



Legislation Text

File #: 001054, **Version:** 1

001054

SUBSTITUTE 1

THE CHAIR

Substitute resolution to grant a special privilege to United Migrant Opportunities Services, Inc. to install and maintain aerial fiber optic cable in the public right-of-way to network its offices in the vicinity of South 9th Street and West Historic Mitchell Street, in the 12th Aldermanic District in the City of Milwaukee.

This resolution formally grants permission to United Migrant Opportunities Services, Inc. to construct and maintain aerial fiber optic cable in the public right-of-way to connect its offices located in the vicinity of South 9th Street and West Historic Mitchell Street in a data network.

Whereas, United Migrant Opportunities Services, Inc. is requesting permission to construct and maintain aerial fiber optic cable hung on existing WE Energies electric poles in order to connect its offices in a data network; and

Whereas, The applicant requested permission to run aerial cable between its offices at 929 West Historic Mitchell Street, 802 West Historic Mitchell Street, 910 West Historic Mitchell Street and 1644 South 9th Street in order to establish a data network between facilities; and

Whereas, United Migrant Opportunities Services, Inc. had constructed the aerial fiber optic network sometime in the past between making the special privilege petition and the present; and

Whereas, A site visit revealed changes that were made to the fiber optic ring from the schematic included with the special privilege petition; and

Whereas, United Migrant Opportunities Services, Inc. no longer has an office in the building at 929 West Historic Mitchell Street, however the fiber optic cable is still within the public right-of-way; and

Whereas, Said aerial fiber optic cable may only legally encroach into the public right-of-way by the 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 Migrant Opportunities Services, Inc., 2701 South Chase Avenue, Milwaukee, Wisconsin 53207 is hereby granted the following special privilege:

To place and maintain aerial fiber optic cable attached to several buildings and existing WE Energies electric poles in the public right-of-way. From the northeast corner of the building at 910 West Historic Mitchell Street, the cable crosses the 76-foot wide right-of-way of South 9th Street diagonally to the north side of the east-west alley bounded by West Historic Mitchell Street, West Lapham Boulevard, South 9th Street and South 8th Street where it continues east for approximately 48 feet 6 inches and then turns to the north over private property to the building at 1644 South 9th Street. From 1644 South 9th Street, the fiber optic cable runs approximately 102 feet south in the north-south alley between South 9th Street and South 8th Street to the aforementioned east-west alley, where it turns to the east for approximately 160 feet 6 inches to connect to the building at 802 West Historic Mitchell Street. From 802 West Historic Mitchell Street, the cable reenters the aforementioned east-west alley, crosses the 20-foot wide north-south alley between South 9th Street and South 8th Street and turns to the south, continuing for 120 feet to and across the 70-foot wide right-of-way of West Historic Mitchell Street then south to the northline of West Maple Street. Said cabling crosses West Maple Street and continues south to the east west alley between West Maple Street and West Burnham Street where it turns to the west to and across South 9th Street. The cable continues west from South 9th Street to north-south alley between South 9th Street and South 10th Street where it travels north to and across West Maple Street and continues north to the east-west alley between West

Historic Mitchell Street and West Maple Street. From the north side of the vacated portion of said east-west alley the cable continues 100 feet north to the vacated portion of the north-south alley between South 9th Street and South 10th Street and beyond to the building at 929 West Historic Mitchell Street. The cable is and shall remain, at minimum, 20 feet above grade. The total length of cable used to calculate the fee is 677 feet.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items 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 accepting this special privilege the grantee, United Migrant Opportunities Services, 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 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 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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. Both bond and 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 \$677.00. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division

MDL:lja

July 10, 2006

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