



Legislation Text

File #: 001349, Version: 1

001349

SUBSTITUTE

960152

THE CHAIR

Substitute resolution amending a special privilege granted to Hometown, Inc. to keep and maintain four groundwater monitoring wells in the public rights-of-way near 3908 South 76th Street, to now change the name of the grantee of the special privilege to Arshad Ali, in the 11th Aldermanic District in the City of Milwaukee. This resolution changes the name of the grantee of a special privilege granted to Hometown, Inc. to keep and maintain four flush-mounted groundwater monitoring wells in the public rights-of-way in the vicinity of 3908 South 76th Street.

Whereas, Hometown, Inc. was granted a special privilege under Common Council Resolution File Number 960152, adopted on September 24, 1996, to keep and maintain four groundwater monitoring wells in the public rights-of-way of South 76th Street and West Howard Avenue; and

Whereas, The current owner of the property is Arshad Ali and should now be named as grantee of the special privilege; and

Whereas, The 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 960152 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Arshad Ali, 3908 South 76th Street, Milwaukee, WI 53220, is hereby granted the following special privilege:

To keep and maintain four flush-mounted monitoring wells in the vicinity of 3908 South 76th Street located as follows: the well on the east side of South 76th Street is centered approximately 5 feet west of the eastline of South 76th Street and 105 feet south of the southline of West Howard Avenue; one well located in West Howard Avenue is centered approximately 85 feet east of the eastline of South 76th Street and 5 feet north of the southline of West Howard Avenue; two wells located in West Howard Avenue are centered approximately 21 feet and 68 feet east of the eastline of South 76th Street and 9 feet south of the northline of West Howard Avenue. Said wells extend to a point approximately 20 feet below grade.

These monitoring wells shall be maintained and used/removed to the satisfaction of the Commissioners of Public Works and Neighborhood Services 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 City Development and from Milwaukee County

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Arshad Ali, 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 66.0915((3) of the Wisconsin Statutes (1999), 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. Hold the City of Milwaukee harmless from all claims regarding the remediation process, which includes the public rights-of-way of South 76th Street and West Howard Avenue, and shall be undertaken at no cost to the City of Milwaukee.

Department of Public Works

JJM:cjt

March 21, 2001

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