



Legislation Text

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051656

SUBSTITUTE 1

THE CHAIR

Substitute resolution to grant a special privilege to Brewery Works, Inc. to construct and maintain underground conduit and chilled water lines in the public right-of-way for the premises at 201 West Cherry Street, in the 6th Aldermanic District in the City of Milwaukee.

Substitute resolution granting a special privilege to Brewery Works, Inc. to construct and maintain underground conduit and chilled water lines in the public right-of-way for the premises at 201 West Cherry Street.

Whereas, Brewery Works, Inc. is requesting permission to construct and maintain underground conduit and chilled water lines in the public right-of-way of West Cherry Street; and

Whereas, Said chilled water lines, which cross West Cherry Street to the former Schlitz Brewery complex and ran under the now vacated North Commerce Street, were installed by a previous owner sometime in the past; and

Whereas, In order to accommodate the new Manpower development, the applicant must relocate the chilled water lines; and

Whereas, The applicant also desires to install underground conduit; 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 Brewery Works, Inc., 1555 North Rivercenter Drive, Milwaukee, Wisconsin 53212, is hereby granted the following special privileges:

1. To construct, keep and maintain two 12-inch diameter pipes for carrying chilled water. Said pipes enter the 15-foot wide, south sidewalk area of West Cherry Street at a point approximately 133 feet west of the westline extended of vacated North 2nd Street. Said pipes run north for 6 feet where they turn and continue to a point 120 feet to the east. At this point said pipes turn and continue to the northeast for 18 feet where they turn again and continue east for a distance of 30 feet where said pipes meet the existing 10-inch diameter pipes. Said new pipes meet the existing pipes at a point approximately 28 feet east of the westline extended of vacated North 2nd Street and 17 feet north of the southline of West Cherry Street. From this point, the existing pipes cross the 80-foot wide right-of-way of West Cherry Street to the vacated North 2nd Street. The total length of the 12-inch diameter pipe is 348 feet and the total length of the 10-inch diameter pipe is 126 feet.
2. To construct, keep and maintain one 4-inch diameter conduit, which enters the 15-foot wide, south sidewalk area of West Cherry Street at a point approximately 137 feet west of the westline extended of vacated North 2nd Street and continues north for 7 feet where it turns and continues east for 123 feet. At this point, the conduit turns to the northeast for 18 feet where it turns to the east and continues for 30 feet to an angle point located approximately 20 feet north of the southline of West Cherry Street and 28 feet east of the westline extended of vacated North 2nd Street. Said conduit will then cross the 80-foot wide right-of-way of West Cherry Street. Total length for this conduit is 238 feet.
3. To construct, keep and maintain three 4-inch diameter conduits, which enter the south, 15-foot wide sidewalk area of West Cherry Street at a point approximately 137 feet west of the westline extended of vacated North 2nd Street and continue north for approximately 7 feet where they turn to the west. Said conduits continue west for 26 feet where they

enter a vault owned by Time Warner Cable. Total length for this conduit is 99 feet.

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, Brewery Works, Inc., 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 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 \$811.00. 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. 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 is either a private underground cable or chilled water lines in the public right-of-way as described in this special privilege and as required in Section 182.0175(lm)(6) of the Wisconsin Statutes.

Department of Public Works
Infrastructure Services Division

MDL:lja
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