



## Legislation Text

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**File #: 091125, Version: 1**

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091125  
SUBSTITUTE 1  
74-2018-b  
82-1408-a  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Rockwell Automation Inc for a security camera, non-code compliant canopy, overhead cables, underground duct package, and manhole for the premises at 136 West Greenfield Avenue, in the 12<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Rockwell Automation Inc for a security camera mounted to a power pole, non-code compliant canopy, overhead cables, underground duct package, and manhole for the premises at 136 West Greenfield Avenue.

Whereas, Allen-Bradley Company requested permission to keep and maintain manhole and underground duct package in the public right-of-way; and

Whereas, Permission for said items was granted in 1983 under Common Council Resolution File Number 74-2018-b; and

Whereas, Allen-Bradley Company requested permission to keep and maintain a security camera on a power pole, overhead cables, and a non-code compliant canopy in the public right-of-way; and

Whereas, Permission for said items was granted in 1983 under Common Council Resolution File Number 82-1408-a; and

Whereas, Rockwell Automation Inc. now owns the property; and

Whereas, For the liability for said items to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Numbers 74-2018-b and 82-1408-a are hereby rescinded; and, be it

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

1. 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.
2. 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 #1 above.
3. To keep and maintain a non-code 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 curbline in the north sidewalk area of West Greenfield Avenue as required by Section 245-7-4 of the Milwaukee Code of Ordinances.

4. To keep and maintain a security camera mounted to a utility pole located within the north-south alley bounded by West Greenfield Avenue, West Orchard Street, South 1<sup>st</sup> Street and South 2<sup>nd</sup> Street. Said pole is centered along the westline of the aforementioned north-south alley at a point approximately 24 feet south of the southline of West Greenfield Avenue. Said camera is mounted to the pole at a minimum elevation of 15 feet.

5. To keep and maintain two overhead cables for the aforementioned camera of item #4. Said cables commence at the power pole located in the north-south alley in the block bounded by West Greenfield Avenue, West Orchard Street, South 1<sup>st</sup> Street and South 2<sup>nd</sup> Street, which is centered along the west alley line and a point approximately 24 feet south of the southline of West Greenfield Avenue. The cables extend north to the northline of West Greenfield Avenue for a total distance of 90 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, Rockwell Automation 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 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 own 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 they 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 \$406.21. 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:ns

August 11, 2010

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