



## Legislation Text

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**File #:** 091128, **Version:** 1

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091128  
SUBSTITUTE 1  
960958  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Rockwell Automation Inc for a private underground electrical duct package and water pipes in the public right-of-way for the premises at 1201 South 2<sup>nd</sup> Street, in the 12<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Rockwell Automation Inc for a private underground electrical duct package and water pipes in the public right-of-way for the premises at 1201 South 2<sup>nd</sup> Street. Whereas, Allen-Bradley Company requested permission to construct and maintain water pipes and an underground electrical duct package in the public right-of-way; and

Whereas, Permission for said items was granted in 1996 under Common Council Resolution File Number 960958; 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 960958 is hereby rescinded; and, be it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 concrete encased duct package containing four electrical conduits. Said duct package commences at the eastline of South 2<sup>nd</sup> Street at a point approximately 250 feet south of the southline of West Washington Street; then extends 130 feet to the southwest to a point 17 feet west of the westline of South 2<sup>nd</sup> Street and 40 feet north of the southline of West Scott Street; and then extends south to the southline of West Scott Street for a total distance of 168 feet. Said duct package is 1 foot tall, 2 feet wide and a minimum of 3 feet 6 inches below grade.
2. To keep and maintain two, 18-inch diameter ductile iron water pipes. Said water pipes commence at the eastline of South 2<sup>nd</sup> Street at a point approximately 250 feet south of the southline of West Washington Street; then extend 130 feet to the southwest to a point 17 feet west of the westline of South 2<sup>nd</sup> Street and 40 feet north of the southline of West Scott Street; and then extend south to the southline of West Scott Street for a total distance of 168 feet. Said water pipes are a minimum of 9 feet below grade.

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 \$1008.00. 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 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  
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