

PETITION FOR A SPECIAL PRIVILEGE

SP 2157

\$208.00 Publication Fee
Must Accompany This Petition
SUBMIT PETITION IN DUPLICATE

February 28, 20 05

To the Honorable, The Common Council of the City of Milwaukee:

Council Members:

The undersigned Commerce Center, LLC
(State whether petitioner is an individual, co-partnership, Wisconsin or foreign corporation)

being the owners of the following described real estate:

Lot 1 of Certified Survey Map no. 7178, recorded on December 30, 2002, on
(Legal description)
reel 5486, Image 3243 as document no. 8419353, being a division of Part
of block 5 in chas. Quentin's Subdivision and lands all in the Northeast 1/4 of the
Northwest 1/4 of section 21, Town 7 North, Range 22 East, in the City of Milwaukee, County
of Milwaukee, State of Wisconsin, in the 6th Aldermanic District also known by street
and number as 2101 W. Humboldt Avenue (B) respectfully petition the Common Council of the
City of Milwaukee according to the provisions of Section 66.045 of the Wisconsin Statutes, that the following privilege be granted:

(Here describe the privilege)
Maintain and periodically sample three groundwater monitoring wells
labeled as MW-4, MW-5 and MW-6 on the appended figure
that were installed per Public Way Excavation Permit Nos. 2004422-0392
and 200411-0443 until January 2005.

of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, to furnish a bond and pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

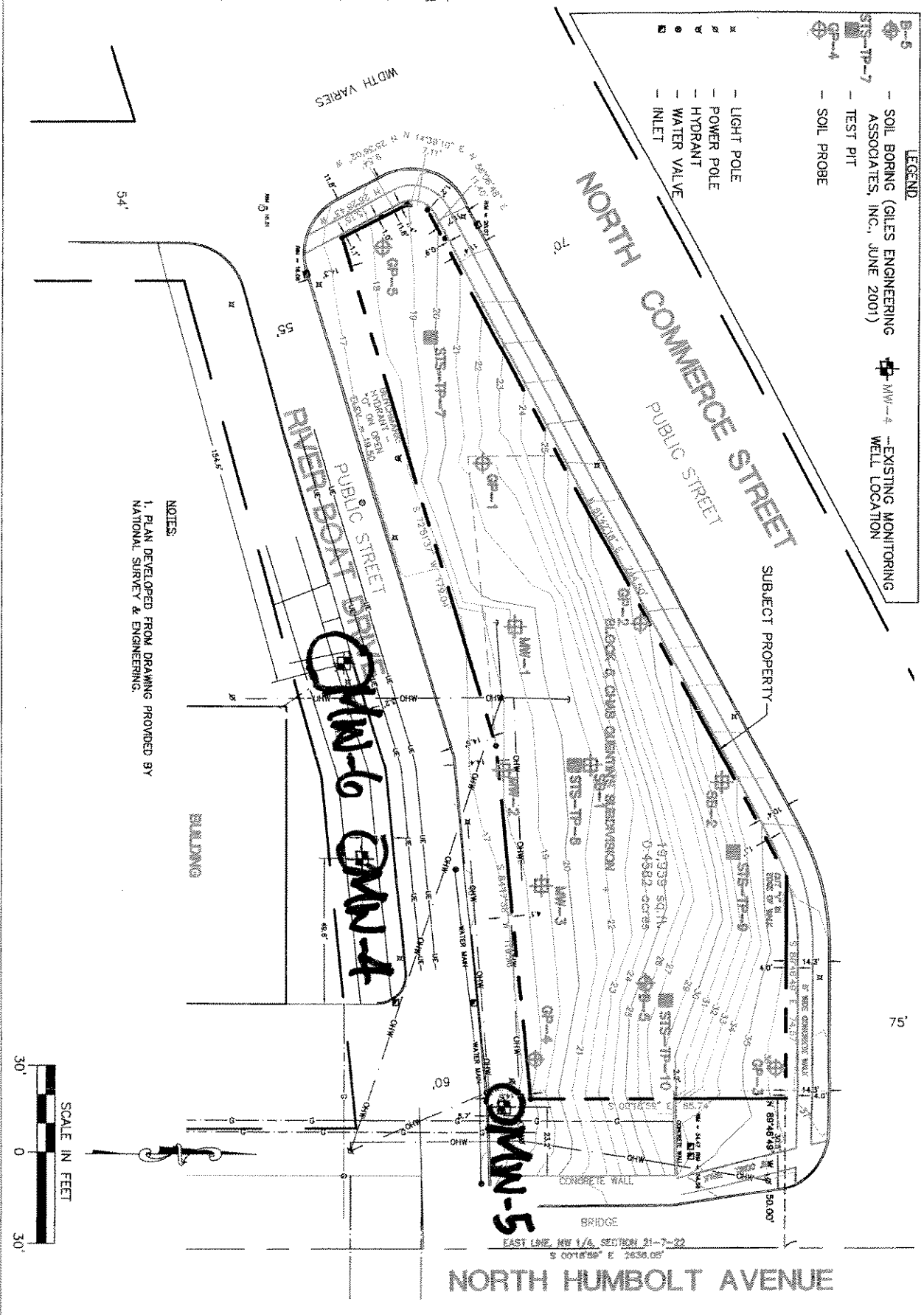
Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to 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. Petitioner further agrees not to contest the validity of Section 66.045 of the Wisconsin Statutes, or the legality of this special privilege in any way.

