



## Legislation Text

---

**File #:** 021439, **Version:** 1

---

021439

SUBSTITUTE

82-2266

THE CHAIR

Substitute resolution granting a special privilege to Mortgage Guaranty Insurance Corporation (MGIC) to install and maintain underground communication cabling under and across North Broadway extending from 270 East Kilbourn Avenue, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege resolution to Mortgage Guaranty Insurance Corporation (MGIC) permitting the installation and maintenance of communication cabling under and across North Broadway extending between 270 East Kilbourn Avenue and 330 East Kilbourn Avenue.

Whereas, Mortgage Guaranty Insurance Corporation desires to install and maintain communication cabling within North Broadway to connect the facilities at 270 East Kilbourn Avenue and 330 East Kilbourn Avenue; and

Whereas, The proposed communication cabling is to be placed beneath North Broadway in an existing conduit that had been installed by adoption of Common Council Resolution File Number 82-2266 and then was formally abandoned in 1988 and that resolution was subsequently rescinded; and

Whereas, Said communication cabling may only be permitted to occupy the public right-of-way by the adoption of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Mortgage Guaranty Insurance Corp., 270 East Kilbourn Avenue, Milwaukee, WI 53202 Attn: Manager of Administration, is hereby granted the following special privilege:

To install and maintain fiber optic cable in existing conduit under and across North Broadway. The conduit is placed approximately 42 inches below grade and approximately 215 feet north of East Kilbourn Avenue.

The communication cabling shall be installed, operated and maintained to the approval of the Departments of Public Works and Neighborhood Services. The grantee shall procure the necessary permits from the Departments of Public Works and City Development;

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Mortgage Guaranty Insurance 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 \$3,000.00 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 \$360.00. 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 66.0425 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 the Department of Neighborhood Services 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.
8. Join and continue to be a member of Diggers Hotline, the one-call system that operates in the Milwaukee area, as long as there is a private underground cable in the public right-of-way serving the buildings at 270 East Kilbourn Avenue and 330 East Kilbourn Avenue, as required in Section 182.0175(lm)(6) of the Wisconsin Statutes.

Department of Public Works  
Infrastructure Services Division  
JJM:cjt  
February 11, 2003  
021439