



## Legislation Text

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**File #: 070466, Version: 1**

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070466  
SUBSTITUTE 1  
62-499  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Jack L. Marcus, Inc. for encroachment into the public right-of-way of an underground electrical conduit for the premises at 5300 West Fond du Lac Avenue, in the 2<sup>nd</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Jack L. Marcus, Inc. for encroachment into the public right-of-way of a private underground electrical conduit for the premises at 5300 West Fond du Lac Avenue. Whereas, Jared Corporation requested permission to install and maintain a private underground conduit in order to serve its property with electricity from a substation; and

Whereas, Permission for said underground conduit was granted in 1962 under Common Council File Number 62-449; and

Whereas, Jack L. Marcus, Inc. now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 62-449 is hereby rescinded; and, be it

Further Resolved, That Jack L. Marcus, Inc., 5300 West Fond du Lac Avenue, Milwaukee, WI 53216, is hereby granted the following special privilege:

To keep and maintain a private 6-inch steel underground electrical conduit under and across West Maxwell Place at a point approximately 125 feet north-easterly of the northerly line of West Fond du Lac Avenue. The purpose of the conduit is to connect the electrical substation on the north side of West Maxwell Place with buildings on the south side of the street.

Said above-mentioned underground conduit shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said underground 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, Jack L. Marcus, 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 \$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 \$80.00. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division

MDL:lja

August 28, 2007, 2007

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