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Title: Substitute resolution to grant a special privilege to Norlight Telecommunications, Inc. to construct and maintain fiber optic cables, duct, and appurtenant facilities in the public right-of-way, in the 4th and 12th Aldermanic Districts in the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Petition for Special Privilege.PDF, 2. Drawings.PDF, 3. Dept. of Public Works Letter, 4. Fiscal note

Date	Ver.	Action By	Action	Result	Tally
9/7/2005	0	COMMON COUNCIL	ASSIGNED TO		
9/8/2005	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
1/30/2006	1	CITY CLERK	DRAFT SUBMITTED		
2/9/2006	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/9/2006	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
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2/15/2006	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
2/28/2006	1	COMMON COUNCIL	ADOPTED	Pass	15:0
3/8/2006	1	MAYOR	SIGNED		

050535

SUBSTITUTE 1

THE CHAIR

Substitute resolution to grant a special privilege to Norlight Telecommunications, Inc. to construct and maintain fiber optic cables, duct, and appurtenant facilities in the public right-of-way, in the 4th and 12th Aldermanic Districts in the City of Milwaukee.

This resolution grants a special privilege to Norlight Telecommunications, Inc. to construct and fiber optic cables, underground conduit and appurtenant facilities in various public right-of-ways in the 4th and 12th Aldermanic Districts.

Whereas, Norlight Telecommunications, Inc is petitioning to construct and maintain fiber optic cables, duct and appurtenant facilities as part of its efforts to construct a fiber optic communications ring; and

Whereas, Norlight Telecommunications, Inc. is not a registered utility with the Public Service Commission of Wisconsin and as such is required to obtain a special privilege for items in the public right-of-way; and

Whereas, Said items 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 Norlight Telecommunications, Inc., 13935 Bishops Drive, Brookfield, WI 53005 is hereby granted the following special privileges:

1. To construct and maintain an underground conduit package containing fiber optic cabling commencing at the intersection of East Erie Street and North Broadway and continuing southeast within the East Erie Street right-of-way to North Jefferson Street. At North Jefferson Street, said underground conduit package will turn southwest and continue through the North Jefferson Street right-of-way, cross the Milwaukee River and continue through the right-of-way of an unnamed street located north of East Florida Street to South Water Street. At South Water Street, the conduit will continue in a generally southerly direction within the South Water Street right-of-way to the intersection of East National Avenue and South Water Street, where it will link to existing conduit owned by another entity. Said underground conduit shall be a minimum of 42 inches below grade. The total length for the underground conduit package is to be 4,411 feet.
2. To construct and maintain four hand holes, measuring 30 inches long, 48 inches wide, and 24 inches deep, located along the path of the underground conduit as described in Item #1 above. The first hand hole is to be located in the north sidewalk area of East Erie Street near the northeast corner of the intersection of North Broadway, North Young Street and East Erie Street. The second and third hand holes are to be located in the east sidewalk area of South Water Street south of East Florida Street and abutting the premises at 500 South Water Street. The fourth hand hole is to be located in the south sidewalk area of East National Avenue near the southwest corner of the intersection of East National Avenue and South Water Street.
3. To construct and maintain two pre-cast manholes measuring 4 feet long, 4 feet wide and 6 feet deep. The first of said manholes is to be located in the north sidewalk area of East Erie Street near the northeast corner of the intersection of North Jefferson Street and East Erie Street. The second manhole is to be located in the west sidewalk area of South Water Street at the t-intersection of South Water Street and an unnamed street, located north of East Florida Street.

Norlight Telecommunications Inc. shall obtain all necessary permits prior to constructing said facilities.

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

Said items 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 accepting this special privilege the grantee, Norlight Telecommunications, 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 \$10,000.00 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 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 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 \$4,475.80. 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 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.
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:lja
January 23, 2006
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