



## Legislation Text

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**File #: 081604, Version: 1**

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081604  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to United Community Center, Inc. to construct and maintain an underground conduit between the premises at 604 West Scott Street and at 611 West Washington Street, in the 12<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to United Community Center Inc to construct and maintain an underground conduit between the premises at 604 West Scott Street and at 611 West Washington Street.

Whereas, United Community Center, Inc. is requesting permission to install underground communications conduit between two of its facilities located along South 6<sup>th</sup> Street; and

Whereas, Said underground conduit 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 United Community Center, Inc., 1028 South 9<sup>th</sup> Street, Milwaukee, WI 53204 is hereby granted the following special privilege:

To construct and maintain an underground communications conduit package consisting of two 1½ - inch diameter conduits connecting the premises at 604 West Scott Street and 611 West Washington Street. Said conduit package commences at the westline of South 6<sup>th</sup> Street at a point approximately 16 feet north of the northline of West Scott Street, extends 2 feet to the east; then extends 120 feet to the north; and then extends west 2 feet onto private property. Said conduit package is located 18-inches below grade.

Said underground conduit shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said underground conduit 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, United Community Center, 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 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 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 City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$124.00. 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.

Department of Public Works  
Infrastructure Services Division  
MDL:ns  
July 22, 2009  
081604