



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Passed

**File created:** 4/13/2004      **In control:** PUBLIC WORKS COMMITTEE

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**Effective date:**

**Title:** Substitute resolution to grant a special privilege to Jensar, Inc. to keep and maintain six monitoring wells in the public rights-of-way for the property located at 6161 North 64th Street, in the 2nd Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition and Drawings.PDF, 2. DPW letter.pdf, 3. Fiscal note.pdf

Date	Ver.	Action By	Action	Result	Tally
6/8/2004		PUBLIC WORKS COMMITTEE	REFERRED TO		
6/9/2004		PUBLIC WORKS COMMITTEE	REFERRED TO		
4/14/2005	1	CITY CLERK	DRAFT SUBMITTED		
4/14/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/14/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/20/2005	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
5/3/2005	1	COMMON COUNCIL	ADOPTED	Pass	12:0
5/12/2005	1	MAYOR	SIGNED		
2/11/2014	0	COMMON COUNCIL	ASSIGNED TO		

031720  
SUBSTITUTE  
THE CHAIR

Substitute resolution to grant a special privilege to Jensar, Inc. to keep and maintain six monitoring wells in the public rights-of-way for the property located at 6161 North 64<sup>th</sup> Street, in the 2<sup>nd</sup> Aldermanic District in the City of Milwaukee.

This resolution formally grants a special privilege to keep, use, and maintain six monitoring wells in the public rights-of-way of West Douglas Avenue, North 62<sup>nd</sup> Street and North 60<sup>th</sup> Street.

Whereas, The Wisconsin Department of Natural Resources has deemed it necessary to conduct an environmental assessment for a site located at 6161 North 64<sup>th</sup> Street to determine contaminant migration patterns; and

Whereas, Jensar, Inc. had petitioned to keep, use and maintain six monitoring wells in the public rights-of-way of West Douglas Avenue and North 60<sup>th</sup> Street; and

Whereas, 64<sup>th</sup> ST, LLC is the current owner of the property; however, Jensar, Inc. is the legal and financially responsible party for these monitoring wells and any subsequent cleanup work found necessary regarding the environmental issues; and

Whereas, Said monitoring wells may only legally encroach into the public rights-of-way by the 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 Jensar Inc., 8711 West Port Avenue, Milwaukee, Wisconsin 53224 is hereby granted the following special privileges:

1. To keep, use and maintain two, 9-inch diameter monitoring wells centered approximately 500 and 508 feet east of the eastline of North 64<sup>th</sup> Street and 24 feet north of the southline of West Douglas Avenue in the tree border, which is a part of the 27-foot wide south sidewalk area.
2. To keep, use and maintain two, 9-inch diameter monitoring wells centered approximately 158 and 166 feet south of the southline of West Kaul Avenue and 10 and 11 feet east of the westline of North 62<sup>nd</sup> Street in the tree border, which is a part of the 13-foot wide west sidewalk area.
3. To keep, use and maintain two, 9-inch diameter monitoring wells centered approximately 162 and 174 feet south of the southline of West Kaul Avenue and 3 feet west of the eastline of North 60<sup>th</sup> Street in the sidewalk pavement of the east 10-foot wide sidewalk area.

Said above-mentioned monitoring wells shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said monitoring wells 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, Jensar, 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 \$5,000.00 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 \$100,000.00 covering bodily injury to any one person and \$200,000.00 covering bodily injury to more than one person in any one accident and \$40,000.00 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 66.0425 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 the Department of Neighborhood Services 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 related to contamination from the property at 6161 North 64<sup>th</sup> Street.

Department of Public Works  
Infrastructure Services Division

MDL:cjt

April 8, 2005

031720