

LPT  
5-19-14

14-1109

May 19, 2014

CITY OF  
MANITOWOC

David Less  
City Planner

To: Mayor and Common Council  
From: Manitowoc City Plan Commission  
Subject: **PC1-2014: MPU; Request for Utility Easement from the City of Manitowoc in Block 230 of the Original Plat**

Dear Mayor and Common Council:

At the regular May 14, 2014 meeting of the City Plan Commission, the Commission reviewed the above referenced request from MPU for an easement covering two (2) sites in Block 230 of the Original Plat for the placement of an above ground pad transformer at each location. This block is part of a downtown underground utility district as per Section 15.370(28) of the Municipal Code. This section of the Code allows for the location of associated equipment and facilities which are appurtenant to underground electric and communication systems to be located above ground. These two (2) locations are currently landscaped areas, which would effectively be lost upon the installation of the transformers.



OFFICE OF CITY PLANNING,  
CITY PLAN COMMISSION

As such, the Commission unanimously recommended that the Council approve entering into the "Utility Easement" but prior to executing the document, the Deputy City Planner work with MPU to determine a strategy for replacement of the green space that will be lost at these two (2) sites due to the placement of the above ground pad transformers. To be clear, the Commission notes that replacement landscaping is not a requirement to execute the document, but should be thoroughly explored with MPU prior to the City signing on to the document. Once that situation has been clarified, and at the instruction of the Deputy City Planner, the Utility Easement can be signed by the Mayor and Clerk, and then recorded at MPU's expense.

Respectfully Submitted,

David Less  
City Planner

Attachment

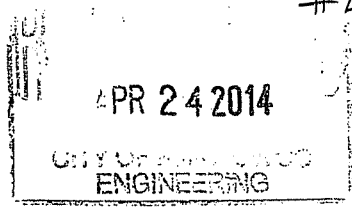
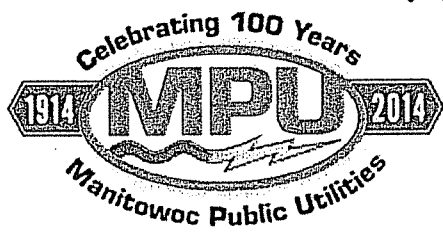
Re: Granicus Document #14-956



*See permits prep. 5-5-14*

*19-956*

*Plan #4*



1303 South 8th Street P.O. Box 1090 Manitowoc, WI 54221-1090 920-683-4600 FAX 920-686-4348 [www.mpu.org](http://www.mpu.org)

April 24, 2014

Dan Koski  
City Engineering  
900 Quay Street  
Manitowoc, WI 54220

**RE: REQUEST FOR UTILITY EASEMENT  
VAULT ELIMINATION PROJECT**

Dear Dan,

MPU is planning to eliminate three underground electric equipment vaults and is requesting utility easement on City owned property to achieve the effort.

**BACKGROUND**

MPU owns electric equipment vaults, located within sidewalk right-of-way, in the 800 block of Jay Street, in the 700 block of Franklin Street and in the 800 block of Franklin Street. These vaults contain utility transformers that provide power to a considerable portion of the abutting downtown area. The vaults are 1940 vintage and concern MPU for the following reasons:

1. Vault degradation presents structural concerns for public safety.
2. Utility safety is compromised with electric gear located within confined spaces.
3. Failure of vault equipment would cause prolonged service outages in the area served.

With consideration given to the "Downtown Underground District," defined by Municipal Code 15.370(28), MPU would like to replace the vault-mounted transformers with conventional, pad-mounted transformers.

**PLAN**

MPU would locate pad-mounted transformers within utility easements proposed in a City-owned parking lot. After electric services are transferred to the new transformers, MPU would remove vault-mounted equipment, fill the vaults with sand and/or slurry, and replace the sidewalk according to Right-of-Way permit requirements issued by the City.

I have enclosed a Utility Easement document with a map of the easement requested. Execution of the easement document is the next step to utility planning and design efforts. **MPU is requesting that the City execute and return this easement document.**

Would you please contact me at (920) 686-4310 with questions or concerns?

