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Title: Substitute resolution amending a special privilege for change of ownership to Cargill Meat Solutions Corporation and for removal of various items from the public right-of-way for the premises at 219 South Emmber Lane, in the 12th Aldermanic District.

Sponsors: THE CHAIR

Indexes: PERMITS, SPECIAL PRIVILEGE PERMITS

Attachments: 1. Special Privilege Petition, 2. CCF 090641 MAP.pdf, 3. CCF 090641 Photos.pdf, 4. CCF 090641 MAP.pdf, 5. CCF 090641 Photos.pdf, 6. PW LTR 090641.pdf

Date	Ver.	Action By	Action	Result	Tally
9/22/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/24/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
5/11/2016	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
5/24/2016	1	COMMON COUNCIL	ADOPTED	Pass	15:0
5/27/2016	1	MAYOR	SIGNED		

090641
SUBSTITUTE 1
80-2253-b
971755
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Cargill Meat Solutions Corporation and for removal of various items from the public right-of-way for the premises at 219 South Emmber Lane, in the 12th Aldermanic District.

This resolution amends a special privilege for change of ownership to Cargill Meat Solutions Corporation and accounts for the removal of several items from the public right-of-way including cattle holding pens, refrigeration lines, telecommunications conduit, and a telecommunications cable and accounts for reconfiguration of security fences under the 16th Street Viaduct for the premises at 219 South Emmber Lane.

Whereas, Peck Meat Packing Corporation requested permission to construct and maintain several encroachments in the public right-of-way including cattle holding pens under the 16th Street Viaduct; five driveways; telecommunications cable and conduit; electrical lines; a refrigeration line; and security fences; and

Whereas, Permission for said items to occupy the public right-of-way was granted under Common Council Resolution File Number 80-2253-b in 1985; and

Whereas, The usage of the property and of neighboring properties has changed significantly resulting in the applicant having removed or altered its items that were or are within the public right-of-way; and

Whereas, A previous property owner applied for a Special Privilege Amendment in 1998 under Common Council Resolution File Number 971755, which was placed on file after an application for this file was received; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 80-223-b is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Cargill Meat Solutions Corporation, Attention Diana Gill, 200 South Emmber Lane, Milwaukee , Wisconsin 53233 is hereby granted the following special privileges:

1. To keep and maintain a chain link security fence that crosses under the 70-foot wide South 16th Street Viaduct Approach Ramp approximately 483 feet west of the westline of South Emmber Lane, measured along the southline of the South 16th Street Viaduct Approach Ramp.
2. To keep and maintain two line fences crossing the 70-foot wide right-of-way of South 16th Street Viaduct. The fences cross the public right-of-way at points approximately 3 feet north and 482 feet south of the southline of West Potawatomi Circle. Said fences connect security fences, one owned by the applicant and the other owned by the Forest County Potawatomi, which are located on private property both east and west of the South 16th Street Viaduct right-of-way.
3. To keep and maintain an electrical conduit across and along the right-of-way suspended beneath the South 16th Street Viaduct Approach Ramp. The 3-inch diameter conduit extends north 43 feet into the right-of-way at a point approximately 180 feet west of the westline of South Emmber Lane, as measured along the southline of the South 16th Street Viaduct Approach Ramp. The conduit then extends west approximately 150 feet, suspended from the bottom of the bridge structure. The conduit is attached to a column and descends to a location underground, then continues north approximately 5 feet to enter onto private property.
4. To keep and maintain communications line across and along the right-of-way suspended beneath the South 16th Street Viaduct Approach Ramp. The communications line extends north 8 feet at a point approximately 180 feet west of the westline of South Emmber Lane, as measured along the southline of the South 16th Street Viaduct Approach Ramp. The communications line then extends west approximately 150 feet, suspended from the bottom of the bridge structure. The communications line is attached to a column and descends to a location underground and then extends north 40 feet to enter private property.

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, Cargill Meat Solutions 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 Commissioner of Public Works a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$546.00. 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 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.
7. 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

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

April 19, 2016