



## Legislation Text

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**File #: 971236, Version: 1**

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971236

SUBSTITUTE  
THE CHAIR

Substitute resolution to grant a special privilege to North American Salt Company to allow the installation of underground communications conduit, which crosses East Bay Street, for linkage of its computer network between the buildings at 1101 East Bay Street and 2001 South Lincoln Memorial Drive, in the 14<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution formally grants a special privilege to install, keep and maintain underground communications conduit, crossing under East Bay Street that connects 1101 East Bay Street and 2001 South Lincoln Memorial Drive.

Whereas, The applicant, a long term lessee of the Port of Milwaukee, had originally petitioned to install aerial cables along City owned poles for linkage of its computer network; and

Whereas, After an onsite meeting with Wisconsin Electric Company, now WE Energies, and being informed that the proposed cables would not meet WE Energies' minimum height requirements, the applicant decided to bury the cables; and

Whereas, Said cables are mostly on land leased by the North American Salt Company from the Port of Milwaukee except for where the cables cross under East Bay Street; and

Whereas, The actual location of said underground conduit in East Bay Street has finally been confirmed; and

Whereas, Said underground conduit may only legally encroach into the public right-of-way by the granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that North American Salt Company, 2001 South Lincoln Memorial Drive, Milwaukee, Wisconsin 53207 is hereby granted the following special privilege:

To install, keep and maintain an underground conduit crossing the 66-foot wide public right-of-way of East Bay Street, at a point approximately 102 feet west of the centerline of South Lincoln Memorial Drive. Said conduit shall be, at a minimum, 3 feet below ground and shall not have a cross section larger than 1 square foot.

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. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said underground conduit shall be maintained or removed from the public right-of-way, at such future time as it is 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, North American Salt 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 \$50,000.00 covering bodily injury to any one person and \$100,000.00 covering bodily injury to more than one person in any one accident and \$20,000.00 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 \$66.00. 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 66.0425 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 the Department 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  
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