



## Legislation Text

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**File #: 981597, Version: 1**

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981597  
SUBSTITUTE

### THE CHAIR

Substitute resolution granting a special privilege to Silver Spring Property, LLC to install and maintain underground communication fiber optic cabling in West Silver Spring Drive, between 2727 and 2730 West Silver Spring Drive, in the 9th Aldermanic District in the City of Milwaukee.

### - Analysis -

This resolution grants a special privilege resolution to Silver Spring Property, LLC permitting the installation and maintenance of communication fiber optic cabling within and beneath West Silver Spring Drive, between 2727 and 2730 West Silver Spring Drive.

Whereas, Silver Spring Property, LLC desires to install and maintain communication fiber optic cabling within West Silver Spring Drive to connect their facilities at 2727 and 2730 West Silver Spring Drive; and

Whereas, Said 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 Silver Spring Property, LLC, 5024 North 37th Street, Milwaukee, WI 53209 is hereby granted the following special privilege:

To install and maintain a 4-inch diameter PVC conduit under and across West Silver Spring Drive, beginning at a point on the southline of West Silver Spring Drive, approximately 355 feet west of the westline of North 27th Street and extending approximately 120 feet northerly to a point on the northline of West Silver

Spring Drive. Said conduit is to be located approximately 4 feet below grade.

The communication fiber optic cabling conduit shall be installed, operated and maintained to the approval of the Departments of Public Works and Neighborhood Services. The grantee shall procure the necessary permits from the Departments of City Development/Neighborhood Services 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, Silver Spring Property, LLC, 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 \$2,000 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 \$120.00. 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 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.

Infrastructure Services Division

JJM:cjt

June 22, 1999

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