



Legislation Text

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980921
SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Time Warner Cable to install and maintain underground grounding conduit in the vicinity of 3912 West McKinley Avenue, and to keep and maintain an existing fence within the public rights-of-way in the 16th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution grants a special privilege to Time Warner Cable to install and maintain underground grounding conduit on the north side of West McKinley Avenue and in the north-south alley leg in the block bounded by West McKinley Avenue, West Vliet Street, North 39th Street and North 40th Street in the vicinity of 3912 West McKinley Avenue. It also allows an existing fence to remain in the public right-of-way of North 39th Street.

Whereas, Time Warner Cable desires to install an underground HALO Ground Ring System to prevent lightning from damaging their facility at 3912 West McKinley Avenue and to do so would mean locating one side within the north side of West McKinley Avenue and another side within the north-south alley leg in the block bounded by West McKinley Avenue, West Vliet Street, North 39th Street and North 40th Street; and

Whereas, There is an existing fence located along the east side of the property that is within the public right-of-way of North 39th Street; and

Whereas, Said underground grounding system and fence may only be permitted to occupy the public rights-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 Time Warner Cable, 1610 North 2nd Street, Milwaukee, WI 53212-3980, is hereby granted the following special privilege:

1. As a part of a "ring" grounding system for the building at 3912 West McKinley Avenue, to install and maintain two 4-inch diameter conduits under and along: a) the north side of West McKinley Avenue approximately 1.5 feet south of and approximately parallel to the northline of West McKinley Avenue for a distance of approximately 36 feet; and b) also approximately 1.5 feet west of and approximately parallel to the east alleyline of the north-south alley leg in the block bounded by West McKinley Avenue, West Vliet Street, North 39th Street and North 40th Street for a distance of approximately 96 feet. Said conduits are to contain a grounding system in order to prevent lightning from damaging their facility. Said conduit is to be located approximately 2 to 2.5 feet below grade. Said system also is to consist of vertical grounding rods spaced at approximately 15-foot intervals located below the conduit.

The grounding conduit shall be installed, operated and maintained to the approval of the Commissioners of Public Works and Building Inspection. The grantee shall procure the necessary permits from the Commissioners of Building Inspection and Public Works. An "as-built" plan shall be promptly provided to the City Engineer.

2. To keep and maintain a 7-foot high chain link fence within the west sidewalk area of North 39th Street extending from a point approximately 0.3 feet north of the northline of West McKinley Avenue and extending north for approximately 119 feet. The encroachment varies from approximately 3.2 feet at the south end to approximately 3.1 feet at the north end.

An after-the-fact permit shall be obtained for the fence from both the Department of Public Works and Department of Building Inspection. and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Time Warner Cable, 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 \$1,000.00 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 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 \$303.98. 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

November 6, 1998

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