



Legislation Text

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971973
SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to ProStaff Personnel Services Corporation to install and maintain an overhead cable within the public right-of-way between the buildings at 312 East Wisconsin Avenue and 324 East Wisconsin Avenue, in the 4th Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege allows installation and maintenance of a private overhead cable in the public right-of-way in the alley bounded by East Wisconsin Avenue, East Mason Street, North Broadway and North Milwaukee Street, between the buildings at 312 East Wisconsin Avenue and 324 East Wisconsin Avenue.

Whereas, ProStaff Personnel Services Corporation has requested permission to install and maintain a private overhead cable in the public way between the buildings at 312 East Wisconsin Avenue and 324 East Wisconsin Avenue; and

Whereas, Said overhead cable may only legally occupy the public way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that ProStaff Personnel Services Corporation, 1033 North Mayfair Road, Suite 304, Milwaukee, WI 53226, is hereby granted the following special privilege:

To install and maintain an overhead communications cable between the buildings at 312 East Wisconsin Avenue and 324 East Wisconsin Avenue as follows: exiting the building at 312 East Wisconsin Avenue at a

point approximately 50 feet north of the northline of East Wisconsin Avenue, and extending easterly across the public alley bounded by East Wisconsin Avenue, East Mason Street, North Broadway and North Milwaukee Street, to the building at 324 East Wisconsin Avenue, terminating at a point approximately 50 feet north of the northline of East Wisconsin Avenue. Cable shall provide a minimum of 18 feet of vertical clearance over the public right-of-way.

The overhead cable shall be installed and maintained to the satisfaction of the Commissioners of Public Works and Building Inspection and all necessary permits shall be obtained from the Department of Public Works and Building Inspection; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, ProStaff Personnel Services Corporation, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk 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 one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.
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 any 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

7. Not now or in the future use the cable communication facility in a manner that will conflict with the provisions of Chapter 99 of the Code of Ordinances regarding the transmission and distribution of video entertainment programming to subscribers.

Infrastructure Services Division

JJM:cjt

May 1, 1998

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