



## Legislation Details (With Text)

<b>File #:</b>	080301	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	6/10/2008	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	10/29/2008
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution amending a special privilege for change of ownership to GE Healthcare, Inc. for encroachment into the public right-of-way of underground cable and aerial cabling for the premises at 8200 West Tower Avenue, in the 9th Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Special Privilege Petition, 2. Cover letter, 3. Fiscal Note, 4. Map, 5. Hearing notice list		

Date	Ver.	Action By	Action	Result	Tally
6/10/2008	0	COMMON COUNCIL	ASSIGNED TO		
6/11/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/1/2008	1	CITY CLERK	DRAFT SUBMITTED		
10/9/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/15/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/29/2008	1	COMMON COUNCIL	ADOPTED	Pass	12:0
11/3/2008	1	MAYOR	SIGNED		

080301  
SUBSTITUTE 1  
83-520-a  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to GE Healthcare, Inc. for encroachment into the public right-of-way of underground cable and aerial cabling for the premises at 8200 West Tower Avenue, in the 9<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to GE Healthcare, Inc. for encroachment into the public right-of-way of underground cable and aerial cabling for the premises at 8200 West Tower Avenue.

Whereas, Marquette Electronics, Inc. requested permission to install and maintain underground and aerial data cabling in the public right-of-way; and

Whereas, Permission for said underground and aerial cabling was granted in 1983 under Common Council File Number 83-520-a; and

Whereas, GE Healthcare, Inc. now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 83-520-a is hereby rescinded; and, be it

Further Resolved, That GE Healthcare, Inc., 8200 West Tower Avenue, Milwaukee, WI 53223, is hereby granted the following special privileges:

1. To keep and maintain underground and aerial cable within the public right-of-way of the east side of North 91<sup>st</sup> Street, including attachment to WEPCO poles located as follows:

- a. An underground cable run commencing at the eastline of North 91<sup>st</sup> Street at a point approximately 279 feet north of the center line of West Brown Deer Road and extending west, 25 feet to a WEPCO pole, where it rises up the pole.
- b. An aerial cable run commencing at the aforementioned pole, then extending south approximately 781 feet to a WEPCO pole located approximately 50 feet north of the northline of the Chicago and North Western Transportation Company right-of-way, where it descends below grade. Said cable is supported between its end points by five other WEPCO poles.
- c. An underground cable run commencing from the WEPCO pole, mentioned above, located approximately 50 feet north of the northline of the Chicago and North Western Transportation Company right-of-way, then extending east 15 feet to a point, then extending south, parallel to and 48 feet east of the center line of West Brown Deer Road, a distance of approximately 395 feet where it then extends 10 feet east onto private property.

2. To keep and maintain an underground cable under and across the 70-foot right-of-way of West Fairlane Avenue at a point approximately 479 feet east of the eastline of North 84<sup>th</sup> Street. Said cable is buried at a minimum depth of 3 feet.

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

Said underground and aerial cabling 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 acceptance of this special privilege, the grantee, GE Healthcare, 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 \$3,000.00 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 \$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 own 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 \$1296.00. 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 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division

MDL: ns

August 5, 2008

080301