FILE WITH CITY CLERK LICENSE DIVISION
ROOM 105 CITY HALL, 200 EAST WELLS STREET

Signed Rod S. Engel, Rod S. Engel
Authorized Representative
Address 8400 Lakeview Parkway, Suite 700
Pleasant Prairie, WI 53158

Commerce Center, LLC
(if firm, society or corporation, give its full name)
8400 Lakeview Parkway, Suite 700 Pleasant Prairie, WI
Address 53158
Authorized Representative (262) 697-1550
(Title or office held in same) (Local Phone Number of Engineer/Contractor)



- LEGEND**
- B-5 SOIL BORING (GILES ENGINEERING ASSOCIATES, INC., JUNE 2001)
 - STS-TP-7 TEST PIT
 - GP-4 SOIL PROBE
 - MW-4 EXISTING MONITORING WELL LOCATION
 - LIGHT POLE
 - POWER POLE
 - HYDRANT
 - WATER VALVE
 - INLET

NOTES:
 1. PLAN DEVELOPED FROM DRAWING PROVIDED BY NATIONAL SURVEY & ENGINEERING.



SOIL BORING/MONITORING WELL LOCATION DIAGRAM
 2101 HUMBOLDT AVENUE
 HUMBOLDT PARTNERS, LLC
 MILWAUKEE, WISCONSIN

DESIGNED BY	KLS	DATE	10/28/03
DRAWN BY	WOB	DATE	10/28/03
APPROVED BY	TMK	DATE	10/28/03
CHECKED BY	WOB	DATE	10/28/03
JOB	2101 HUMBOLDT AVENUE MONITORING WELLS		
DATE	10/28/03		

NO.	DESCRIPTION	DATE	BY

S&S ENGINEERING
 2101 HUMBOLDT AVENUE
 MILWAUKEE, WISCONSIN 53212
 TEL: 414-224-8800
 FAX: 414-224-8801
 WWW.SSENGR.COM

DATE PLOTTED: 10/28/03
 PLOT SCALE: AS SHOWN

2

Public Way Excavation Permit

Call (414) 286-3435 for inspection 48 hours before work starts.

