



## Legislation Text

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**File #: 131801, Version: 1**

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131801  
SUBSTITUTE 1  
120697

Ald. Murphy

Substitute resolution amending a special privilege to Wisconsin Lutheran College Incorporated for addition of an underground conduit to serve the campus centered about the premises at 8800 West Blue Mound Road, in the 10<sup>th</sup> Aldermanic District.

This resolution amends a special privilege to Wisconsin Lutheran College Incorporated for addition of underground conduits for the campus based at the premises at 8800 West Blue Mound Road.

Whereas, Wisconsin Lutheran College Incorporated, the applicant, had previously requested permission to install underground communications conduits in the public right-of-way to connect its facilities; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 120697 for the premises at 529 North 89<sup>th</sup> Street; and

Whereas, The campus appears to be centered at 8800 West Blue Mound Road; and

Whereas, The applicant is now requesting permission to construct and maintain additional underground conduits to connect more facilities on the Wisconsin Lutheran College campus; and

Whereas, Said conduits 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 Wisconsin Lutheran College Incorporated, 8800 West Blue Mound Road, Milwaukee, WI 53226 is hereby granted the following special privileges:

1. To construct and maintain a 2-inch diameter underground conduit commencing at a water manhole centered approximately 70 feet north of the south line of West Blue Mound Road and 354 feet east of the east line of North 89<sup>th</sup> Street. Said conduit leaves the manhole and extends to the east approximately 145 feet; then extends north 43 feet; then extends east 32 feet; and then goes north 7 feet to the north line of West Blue Mound Road. Total length of the conduit is 227 feet.
2. To construct and maintain two, 2-inch diameter underground conduits crossing under the 60-foot wide right-of-way of North 89<sup>th</sup> Street at a point approximately 50 feet south of the south line of West Wisconsin Avenue. Said conduits are located 36 inches below grade.
3. To keep and maintain a 3-inch diameter underground conduit crossing under the 60-foot wide right-of-way of North 90<sup>th</sup> Street at a point approximately 366 feet north of the north line of West Blue Mound Road. Said conduit is located between 30 and 36 inches below grade.
4. To keep and maintain a 3-inch diameter underground conduit crossing under the 60-foot wide right-of-way of North 89<sup>th</sup> Street at a point approximately 198 feet north of the north line of West Blue Mound Road. Said conduit is located, at minimum, 2 feet below grade.
5. To keep and maintain a set of concrete steps projecting 4 feet 5 inches into the east, 15-foot wide sidewalk area of

North 89<sup>th</sup> Street. The steps commence at a point approximately 162 feet north of the north line of West Blue Mound Road and extend north 4 feet. There is a handrail at the edge of the steps.

Said underground conduits 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 underground conduits 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, Wisconsin Lutheran College 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 \$517.00. 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 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  
Administration Division  
JERREL KRUSCHKE/DAWN SCHMIDT  
May 5, 2020  
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