



## Legislation Text

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**File #: 991938, Version: 1**

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SUBSTITUTE

### THE CHAIR

Substitute resolution granting a special privilege to Northwestern Mutual Life Insurance Company to install and maintain underground communication cabling in North Van Buren Street, extending between 720 East Wisconsin Avenue and 727 North Van Buren Street, in the 4th Aldermanic District in the City of Milwaukee and further authorizes the Commissioner of Public Works to issue an excavation permit in pavement less than three years old.

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### - Analysis -

This resolution grants a special privilege resolution to Northwestern Mutual Life Insurance Company, permitting the installation and maintenance of communication cabling within and beneath North Van Buren Street, extending between 720 East Wisconsin Avenue and 727 North Van Buren Street, and further authorizes the Commissioner of Public Works to issue an excavation permit for pavement that is less than three years old.

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Whereas, Northwestern Mutual Life Insurance Company desires to install and maintain communication cabling within North Van Buren Street to connect the facilities at 720 East Wisconsin Avenue, a building that they own, and 727 North Van Buren Street, a building in which they lease space; and

Whereas, Said communication cabling may only be permitted to occupy the public right-of-way by the adoption of a special privilege by the Common Council; and

Whereas, It appears that the open cut method of installation is required in North Van Buren Street; and

Whereas, This open cut (excavation) will affect pavement less than three years old and subject to a pavement guarantee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Northwestern Mutual Life Insurance Company, 720 East Wisconsin Avenue, Milwaukee, WI 53202 is hereby granted the following special privilege:

To install and maintain two 3-inch diameter PVC conduits under and across North Van Buren Street encased in concrete beginning at a point on the eastline of North Van Buren Street, approximately 72 feet south of the south curbline of East Mason Street, being approximately 57.5 feet south of the southline of East Mason Street and extending approximately 80 feet westerly to a point on the westline of North Van Buren Street.

Said conduits are to be located approximately 29 inches below grade.

The communication cabling conduit shall be installed, operated and maintained to the approval of the Departments of Public Works and Neighborhood Services. The grantee shall procure the necessary permits from the Departments of City Development/Neighborhood Services and Public Works. Grantee shall provide "as-built" plans of the conduit installation to the City Engineer in a reasonable time after completion of the work

;and, be it

Further Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is hereby authorized and directed to issue an excavation permit in the guaranteed pavement in North Van Buren Street; to allow the installation of two 3-inch PVC conduit; and, be it

Further Resolved, That the pavement restoration of the affected street shall be accomplished in accordance with the specifications and restrictions established by the Department of Public Works of the City of Milwaukee and at no cost to the City.

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Northwestern Mutual Life Insurance Company, 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 \$5,000.00 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 any 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 \$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 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

May 8, 2000

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