Milwaukee Development Center
809 N. Broadway
Milwaukee, WI 53202
(414) 286-8211 fax:(414) 286-0251
0102

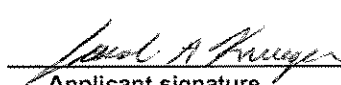
Type of permit EX	Permittee STS CONSULTANTS 11425 W LAKE PARK DR MILWAUKEE WI, 53224- 414-359-3030	Date Issued 10/20/2004	Permit No. 200422-0392
		Effective Date 10/20/2004	Permit expires in 90 days

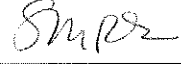
Work location 2060 N COMMERCE ST	Contract #	Work order # 200422-0392 - 2060 N COMMERCE ST/MISC OCT 20 2004/10:39 AM 03-0148818/S
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Description of work/comments
EXCAVATE FOR SOIL BORINGS & TO INSTALL A MONITORING WELL

200422-0392 - 2060 N COMMERCE ST/MISC
OCT 20 2004/10:39 AM
03-0148818/S

Deposit no.		Date started		Permit fee	80.00
Amount		Date closed		Inspection fee	50.00
Division		Inspector		Total due	130.00


Applicant signature


Issued by

This permit is granted on condition that the Permittee will obey all sections of Chapter 115 of the Milwaukee Code of Ordinances and all specifications, rules and regulations of the Department of Public Works pertaining to this permit. The acceptance of this permit constitutes an acknowledgement and acceptance of the conditions and regulations noted below.

Barricading and signing: Barricades and signs shall comply with City of Milwaukee Dept. of Public Works manual "Traffic Control for Construction & Maintenance Work" and Part VI of the State of Wisconsin "Manual on Uniform Traffic Control Devices."

Occupying street: Materials must be kept at least 2 feet away from any tree, alarm box, manhole and catch basin. Materials and equipment must be kept at least 10 feet from fire hydrants, 15 feet from crosswalks, and in accordance with other restrictions of the Code of Ordinances.

Drainage and erosion control: Gutters and drainage ditches shall be kept open at all times and shall be restored to their original condition. Perform all work necessary to conform to Ch. 290, Erosion Control, Milwaukee Code of Ordinances.

Blocking roadway: Unless the permit specifically allows, you may not block the entire roadway.

Revocation of permit: The Commissioner of Public Works reserves the right to revoke this permit at any time if, in his or her judgment, it is in the best interest of the City of Milwaukee.

Guarantee: You must reimburse the City of Milwaukee for all damages to any city property resulting from your work. You must hold the City of Milwaukee harmless in case of any accident or any damages arising through the issuance of this permit, regardless of whether such damage or accident is done by you, your agents, employees, or sub-contractors. In addition to the aforesaid provisions, said bond shall guarantee all work for 3 years from the date of completion thereof.

Lawn restoration: Where excavations in the sidewalk area or median destroy, disturb or damage the established lawn the permittee or contractor shall restore the area with top grade nursery sod approved by the Commissioner of Public Works laid over 3 inches of screened top soil spread evenly over the entire area.

New pavement: Permit will be issued to excavate any street pavement or resurfaced street less than 3 years old only upon showing that an emergency exists.

Emergency services: Any person who fails to keep the location for which this permit is issued in a safe condition at any time will be billed for any emergency work performed by city forces in order to make the location safe.

Damage during excavation: Use care during excavation to avoid damage to existing structures or facilities. If any underground structure or facility is damaged, notify the owner of the structure or facility immediately, and report the damage to the owner in writing within 24 hours. If the owner is the City of Milwaukee, report damage to the Commissioner, Dept. of Public Works, (414) 286-3300.

Obstructions: Unless you have permission to remove or relocate underground structures or facilities, you must work in a manner that minimizes disturbance of underground structures or facilities. Protect and support such facilities in accordance with the current specifications on file in the office of the commissioner and all applicable laws.

Backfilling: All sand or gravel used to backfill excavations must meet current City specifications.

Flushing: All backfill in excavations must be thoroughly flushed, unless controlled, compacted or concrete aggregate slurry backfill is used.

Temporary surfacing: The top 3" of excavations in any public way shall be a bituminous material. Place the bituminous material flush with the surrounding surface within 72 hours after backfilling has been completed.