Sincerely,

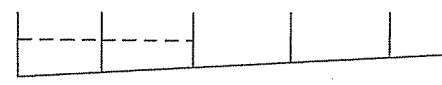
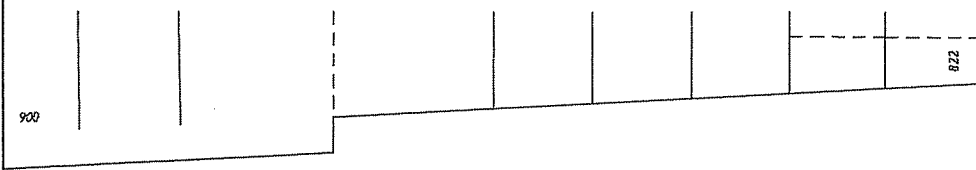
Steve Bacalzo, P.E.  
Distribution Operations Manager

Enclosure

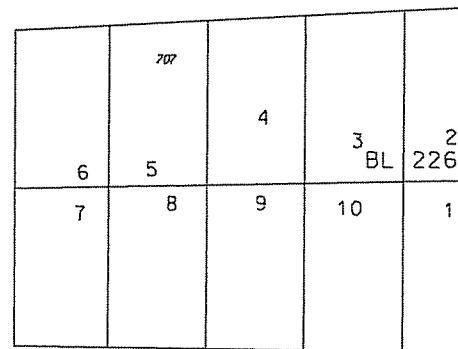
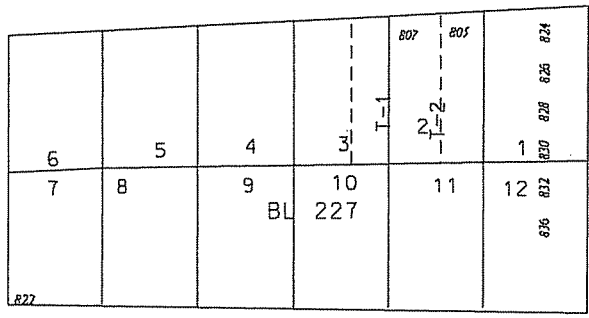
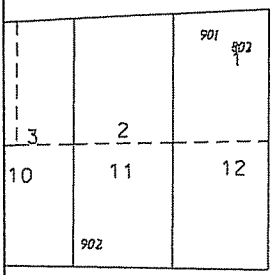
*5-5-14*  
*Committee recommends referral to the Plan Commission*  
  
  
*5/5/14*



# "EXHIBIT A"

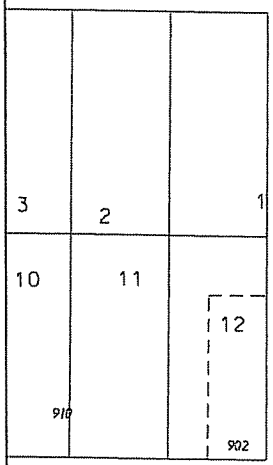


QUAY ST.

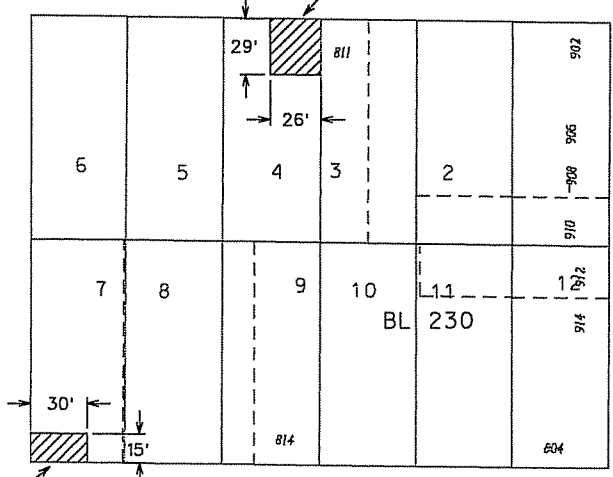


FRANKLIN ST.

