Legislation Details (With Text)

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Title:	Substitute resolution amending a special privilege to Marquette University to construct and maintain additional steam pipe and two chiller pipes in the public right-of-way for the university campus at and adjacent to 1801 West Wisconsin Avenue, in the 4th Aldermanic District.		
Sponsors:	THE CHAIR		
Indexes:	SPECIAL PRIVILEGE PERMITS		
Attachments:	1. Special Privilege Petition, 2. Cover letter, 3. Fiscal note, 4. Map, 5. Hearing notice list		

Date	Ver.	Action By	Action	Result	Tally
7/1/2008	0	COMMON COUNCIL	ASSIGNED TO		
7/2/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/1/2008	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		

080435
SUBSTITUTE 1
010578
THE CHAIR

Substitute resolution amending a special privilege to Marquette University to construct and maintain additional steam pipe and two chiller pipes in the public right-of-way for the university campus at and adjacent to 1801 West Wisconsin Avenue, in the 4th Aldermanic District.

This resolution amends a special privilege to Marquette University for an additional steam pipe and chiller pipes that will be part of a campus wide system of heating, electrical and communications conduit, for the university campus at and adjacent to 1801 West Wisconsin Avenue.

Whereas, Marquette University had requested permission for heating, electrical and communications conduit in various public rights-of-way to serve buildings on the university campus; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 010578 in 2007; and

Whereas, Marquette University is currently requesting permission to construct and maintain an additional steam pipe and two chiller pipes; and

Whereas, Said steam pipe and chiller pipes 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 Numbers 010578 is

hereby rescinded; and, be it

Further Resolved, That Marquette University, c/o Facilities Services, 517 North 14th Street, Milwaukee, Wisconsin 53233 is hereby granted the following special privileges:

1. To construct and maintain a 12-inch diameter steam pipe under and across the 60-foot wide right-of-way of North 13th Street at a point approximately 165 feet north of the northline of West Wisconsin Avenue. Said pipe is located 5 feet 6 inches below grade.

2. To construct and maintain two 14-inch diameter chiller pipes under and across the 100-foot wide public right-of-way of West Wisconsin Avenue. Said pipes are centered approximately 193 feet west of the westline of North 12th Street and will be located 18 feet below grade.

3. To construct and maintain eight 4-inch diameter conduits encased in a 34-inch wide and 18-inch high concrete box commencing at the intersection of the eastline of North 18th Street and the northline of West Wisconsin Avenue and, then, extending south 110 feet under and across West Wisconsin Avenue to a point approximately 10 feet south of the southline of West Wisconsin Avenue on the eastline of North 18th Street and, then, extending west 62 feet under and across North 18th Street to a point approximately 15 feet south of the southline of West Wisconsin Avenue at the westline of North 18th Street. Said underground conduits will be approximately 2 feet below grade. Total length of said conduit in the public right-of-way is 182 feet.

4. To keep and maintain a 4-inch diameter conduit under and across the 60-foot right-of-way of North 13th Street approximately 192 feet north of the northline of West Wells Street. Said conduit is approximately 30 inches below grade.

5. To keep and maintain six 4-inch diameter conduits encased in concrete extending under and across North 16th Street located approximately 2 feet below finished grade beginning at a point on the west side of North 16th Street, approximately 203 feet north of the northline of West Wisconsin Avenue, then extending easterly for a distance of approximately 60 feet under the public right-of-way to a point on the east side of North 16th Street.

6. To keep and maintain six 4-inch diameter conduits encased in concrete extending under and diagonally across North 17th Street located approximately 2 feet below finished grade beginning at a point on the west side of North 17th Street, approximately 187 feet north of the northline of West Wisconsin Avenue, then extending northeasterly for a distance of approximately 60.2 feet under the public right-of-way to a point located approximately 192 feet north of the northline of West Wisconsin Avenue.

7. To keep and maintain four 3-inch and two 4-inch diameter conduits encased in concrete extending under and across North 18th Street located approximately 2 feet below finished grade beginning at a point on the east side of North 18th Street, approximately 207 feet south of the southline of West Wells Street, then extending westerly for a distance of approximately 60 feet under the public right-of-way to a point on the west side of North 18th Street.

8. To keep and maintain six 4-inch diameter conduits encased in concrete extending under and diagonally across North 19th Street located approximately 2 feet below finished grade beginning at a point on the west side of North 19th Street, approximately 175.5 feet north of the northline of West Wisconsin Avenue, then extending southeasterly for a distance of approximately 60.06 feet under the public right-of-way to a point approximately 172.8 feet north of the northline of West Wisconsin Avenue.

9. To keep and maintain six 4-inch diameter electrical conduits encased in concrete extending under and diagonally across West Wisconsin Avenue located approximately 5 feet below finished grade and extending from a point along the northline of West Wisconsin Avenue, approximately 15 feet east of the eastline of North 13th Street, in a southeasterly direction, to a point along the southline of West Wisconsin Avenue into a manhole located on private property covering a total distance of approximately 169.61 feet under the public right-of-way.

