



## Legislation Text

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**File #: 130019, Version: 1**

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130019  
SUBSTITUTE 1  
091125  
THE CHAIR

Substitute resolution amending a special privilege to Rockwell Automation Incorporated for relocation of overhead cables and for removal of a security camera on a utility pole for the premises at 136 West Greenfield Avenue, in the 12<sup>th</sup> Aldermanic District.

This resolution amends a special privilege to Rockwell Automation Incorporated for relocation of overhead cables and for removal of a security camera on a utility pole for the premises at 136 West Greenfield Avenue.

Whereas, Rockwell Automation Incorporated had requested permission to keep and maintain various items in the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 091125 in 2010; and

Whereas, The applicant is currently requesting permission to remove the security camera from the public right-of-way and to replace and relocate the overhead cables within the public right-of-way; and

Whereas, Said relocated cables 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Numbers 091125 is hereby rescinded; and, be it

Further Resolved, That Rockwell Automation Incorporated, 1201 South 2<sup>nd</sup> Street, Milwaukee, Wisconsin 53204 is hereby granted the following special privileges:

1. To keep and maintain two overhead cables connecting the subject premises with a security camera on a utility pole located on private property. Said cables commence at the northline of West Greenfield Avenue at a point approximately 140 feet east of the eastline of South 2<sup>nd</sup> Street and then extend southwesterly across the 66-foot wide right-of-way of West Greenfield Avenue to a point approximately 199 feet east of the eastline of South 2<sup>nd</sup> Street on private property. Total length of the crossing is 69.26 feet.
2. To keep and maintain a manhole in the west sidewalk area of South Barclay Street approximately 96 feet north of the northline of vacated East Lapham Street. Said manhole has approximate inside dimensions of 6 feet by 12 feet by 6.5 feet in height.
3. To keep and maintain an 18-inch by 24-inch duct package consisting of six, 4-inch diameter conduits encased in concrete. Said duct package commences at a point along the northline of vacated East Lapham Street approximately 24 feet east of the westline of South Barclay Street; then extends approximately 23 feet to the northwest to a point 10 feet east of the westline of South Barclay Street and 18 feet north of the northline of vacated East Lapham Street; and then extends north 78 feet to the manhole described in item #2 above.
4. To keep and maintain a code non-compliant concrete canopy projecting into the 10-foot wide, west sidewalk area of South 1<sup>st</sup> Street and the 8-foot wide, north sidewalk area of West Greenfield Avenue. Said canopy extends from a point 24 feet 6 inches west of the westline of South 1<sup>st</sup> Street to a point 24 feet 6 inches north of the northline of West Greenfield

Avenue. Said canopy projects 7 feet 6 inches into the public right-of-way, in excess of the maximum 6 feet allowed by Section 245-7-4 of the Milwaukee Code of Ordinances. Additionally, the canopy projection is less than 2 feet from the curb line in the north sidewalk area of West Greenfield Avenue as required by Section 245-7-4 of the Milwaukee Code of Ordinances.

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, Rockwell Automation Incorporated, 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 \$363.90. 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. 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:clm  
October 15, 2013