



## Legislation Text

---

**File #: 060040, Version: 1**

---

060040

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Marquette University to construct and maintain underground conduit across North 13<sup>th</sup> Street for the premises at 831 North 13<sup>th</sup> Street, in the 4<sup>th</sup> Aldermanic District.

Substitute resolution granting a special privilege to Marquette University to construct and maintain underground conduit across North 13<sup>th</sup> Street for the premises at 831 North 13<sup>th</sup> Street.

Whereas, Marquette University wants to construct an underground conduit to its new Arrupe House in order to connect it to Marquette's fiber optic network; 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 Marquette University, c/o Facilities Services, 517 North 14<sup>th</sup> Street, Milwaukee, Wisconsin 53233, is hereby granted the following special privilege:

To construct and maintain a 4-inch diameter conduit under and across the 60-foot right-of-way of North 13<sup>th</sup> Street approximately 192 feet north of the northline of West Wells Street. Said conduit is to be constructed approximately 30 inches below grade.

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.

Said underground conduit 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, Marquette University 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 \$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 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 \$60.00. 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:lja  
July 18, 2006  
060040