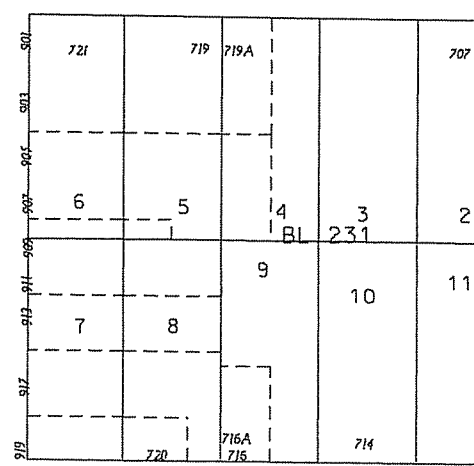
EASEMENT B



S. 9TH ST.

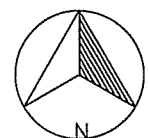
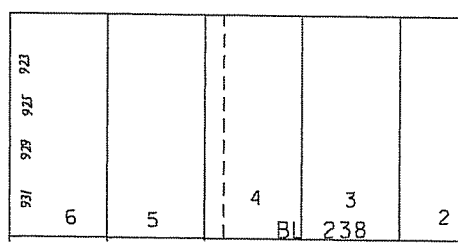
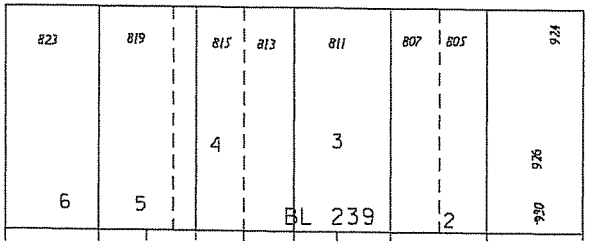
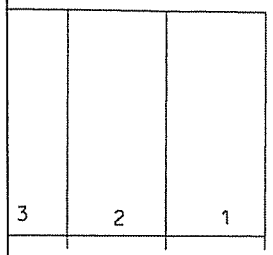


S. 8TH ST.



EASEMENT A

JAY ST.



1" = 100'

(f) Revocation. Where the conditions of a conditional use permit, or permits under MMC 15.670, are not complied with, the permit may be revoked by the Common Council at any time. The Plan Commission shall first hold a public informational hearing on the proposed revocation, subject to notice procedures under subsection (27)(b) of this section. The Commission, after holding a public informational hearing, shall provide its written recommendation to the Council with its determination regarding whether or not the permit holder has, or has not, complied with the provisions of this chapter. The Council may, at its sole discretion, hold a public hearing regarding the proposed revocation. Where the conditions of the permit are not complied with, the permit may be revoked by the Common Council.

**(28) Underground Utilities.** All new utilities installed on or after June 1, 1999, in the Downtown Underground District defined under subsection (28)(a) of this section, including electric, telephone, telecommunication, cable and other utilities customarily carried on poles, shall be required to be placed underground within easements or dedicated public right-of-way, unless economic, technological or land characteristic factors make underground placement unfeasible as determined by the City Plan Commission and Manitowoc Public Utilities. The installation of underground utilities shall be in accordance with the prevailing standards and practices of the utility or utilities (hereinafter referred to, whether one or more, as the “utility”) providing such services.

Associated equipment and facilities which are appurtenant to underground electric and communication systems, including but not limited to pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes, may be located above ground.

(a) Downtown Underground District. The area bordered by South 10th Street, Marshall Street, South 7th Street and Chicago Street (all of Blocks 154 – 156, 165 – 167, 174 – 176, 182 – 184, 217 – 219, 226 – 231, 238 – 240, and 270 – 275 in the original plat) excluding adjacent public rights-of-way.

(b) Cost and Expense. The cost and expense of converting existing overhead facilities to underground, or installing new facilities underground, and connection from such facilities to buildings, residences and other structures, shall be borne by the serving utility. However, if the City Plan Commission determines that the public health, welfare, convenience and pedestrian and vehicular traffic safety in any street or road widening or relocation project require conversion of existing overhead facilities to an underground installation, with connection to the buildings, residences and other structures served thereby, then in any such event, the utility affected shall rebuild their utility facilities at their own cost and expense. Unless waived by the serving utility, all owners or occupants updating or upgrading their electric service entrance and facilities due to an increase in service or due to a substandard voltage condition or a change in the character of their load shall, at their sole expense, be required to pay for the conversion of their own facilities and meet all utility service voltage and location requirements on said particular property.

(c) Easements. In order for the serving utility to be responsible for the costs of connecting the underground utility facilities to buildings, residences and other structures to be served, the utility shall be entitled to obtain from each property owner easements or licenses and permission to enter onto the property of such owner for the purpose of the installation, maintenance or replacement of such utility facilities. Each serving utility