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Title: Substitute resolution granting a special privilege to KJG Investments, Inc. to keep and maintain two groundwater monitoring wells in North 100th Street and West Sarasota Place near 9922 West Capitol Drive, in the 5th Aldermanic District in the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments:

Date	Ver.	Action By	Action	Result	Tally
9/23/1997	0	COMMON COUNCIL	ASSIGNED TO		
9/23/1997		PUBLIC WORKS COMMITTEE	REFERRED TO		
11/10/1997	1	CITY CLERK	DRAFT SUBMITTED		
11/12/1997	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
11/25/1997	1	COMMON COUNCIL	ADOPTED	Pass	15:2
12/9/1997	1	MAYOR	SIGNED		

970833
SUBSTITUTE

THE CHAIR
Substitute resolution granting a special privilege to KJG Investments, Inc. to keep and maintain two groundwater monitoring wells in North 100th Street and West Sarasota Place near 9922 West Capitol Drive, in the 5th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution grants a special privilege to KJG Investments, Inc. to keep and maintain two groundwater flush-mounted monitoring wells in the public rights-of-way of North 100th Street and West Sarasota Place in the vicinity of 9922 West Capitol Drive.

Whereas, The Wisconsin Department of Natural Resources has deemed it necessary to conduct an environmental assessment for a site located at 9922 West Capitol Drive to determine petroleum product migrational patterns; and

Whereas, It has been determined that, in addition to the proposed monitoring wells needed to be placed on private property, two locations need to be monitored within the public right-of-way for an extended period of time; and

Whereas, These two monitoring wells may only legally remain in the public right-of-way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that KJG Investments, Inc., 6672 North 53rd Street, Milwaukee, WI 53223 is hereby granted the following special privilege:

To keep and maintain two flush-mounted monitoring wells in the vicinity of 9922 West Capitol Drive as follows: the well located in North 100th Street is centered approximately 12 feet south of the southline of West Sarasota Place and 63 feet west of the eastline of North 100th Street; the well located in West Sarasota Place is in the angular portion of West Sarasota Place centered approximately 30 feet northeasterly of the northline of West Sarasota Place and 2.5 feet northwesterly of the southeast line of West Sarasota Place.

These monitoring wells shall be maintained and used/removed to the satisfaction of the Commissioners of Public Works and Building Inspection in accordance with the City of Milwaukee Building Codes and Zoning Ordinances. All necessary permits shall be obtained from the Commissioners of Public Works and Building Inspection of the City of Milwaukee.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, KJG Investments, 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 \$1,000.00 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 \$35.00. 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.
7. Hold the City of Milwaukee harmless from all claims regarding the remediation process, which includes the public rights-of-way of North 100th Street and West Sarasota Place and shall be undertaken at no cost to the City of Milwaukee.

Infrastructure Services Division

JJM:cjt

November 5, 1997

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