10. To keep and maintain four 4-inch diameter electrical conduits encased in concrete located approximately 2 feet below

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finished grade, extending for a distance of approximately 4 feet south from the building at 729 North 11th Street into the east-west alley bounded by West Wells Street, West Wisconsin Avenue, North 11th Street and North 12th Street, approximately 4 feet west of the westline of North 11th Street to a manhole, then continuing east for a distance of approximately 4 feet to the westline and 70 feet directly across North 11th Street, approximately 162 feet north of the northwest corner of North 11th Street and West Wisconsin Avenue, to a manhole at or near the eastline of North 11th Street for a total distance of 78 feet under the public rights-of-way.

11. To keep and maintain six 4-inch diameter conduits encased in concrete located approximately 2 feet below finished grade extending from a point approximately 152 feet north of the northline of West Wisconsin Avenue on the westline of North 13th Street then crossing 30 feet to the centerline of North 13th Street, then continuing in a southeasterly direction for approximately 30 feet to the eastline of North 13th Street for a distance of approximately 60 feet under the public right -of-way, then connecting to a manhole located approximately 2 feet east of the eastline of North 13th Street on private property.

12. To keep and maintain four 4-inch diameter electrical conduits encased in concrete located approximately 2 feet below finished grade. Said conduit commences from a point on the westline of North 12th Street located approximately 184 feet north of the northline of West Wisconsin Avenue then extending east crossing North 12th Street for a distance of approximately 70 feet under the public right-of-way to the eastline of North 12th Street.

13. To keep and maintain six 4-inch diameter electrical conduits encased in concrete under and across West Wisconsin Avenue located approximately 2.5 feet below finished grade. Said conduit is located approximately 125 feet west of the northline of North 15th Street covering a total distance of approximately 100 feet under the public right-of-way.

14. To keep and maintain one 15-inch diameter heating pipe with one 4-inch diameter return pipe both encased in concrete under and across West Wisconsin Avenue located approximately 5 feet below finished grade. Said conduit is located approximately 155 feet west of North 15th Street covering a total distance of approximately 100 feet under the public right-of-way.

15. To keep and maintain one 12-inch diameter steam heating pipe and a group of six 4-inch diameter electrical conduits located under and directly across North 16th Street, approximately 2.5 feet below finished grade. Said conduit is located approximately 249 feet north of the northline of West Clybourn Street covering a total distance of approximately 60 feet under the public right-of-way. Each type of facility is encased in concrete.

16. To keep and maintain six 4-inch diameter conduits encased in a 22-inch wide and 16-inch high concrete box extending under and across North 16th Street located approximately 2 feet below finished grade beginning at a point on the eastline of North 16th Street, located approximately 184 feet north of the northline of West Wells Street, then crossing west for a distance of approximately 60 feet under the public right-of-way to a point on the westline of North 16th Street, located approximately 184 feet north of the northline of West Wells Street.

17. To keep and maintain six 4-inch diameter conduits encased in a 22-inch wide and 16-inch high concrete box extending under and across West Wells Street located approximately 2 feet below finished grade beginning at a point on the southline of West Wells Street, located approximately 171 feet east of the eastline of North 16th Street, then crossing northerly for a distance of approximately 79.18 feet under the public right-of-way to a point on the northline of West Wells Street, located approximately 134 feet east of the eastline of North 16th Street.

18. To install and maintain six 4-inch diameter conduits encased in a 22-inch wide and 16-inch high concrete box extending under and across West Wells Street located approximately 2 feet below finished grade beginning at a point on the southline of West Wells Street, located approximately 135 feet east of the eastline of North 18th Street, crossing easterly for a distance of approximately 70.86 feet under the public right-of-way to a point on the northline of West Wells Street located approximately 146 feet east of the eastline of North 18th Street.

19. To install and maintain six 4-inch diameter conduits encased in a 22-inch wide and 16-inch high concrete box extending under and across the east-west alley bounded by North 19th Street, West Wisconsin Avenue and West Wells

Street. Said conduits shall be located approximately 2 feet below finished grade beginning at a point on the south side of the alley, located approximately 111 feet west of the westline of North 18th Street, then crossing north for a distance of approximately 15 feet under the public right-of-way to a point on the north side of the alley, located approximately 111 feet west of the westline of North 18th Street.

20. To install and maintain four 4-inch diameter conduits encased in concrete located approximately 2 feet below finished grade. Conduit commences at a point approximately 152 feet north of the northline of West Wisconsin Avenue, then crossing from the westline of North 13th Street directly to the eastline of North 13th Street for a distance of approximately 60 feet under the public right-of-way, then connecting to a manhole located on private property approximately 2 feet east of the eastline of North 13th Street.

21. To install and maintain six 4-inch diameter conduits encased in a 22-inch wide and 16-inch high concrete box extending under and across North 15th Street located approximately 2 feet below finished grade beginning at a point on the eastline of North 15th Street, located approximately 70 feet north of the northline of West Wells Street, then crossing west for a distance of approximately 60 feet under the public right-of-way to a point on the westline of North 15th Street, located approximately 70 feet north of the northline of West Wells 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. 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 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, Marquette University, 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. 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 $2855.95. 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

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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: ns
September 23, 2008
080435