



Legislation Text

File #: 091127, **Version:** 1

091127
SUBSTITUTE 1
980386
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Rockwell Automation Inc for an access card reader and associated underground conduit and addition of a bollard for the premises at 1201 South 3rd Street, in the 12th Aldermanic District.

This resolution amends a special privilege for change of ownership to Rockwell Automation Inc for an access card reader and associated underground conduit and addition of a bollard for the premises at 1201 South 3rd Street.

Whereas, Allen-Bradley Inc. requested permission to construct and maintain an access card reader and associated underground conduit for a, then new, parking garage; and

Whereas, Permission for said items was granted in 1998 under Common Council Resolution File Number 980386; and

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

Whereas, For the liability for said access card reader and associated underground conduit 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 a bollard in the public right-of-way; and

Whereas, Said bollard 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 980386 is hereby rescinded; and, be it

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

1. To keep and maintain an access card reader in the north sidewalk area of West Madison Street. Said card reader is centered approximately 140 feet east of the eastline of South 4th Street and 3 feet south of the northline of West Madison Street.
2. To keep and maintain underground conduit connecting the access card reader described in Item #1 to the adjacent parking garage. Said conduit is centered approximately 140 feet east of the eastline of South 4th Street. The conduit commences at the northline of West Madison Street and projects 3 feet to the south to the aforementioned access card reader.
3. To install and maintain a bollard in the north sidewalk area of West Madison Street. Said bollard is centered approximately 140 feet east of the eastline of South 4th Street and 4 feet south of the northline of West Madison Street.

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 \$35.00. 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.

Department of Public Works
Infrastructure Services Division
MDL:ns
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