; and

Whereas, Said additional underground conduit, light fixtures and clearance signs may only legally be attached to the 6<sup>th</sup> Street Viaduct 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 071218 is hereby rescinded; and, be it

Further Resolved, That Harley-Davidson Museum LLC, PO Box 300, Milwaukee, Wisconsin 53201-0300, is hereby granted the following special privileges:

1. To install and maintain 6 private light fixtures under the 6<sup>th</sup> Street Viaduct bridge columns located south of the Menomonee River in the vicinity of Tracer Street, a private street. Two light fixtures are attached to each of the southern bridge columns, such that there one light on the north side and one light of the south side of each column. One light fixture is attached to the southern side of each of the northern bridge columns.
2. To construct and maintain ¾-inch steel electrical conduit to provide power to the aforementioned light fixtures. The conduit commences at the southeast bridge column and extends west approximately 54 feet underground; then extends north 67 feet along and attached to the underside of the 6<sup>th</sup> Street Viaduct; and then extends east approximately 54 feet underground to the northeast bridge column. Total length of said conduit that is attached to the 6<sup>th</sup> Street Viaduct is approximately 90 feet.
3. To install and maintain 2 signs denoting the clearance height available to vehicles moving under the 6<sup>th</sup> Street Viaduct. The signs are bolted into the underside of the bridge deck, one each, near the east and west edges of the 6<sup>th</sup> Street Viaduct structure. Said signs are 8 feet long, 7 inches tall and 4 inches deep.
4. To keep and maintain a 1-inch diameter electrical conduit crossing under the 85-foot wide right-of-way of West Canal Street. Said conduit crosses West Canal Street at a point approximately 145 feet west of the west curblineline of North 6<sup>th</sup> Street.
5. To keep and maintain a 1-inch diameter sprinkler pipe crossing under the 85-foot wide right-of-way of West Canal Street. Said pipe crosses West Canal Street at a point approximately 145 feet west of the west curblineline of North 6<sup>th</sup> Street.

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, Harley-Davidson Museum 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 \$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 \$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 \$350.00. 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 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.

Department of Public Works  
Infrastructure Services Division

MDL: ns

September 17, 2008

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