



Legislation Text

File #: 091126, Version: 1

091126
SUBSTITUTE 1
990648
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Rockwell Automation Inc for raised planters and underground conduits and for addition of two concrete pillars for the premises at 1401 South 3rd Street and 1402 South 4th Street, in the 12th Aldermanic District.

This resolution amends a special privilege for change of ownership to Rockwell Automation Inc for raised planters and underground conduits and for addition of two concrete pillars for the premises at 1401 South 3rd Street and 1402 South 4th Street.

Whereas, Allen-Bradley LLC requested permission to construct and maintain two raised concrete planters and underground conduits in the public right-of-way; and

Whereas, Permission for said items was granted in 1999 under Common Council Resolution File Number 990648; and

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

Whereas, For the liability for said underground conduits and raised planters to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, A site visit revealed the presence of two concrete pillars in the public right-of-way; and

Whereas, Said pillars 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 990648 is hereby rescinded; and, be it

Further Resolved, That Rockwell Automation Inc., 1201 South 3rd Street, Milwaukee, Wisconsin 53204, is hereby granted the following special privileges:

1. To construct and maintain two, 2-foot wide concrete pillars projecting 4 inches into the west, 20-foot wide sidewalk area of South 3rd Street. Said pillars are centered along the westline of South 3rd Street approximately 45 and 25 feet south of the southline of West Greenfield Avenue.
2. To keep and maintain a 16-foot diameter raised concrete planter projecting 7 feet 4 inches into the west, 20-foot wide sidewalk area of South 3rd Street. Said 6-inch tall planter is centered 10 feet south of the southline of West Greenfield Avenue. Approximately 22 feet 10 inches length of the 6-inch wide planter edge encroaches into the public right-of-way.
3. To keep and maintain a 16-foot diameter raised concrete planter projecting 5 feet 11 inches into the east, 18-foot wide sidewalk area of South 4th Street. Said 6-inch tall planter is centered 11 feet south of the southline of West Greenfield Avenue. Approximately 18 feet 7 inches length of the 6-inch wide planter edge encroaches into the public right-of-way.
4. To keep and maintain two, 2 ½-inch diameter conduits crossing under the north-south alley in the block bounded by West Greenfield Avenue, West Orchard Street, South 3rd Street and South 4th Street. The conduits cross the alley at points

approximately 8 feet and 35 south of the southline of West Greenfield Avenue. Said conduits, which are, at minimum, 3 feet below grade, contain irrigation piping.

5. To keep and maintain two, 2 ½-inch diameter conduits crossing under the north-south alley in the block bounded by West Greenfield Avenue, West Orchard Street, South 3rd Street and South 4th Street at a point approximately 30 feet south of the southline of West Greenfield Avenue. Said conduits, which are, at minimum, 3 feet below grade, contain electrical wiring.

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 \$81.70. 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.

Department of Public Works
Infrastructure Services Division

MDL:ns

August 12, 2010

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