



Legislation Text

File #: 071218, Version: 1

071218
SUBSTITUTE
THE CHAIR

Substitute resolution granting a special privilege to H-D Milwaukee, LLC to construct and maintain an underground conduit and irrigation pipe crossing the public right-of-way for the premises at 131 North 6th Street and 143 South 6th Street, in the 12th Aldermanic District.

This resolution grants a special privilege to H-D Milwaukee, LLC to construct and maintain an underground conduit and irrigation pipe crossing the public right-of-way for the premises at 131 North 6th Street and 143 South 6th Street.

Whereas, The applicant is in the process of constructing a new museum complex including two parking lot areas west of the intersection of 6th Street and West Canal Street; and

Whereas, As part of the project the applicant desires to construct an underground electrical conduit and an irrigation pipe between the two properties being used as parking lots; 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 H-D Milwaukee, LLC, PO Box 653, Milwaukee, Wisconsin 53208, is hereby granted the following special privileges:

1. To construct and maintain a 1-inch diameter electrical conduit crossing under the 85-foot wide right-of-way of West Canal Street. Said conduit will cross West Canal Street at a point approximately 145 feet west of the west curbline of North 6th Street.
2. To construct and maintain a 1-inch diameter sprinkler pipe crossing under the 85-foot wide right-of-way of West Canal Street. Said pipe will cross West Canal Street at a point approximately 145 feet west of the west curbline of North 6th 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 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, H-D Milwaukee, 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 \$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 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 \$170.00. 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 is are private pipes in the public right-of-way serving facilities on the north and south sides of West Canal Street, as required in Section 182.0175(lm)(6) of the Wisconsin Statutes.

Department of Public Works
Infrastructure Services Division

MDL:lja

January 7, 2008

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