



Legislation Text

File #: 981231, Version: 2

981231
SUBSTITUTE 2

THE CHAIR

Substitute resolution relating to occupancy of the City-owned conduit by cable franchisee.

-- Analysis -

This resolution approves a Conduit Occupancy License Agreement with Time Warner Cable of Southeastern Wisconsin, LP ("Time Warner"). Time Warner is being considered for a new 17 year franchise agreement under File No. 981230. If this agreement is granted, it will be the City's cable franchisee for a 17 year period. The term of the Conduit Occupancy License Agreement is also for 17 years.

Whereas, The City (hereinafter referred to as "Licensor") owns and operates a conduit system located in the City of Milwaukee, County of Milwaukee, State of Wisconsin (hereinafter called the "Conduit System"); and

Whereas, Time Warner Cable of Southeastern Wisconsin, LP (hereinafter referred to as the "Licensee") has registered in accordance with sec. 98-7, Milwaukee Code of Ordinances, for permission to place and maintain telecommunications facilities (herein "Licensee's Facilities") in portions of the Licensor's Conduit System described on Exhibit A to the Conduit Occupancy License Agreement attached to this file; and

Whereas, Licensor has agreed pursuant to sec. 98-5, Milwaukee Code of Ordinances, to permit, under certain conditions and for a 17 year term, on a license basis, the placement of Licensee's Facilities within portions of the Licensor's Conduit System designated in Licensee's Facilities conduit maps on file in the office of the City Engineer and Department of Public Works and summarized in Exhibit B to the Conduit Occupancy License Agreement attached to this file; now, therefore, be it

Resolved, That contingent upon the approval of the Renewal Cable Franchise Agreement with Licensee under Common Council File No. 981230, the Common Council hereby authorizes and directs the Commissioner of Public Works to execute the Conduit Occupancy License Agreement attached to this file; and be it

Further Resolved, That the Common Council accepts from Time Warner the amount of \$216,500, payable within ten days after the passage of this resolution, as full and final payment of any back conduit license fees owed by either Time Warner or Time Warner Communications of Milwaukee, LP for occupancy of City of Milwaukee conduit prior to January 1, 2000.

City Attorney's Office
PBMcd:dms
12/16/99
27015