Excavated material: Do not place excavated material on double seal, single seal, crushed stone, graded aggregate, or gravel pavements.

Restoration of street: Perform the work promptly and professionally. Remove all refuse and excess dirt and material from the surface of the public way as the work progresses or immediately upon its completion. Restoration must be done in accordance with current specifications.

Guarantee (roadway excavation): THE PERMITTEE MUST GUARANTEE THE MAINTENANCE OF THE TEMPORARY SURFACING ON ALL EXCAVATIONS BETWEEN EXISTING OR PROPOSED CURB LINES FOR 6 MONTHS, EXCEPT THAT ANY PERMITTEE ALLOWED TO MAKE PERMANENT RESTORATION TO AN EXCAVATION SHALL BE RESPONSIBLE FOR ALL MAINTENANCE FOR A PERIOD OF 3 YEARS AFTER PERMANENT RESTORATION IS COMPLETED.

Guarantee (back of curb excavation): THE PERMITTEE SHALL GUARANTEE THE FILLED EXCAVATION BETWEEN EXISTING OR PROPOSED CURB LINE AND LOT LINE AGAINST SETTLEMENT FOR 3 YEARS.

Except for emergency excavations, excavation permit is void if permittee does not contact Diggers Hotline (259-1181) at least three working days prior to digging. Notify fire department dispatcher any time road is closed: 286-8999 Call traffic operations (286-3632) for "temporary no parking" signs.

CITY OF MILWAUKEE
DEPARTMENT OF PUBLIC WORKS

The proper Division must be notified immediately, if interference is encountered or damage is done to any city installations including trees. The city will make all repairs and alterations where necessary and charge the cost thereof to the permittee. This plan is approved for location but not for elevation or grade by:

FORESTRY 619

DATE 10-11-04 PER [Signature]

WATER ENGINEERING 403 ^{MR} NONE

DATE OCT 13 2004 PER [Signature]

ENVIRONMENTAL ENGINEERING 809
UTILITIES MAY (SHALL NOT) BE INSTALLED BEFORE SEWERS ARE CONSTRUCTED

DATE 10/14/04 PER [Signature]

UNDERGROUND CONDUIT 810

DATE 10/15/04 PER [Signature] Marcia Lindholm myl

STREET LIGHTING 920 ID# 04/144

NOTES —

DATE 10/19/04 PER [Signature]

PARKING 920

DATE 10/19/04 PER [Signature] Mark Smed

TRAFFIC SIGNALS 920

DATE 10-20-04 PER [Signature]

TRAFFIC CONTROL

FIELD MAINTENANCE 710

DATE 10/20/2004 PER [Signature] Ralph Sorensen

COMMUNICATIONS 809 Building 3rd Floor

DATE 10/20/04 PER [Signature] Michael D. Paulsen

PLANNING & DEVELOPMENTS PERMITS 919

DATE 10-20-04 PER [Signature] Kenneth W. Kirby

Testing shall be made for VOC'S, based upon information supplied by Kevin Brehm, PE of STS Consultants and Commerce Center, LLC is required to submit a copy of the results to the City Engineer.

These facilities shall be in place a maximum of 60 days. After 60 days, it shall be the owner's responsibility to petition the Common Council for a Special Privilege, which will allow the wells to remain in the right-of-way.

A separate Department of Public Works permit will be required the time the monitoring well(s) is (are) abandoned. Restoration shall be in accord with Department of Public Works specificatio

During the lifetime that the monitoring well(s) is (are) in place within the public right-of-way, the owner shall upon notification, be responsible for any work found necessary to the wells as the result o a City of Milwaukee construction, maintenanc or similar project

Public Way Excavation Permit

Call (414) 286-3435 for inspection 48 hours before work starts.

Milwaukee Development Center
809 N. Broadway
Milwaukee, WI 53202
(414) 286-8211 fax:(414) 286-0251
0102

Type of permit
EX

Permittee

STS CONSULTANTS
11425 W LAKE PARK DR
MILWAUKEE WI, 53224-
414-359-3030

Date Issued
05/21/2004

Permit No.

