



Legislation Text

File #: 060683, Version: 1

060683

SUBSTITUTE

880310

940115

941063

971753

010420

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Aurora Health Care, Inc. for underground conduits, an underground electrical duct and tree grates for the premises at 2900 West Oklahoma Avenue, in the 8th Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Aurora Health Care, Inc. for underground conduits, which are part of a greater communication system; an underground electrical duct; and tree grates for its medical campus located at and adjacent to 2900 West Oklahoma Avenue.

Whereas, St. Luke's Medical Center and Aurora Health Care requested permission to construct and maintain an underground conduits, which are part of a greater communication system, in the public right-of-way; and

Whereas, Permission for said conduits and was granted under Common Council File Numbers 880310, 941063, and 971753; and

Whereas, St. Luke's Medical Center requested permission to install and maintain five tree grates in the public right-of-way; and

Whereas, Permission for said tree grates was granted in 1994 under Common Council Resolution File Number 940115; and

Whereas, St. Luke's Medical Center requested permission to construct and maintain an underground electrical duct in the public right-of-way; and

Whereas, Permission for said electrical duct was granted in 2001 under Common Council Resolution File Number 010426; and

Whereas, Aurora Health Care, Inc. owns the subject medical campus; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, Combining the past special privileges will allow for more efficient file management and maintenance; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Numbers 880310, 940115, 941063, 971753 and 010426 are hereby rescinded; and, be it

Further Resolved, That Aurora Health Care, Inc., P.O. Box 343910, Milwaukee, Wisconsin 53234-3910, is hereby granted the following special privileges:

1. To keep and maintain a concrete conduit package in West Montana Street connecting 3000 and 3015 West Montana Street. Said conduit commences at the northline of West Montana Street at a point approximately 171 feet east of the eastline of South 31st Street; extends south approximately 46 feet to a junction manhole, centered approximately 14 feet north of the southline of West Montana Street; and, then, continues east 31 feet where it turns and continues south 14 feet to the southline of West Montana Street. Said conduit is a minimum of 3 feet below grade. Total length of said conduit is 91 feet.
2. To keep and maintain five, 5-foot diameter tree grates abutting 2930 West Dakota Street in the 15-foot wide west sidewalk area of West Dakota Street. Said tree grates area centered approximately 11 feet south of the northline of West Dakota Street and 358, 388, 418, 448 and 478 feet west of the westline of South 29th Street.
3. To keep and maintain an underground conduit commencing at the northline of West Dakota Street at a point approximately 210 feet west of the westline of South 29th Street. Said conduit extends south 2 feet; then east 215.83 feet to a manhole located on the west side of South 29th Street where it intersects West Dakota Street. Said conduit is approximately 4 feet below grade in this area. Total length of conduit is 217.83 feet.
4. To keep and maintain an underground conduit commencing from the manhole located on the west side of South 29th Street where it intersects West Dakota Street. Said conduit proceeds south from the manhole approximately 116.2 feet to the north bridge abutment of the City-owned South 29th Street Bridge over the Kinnickinnic River. Said conduit is approximately 4 feet below grade in this area.
5. To keep and maintain a conduit attached to the underside of the aforementioned South 29th Street Bridge over the Kinnickinnic River below the girders and diaphragm members. Said conduit extends from and through the north abutment to and through the south bridge abutment for a total length of 160 feet.
6. To keep and maintain an underground conduit in South 29th Street commencing from the south abutment of the South 29th Street Bridge over the Kinnickinnic River and extending south 108 feet where it crosses the southline of West Kinnickinnic River Parkway and enters private property.
7. To keep and maintain a manhole located on the west side of South 29th Street at its intersection with West Dakota Street, approximately 7 feet 6 inches square extending 8 feet 4 inches below grade. Said manhole is centered approximately 5.83 feet east of the westline of South 29th Street and 1 foot north of the northline of West Dakota Street.
8. To keep and maintain three 4-inch diameter communication conduits encased in concrete crossing the public rights-of-way of West Montana Street and South 32nd Street connecting 3031 West Montana Street and 3305 West Forest Home Avenue. Said conduits begin from a manhole centered approximately 14 feet north of the southline of West Montana Street and 171 feet east of the eastline of South 31st Street, then, within the south sidewalk area of West Montana Street, extend west in a curvilinear direction to a point approximately 120 feet east of the eastline of South 31st Street and 1.5 feet north of the southline of West Montana Street; said conduit continues west for 387 feet to an angle point approximately 267 feet west of the eastline of South 31st Street extended, then continuing 42 feet, of which 22.3 feet is on private property, to a manhole on private property. From the manhole, said conduit continues north across West Montana Street to an angle point approximately 4 feet west of the eastline of South 32nd Street and 6 feet south of the northline of West Montana Street for a distance of 56 feet; then continues north parallel and 4 feet west of the eastline of South 32nd Street for 94.9 feet to an angle point; then continues north for 25.1 feet to another angle point located approximately 6.5 feet west of the eastline of South 32nd Street and 112.8 feet north of the northline of West Montana Street; then continues north parallel to and 6.5 feet west of the eastline of South 32nd Street for 68 feet to a point; then continues north in a curvilinear direction to a point approximately 38 feet west of the eastline of South 32nd Street and 270 feet north of the northline of West Montana Street for 85.9 feet where it then enters private property. Total length of the conduit within the public right-of-way is 802.7 feet.
9. To keep and maintain a 39-inch wide, 31.5-inch high underground concrete duct bank containing twelve, 4-inch

diameter electrical PVC conduits. Said duct commences at the northline of West Oklahoma Avenue approximately 76 feet west of the westline of South 28th Street; extends approximately 5 feet south to a manhole; continues west from the manhole 260 feet to a second manhole; continues west 280 feet from the second manhole to a third manhole; and extends approximately 5 feet north to the northline of West Oklahoma Avenue. All of said manholes are located in the north sidewalk area of West Oklahoma Avenue. Said duct is a minimum of 2 feet below grade. Total length of said duct is 550 feet.

10. To keep and maintain an underground 20-inch wide, 12-inch high concrete duct bank containing two 4-inch diameter PVC electrical conduits. Said duct crosses the 100-foot wide right-of-way of West Oklahoma Avenue at a point approximately 100 feet west of the westline of South 29th Street. Said conduit is 3 feet below grade.

11. To keep and maintain an underground 27-inch wide, 35-inch high concrete duct bank containing twelve, 5-inch diameter PVC electrical conduits. Said duct commences from a manhole located in the north sidewalk area of West Oklahoma Avenue approximately 425 feet west of the westline of South 27th Street; extends east 405 feet to a point approximately 20 feet west of the westline of South 27th Street where it turns onto private property. Two manholes are located in the sidewalk area and said duct is 2 feet below grade. Total length of said duct is 405 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, Aurora Health Care, 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 \$5,540.73. 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 no 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 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:lja

October 16, 2006

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