



## Legislation Text

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**File #: 100458, Version: 1**

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100458  
SUBSTITUTE 1  
951287  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Thermo Fisher Scientific (Milwaukee) LLC and for addition of a fenced enclosure for gas meter equipment and six bollards for the premises at 2202 North Bartlett Avenue, in the 3<sup>rd</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Thermo Fisher Scientific (Milwaukee) LLC and for addition of a fenced enclosure for gas meter equipment and six bollards for the premises at 2202 North Bartlett Avenue. Whereas, In 2006, Pierce Milwaukee LLC was granted permission to keep and maintain underground conduit, exhaust ducts, backup driveways, and other various items in the public right-of-way; and

Whereas, Thermo Fisher Scientific (Milwaukee) LLC is requesting permission to construct and maintain a fenced enclosure and four bollards in the public right-of-way to protect gas meter equipment; and

Whereas, Both Thermo Fisher Scientific (Milwaukee) LLC was formally known as Pierce Milwaukee LLC; and

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

Whereas, Said enclosure, gas meter equipment, and bollards 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 951287 is hereby rescinded; and, be it

Further Resolved, That Thermo Fisher Scientific (Milwaukee) LLC, c/o Daniel Romfoe, 2202 North Bartlett Avenue, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To construct and maintain a chain link fence enclosure for gas meters projecting 3 feet into the east, 18-foot wide sidewalk area of North Bartlett Avenue. Said enclosure commences at a point approximately 243 feet north of the northline of East Windsor Place and extends 16 feet 8 inches to the north. There are two double gate swing openings, each consisting of two 3-foot wide gates, located in the west face of the enclosure.
2. To keep and maintain a gas meter with appurtenant equipment contained within the fence enclosure described in Item #1.
3. To install and maintain four, 8-inch diameter bollards in the east, 18-foot wide sidewalk area of North Bartlett Avenue, which are located adjacent to the fence enclosure of Item #1. Said bollards, which are 5 feet tall, are centered 4 feet 8 inches west of the eastline of North Bartlett Avenue and 243, 249, 255, and 259 feet north of the northline of East Windsor Place.
4. To install and maintain two bollards in the east, 18-foot wide sidewalk area of North Bartlett Avenue to protect fence posts at the gates in front of the north backup driveway described in Item #7 below. The northern bollard is 8 inches in diameter, 3 feet tall and centered approximately 1 foot west of the east line North Bartlett Avenue and 175 feet south of the southline of East North Avenue. The southern bollard is 1 foot in diameter, 3 feet tall and centered approximately 2

feet west of the eastline of North Bartlett Avenue and 205 feet south of the southline of East North Avenue.

5. To keep and maintain a 4-inch diameter underground conduit under the north-south alley in the block bounded by North Bartlett Avenue, North Oakland Avenue, East North Avenue and East Windsor Place. Said underground conduit commences at the a point along the westline of the alley approximately 190 feet south of the southline of East North Avenue and crosses the eastline of the alley at a point approximately 184 feet south of the southline of East North Avenue. Total length of said conduit is 15 feet 3 inches.

6. To keep and maintain five exhaust ducts in the north-south alley in the block bounded by North Bartlett Avenue, North Oakland Avenue, East North Avenue and East Windsor Place. Said ducts are centered approximately 89, 110, 128, 193 and 403 feet south of the southline of East North Avenue. Said ducts project 8, 10, 18, 12 and 12 inches into the public way and are 8, 12, 24, 24 and 24 inches long, respectively. The ducts are a minimum of 14 feet above grade.

7. To keep, use and maintain two backup driveways in the east 18-foot wide sidewalk area of North Bartlett Avenue. Said driveways are centered approximately 229 and 355 feet south of the southline of East North Avenue. The northern driveway serves three loading dock doors which are 8, 17 and 8 feet wide respectively. The southern driveway serves one, 10-foot wide overhead loading dock doorway. Vehicles shall occupy the sidewalk area and a portion of the roadway and shall be parked in such a manner so as not to project 8 feet beyond the south curb face of North Bartlett Avenue. Grantee is to provide sufficient traffic control to allow for continued two-way traffic while backup driveway is being used.

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, Thermo Fisher Scientific (Milwaukee) LLC, 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 \$6315.66. 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. Grantee must ensure sufficient traffic control while using the backup to allow continued, safe traffic flow on North Bartlett Avenue. Traffic control measure may include, but are not limited to flag persons and traffic cones.

Department of Public Works  
Infrastructure Services Division

MDL:ns

June 24, 2011

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