2004110443
2101 N HUMBOLDT AV/MISC
MAY 24 2004/1:09 PM
02-0100826/P

Effective Date
05/21/2004

Permit expires in
90 days

Contract #

Work order #

Work location
2101 N HUMBOLDT AV

Description of work/comments
SOIL BORING

200411-0443/2101 N HUMBOLDT AV/MISC
MAY 24 2004/1:09 PM
02-0100826/P

SEE ALL NOTES AND TRAFFIC RESTRICTIONS ON PLANS

Deposit no.		Date started		Permit fee	80.00
Amount		Date closed		Inspection fee	50.00
Division		Inspector		Total due	130.00

Applicant signature

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Guarantee: You must reimburse the City of Milwaukee for all damages to any city property resulting from your work. You must hold the City of Milwaukee harmless in case of any accident or any damages arising through the issuance of this permit, regardless of whether such damage or accident is done by you, your agents, employees, or sub-contractors. In addition to the aforesaid provisions, said bond shall guarantee all work for 3 years from the date of completion thereof.

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Damage during excavation: Use care during excavation to avoid damage to existing structures or facilities. If any underground structure or facility is damaged, notify the owner of the structure or facility immediately, and report the damage to the owner in writing within 24 hours. If the owner is the City of Milwaukee, report damage to the Commissioner, Dept. of Public Works, (414) 286-3300.

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CITY OF MILWAUKEE
DEPARTMENT OF PUBLIC WORKS

The proper Division must be notified immediately, if interference is encountered or damage is done to any city installations including trees. The city will make all repairs and alterations where necessary and charge the cost thereof to the permittee. This plan is approved for location but not for elevation or grade by:

FORESTRY 619

DATE 4-20-04 PER *Rickard Cole*

WATER ENGINEERING 403 STD.COMMENTS

DATE APR 21 2004 PER *Nathan G. Sant*

ENVIRONMENTAL ENGINEERING 809

UTILITIES MAY (SHALL NOT) BE INSTALLED BEFORE SEWERS ARE CONSTRUCTED

SEWER LATERALS ARE PRIVATE FACILITIES, EXACT LOCATIONS CANNOT BE VERIFIED. IF A LATERAL IS DAMAGED IT MUST BE REPAIRED AT CONTRACTOR EXPENSE UNDER CITY PERMIT.

DATE 4/21/04 PER *[Signature]*

UNDERGROUND CONDUIT 810

DATE 4/21/4 PER *40 Marcia Lindholm*

STREET LIGHTING 920 ID # 04/53

NOTES

DATE 4/26/04 PER *[Signature]*

PARKING 920

DATE APR 25 04 PER *[Signature]*

TRAFFIC SIGNALS 920

DATE 4-27-04 PER *[Signature]*

TRAFFIC CONTROL

FIELD MAINTENANCE 710

DATE 4/27/2004 PER *[Signature]*

COMMUNICATIONS 809 Building 3rd Floor

DATE 4.28-04 PER *[Signature]*

PLANNING & DEVELOPMENTS PERMITS 919

DATE 5-6-04 PER *Kenneth W. Kutz*

Testing shall be made for VOC'S, based upon information supplied by Bryan J. Bergmann, P.G. of STS Consultants and permittee is required to submit a copy of the results to the City Engineer.

These facilities shall be in place a maximum of 60 days. After 60 days, it shall be the owner's responsibility to petition the Common Council for a Permissory Resolution, which will allow the wells to remain in the right-of-way.

Well lid shall have non-skid surface and shall be flush with adjacent area.

A separate Department of Public Works permit will be required at the time the monitoring well(s) is (are) abandoned. Restoration shall be in accord with Department of Public Works specifications.

During the lifetime that the monitoring well(s) is (are) in place within the public right-of-way, the owner shall upon notification, be responsible for any work found necessary to the wells as the result of a City of Milwaukee construction, maintenance or similar project.