



Legislation Text

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001124
SUBSTITUTE
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THE CHAIR

Substitute resolution granting a special privilege to Voicestream PCS II Corporation to install and maintain underground communication conduit under the northeast-southwest alley bounded by West Elmore Avenue, West Lisbon Avenue, North Tucker Place and North 87th Street adjacent to 8814 West Lisbon Avenue, in the 5th Aldermanic District in the City of Milwaukee.

This resolution formally grants a special privilege to Voicestream PCS II Corporation to construct, keep and maintain an underground communication conduit under the northeast-southwest alley bounded by West Elmore Avenue, West Lisbon Avenue, North Tucker Place and North 87th Street adjacent to 8814 West Lisbon Avenue. Whereas, Voicestream PCS II Corporation petitioned for a special privilege to install communication cabling in conduit within the northeast-southwest alley bounded by West Elmore Avenue, West Lisbon Avenue, North Tucker Place and North 87th Street to connect facilities at 8814 West Lisbon Avenue.; and

Whereas, Said communication cabling in conduit has been installed; and

Whereas, City cabling is in some of the Voicestream PCS II Corporation conduit; and

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

Resolved, By the Common Council of the City of Milwaukee, that Voicestream PCS II Corporation, 8550 West Bryn Mawr, Chicago, IL 60631, is hereby granted the following special privilege:

To install, keep and maintain ten 8-inch diameter conduits in a 7-foot wide and 4-foot deep concrete encasement approximately 3 feet 6 inches under the northeast-southwest alley bounded by West Elmore Avenue, West Lisbon Avenue, North Tucker Place and North 87th Street. The centerline of said concrete encasement commences at the southline of the alley, approximately 26 feet 6 inches east of the eastline of North Tucker Place, extends north approximately 6 feet 6 inches, then extends east approximately 83 feet, and, finally, extends south approximately 6 feet 6 inches to the southline of the alley.

Said communication cabling in conduit shall be installed and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said communication cabling in 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, Voicestream PCS II 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 \$10,000.00 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 \$384.00. 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.
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 Digger's 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 as described in this special privilege and as required in Section 182.0175(lm)(6) of the Wisconsin Statutes.

Department of Public Works
Infrastructure Services Division

MDL:cjt
January 27, 2006
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