



## Legislation Text

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**File #: 071371, Version: 1**

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071371  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to Badger Mutual Properties LLC for underground conduit and a security camera for the premises at 1635 West National Avenue, in the 12<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Badger Mutual Properties LLC to install and maintain an underground communications conduit, an underground electrical conduit and a security camera for the premises at 1635 West National Avenue.

Whereas, The applicant is requesting permission to install and maintain an underground communications conduit, an underground electrical conduit and security camera in the public right-of-way; and

Whereas, Said items 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 Badger Mutual Properties LLC, 1635 West National Avenue, Milwaukee, Wisconsin 53204 is hereby granted the following special privileges:

1. To construct and maintain an underground communications conduit connecting the buildings at 1630 and 1635 West National Avenue. Said 1 ½ - inch diameter conduit crosses West National Avenue at a point along the eastline of South 17<sup>th</sup> Street. The conduit enters the public right-of-way at the intersection of the eastline of South 17<sup>th</sup> Street and the southline of West National Avenue; then extends 88 feet north to a point where said conduit turns and extends 30 feet to the east; and then extends 2 feet to the north onto private property. Total length of said communications conduit is 120 feet.
2. To construct and maintain an underground electrical conduit to provide power to the security camera of Item #3. Said 1 ¼ - inch diameter conduit commences at the southline of West National Avenue at a point approximately 54 feet west of the westline of South Cesar E. Chavez Drive. Said conduit extends north 40 feet to a point in the roadway median where it turns east and extends 57 feet to a traffic signal pole. Total length of the electrical conduit is 97 feet.
3. To install and maintain a security camera mounted on the traffic signal pole located west of South Cesar E. Chavez Drive in the center median of West National Avenue. Said camera will be wireless so that there will be no communications wiring to the camera.

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, Badger Mutual Properties LLC, 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. 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 \$217.42. 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 the Department 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  
August 11, 2008  
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