



## Legislation Text

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**File #: 970837, Version: 1**

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SUBSTITUTE

### THE CHAIR

Substitute resolution granting a special privilege to Park Bank to install and maintain underground voice and data communication fiber optic cabling in the west north-south alley bounded by West Appleton Avenue, West Capitol Drive, West Perkins Place, and North 76th Street, in the 2nd Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution grants a special privilege resolution to Park Bank permitting the installation and maintenance of voice and data communication fiber optic cabling within and beneath the west north-south alley bounded by West Appleton Avenue, West Capitol Drive, West Perkins Place, and North 76th Street.

Whereas, Park Bank desires to install and maintain voice and data communication fiber optic cabling within the west north-south alley bounded by West Appleton Avenue, West Capitol Drive, West Perkins Place, and North 76th Street; and

Whereas, Said voice and data communication fiber optic cabling may only be permitted to occupy the public right 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 Park Bank, 7540 West Capitol Drive, Milwaukee, WI 53216 is hereby granted the following special privilege.

To install and maintain a 4-inch diameter PVC conduit under and across the west north-south alley bounded by West Appleton Avenue, West Capitol Drive, West Perkins Place and North 76th Street, beginning at a point at the eastline of said alley approximately 1,050 feet southeasterly of the southline of West Perkins Place and extending southwesterly to a point at the westline of said alley approximately 1,200 feet southeasterly of the southline of West Perkins Place, between the buildings located at 7535 West Perkins Place and 7540 West Capitol Drive. Said conduit is to be located approximately 6 feet below grade.

The voice and data communication fiber optic cabling 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.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Park Bank, 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. 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 \$35.00. 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

7. Not use the installation for commercial distribution of entertainment nor in any way conflict with Chapter 99 of The Milwaukee Code of Ordinances.

Infrastructure Services Division

JJM:cjt

October 10, 1997

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