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Title: Substitute resolution granting a special privilege to Educators Credit Union to construct and maintain an underground conduit connecting the premises at 7025 West Appleton Avenue to 7000 West Appleton Avenue, in the 10th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Special Privilege Application, 2. Dept of Public Works cover letter, 3. Fiscal note, 4. Survey, 5. Drawing, 6. Map provided by Dept of Public Works, 7. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
11/3/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/23/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/6/2010	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
1/20/2010	1	COMMON COUNCIL	ADOPTED	Pass	15:0
1/29/2010	1	MAYOR	SIGNED		

090850

SUBSTITUTE 1

THE CHAIR

Substitute resolution granting a special privilege to Educators Credit Union to construct and maintain an underground conduit connecting the premises at 7025 West Appleton Avenue to 7000 West Appleton Avenue, in the 10th Aldermanic District.

This resolution grants a special privilege to Educators Credit Union to construct and maintain an underground conduit connecting the premises at 7025 West Appleton Avenue to 7000 West Appleton Avenue.

Whereas, Educators Credit Union is requesting permission to construct and maintain an underground conduit for a fiber optic communications cable crossing under West Appleton Avenue; and

Whereas, Said underground conduit may only legally encroach into the public right-of-way by 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 Educators Credit Union, 7025 West Appleton Avenue, Milwaukee, WI 53216 is hereby granted the following special privilege:

To construct and maintain a 1 1/4 inch diameter conduit that will cross under West Appleton Avenue. Said conduit will commence at the westerly line of West Appleton Avenue at a point approximately 216 feet south of the southline of West Nash Street and will extend to the easterly line of West Appleton Avenue at a point approximately 240 feet south of the south line of West Vienna Avenue. The conduit will contain a fiber optic communications cable to serve a freestanding ATM. Total length of said conduit will be approximately 129 feet.

Said 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, Educators Credit Union, 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 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. The 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 \$129.00. 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 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
December 2, 2009
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