



Legislation Text

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**File #: 970832, Version: 1**

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970832  
SUBSTITUTE  
960982  
THE CHAIR

Substitute resolution amending a special privilege granted to Frank Schaumann d/b/a Mauer Auto Lease to keep and maintain one groundwater monitoring well in the public right-of-way of North 37th Street, to now grant permission to install and maintain two additional groundwater monitoring wells in the public right-of-way of North 37th Street in the same area, in the 16th Aldermanic District in the City of Milwaukee.

- Analysis -

Substitute resolution amending a special privilege granted to Frank Schaumann d/b/a Mauer Auto Lease, to keep and maintain one monitoring well in the public right-of-way of North 37th Street, south of West State Street, to now grant permission for two additional monitoring wells in the public right-of-way of North 37th Street, at the same area.

Whereas, It has been deemed necessary to conduct an environmental assessment for a site located at 3611 West State Street 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, three locations need to be within the public right-of-way for an extended period of time; and

Whereas, The three groundwater 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 960982 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Francis R. Schaumann d/b/a Mauer Auto Lease, 2128 South Livingston Terrace, West Allis, WI, 53219, is hereby granted the following special privilege:

To keep and maintain three flush-mounted groundwater monitoring wells in the vicinity of 3611 West State Street, located as follows: the well in the east sidewalk area of North 37th Street is located approximately 14 feet west of the eastline of North 37th Street and approximately 35 feet south of the southline of West State Street; the two wells located in the west sidewalk area of North 37th Street are located approximately 77 feet west of the eastline of North 37th Street and approximately 27 and 103 feet, respectively, south of the intersection of the property lines at the southeast corner of North 37th Street and West State Street.

The monitoring wells shall be installed/ 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.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Francis R. Schaumann, d/b/a Mauer Auto Lease, 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 right-of-way of North 37th Street, and shall be undertaken at no cost to the City of Milwaukee.

Infrastructure Services Division

JJM:cjt

November 5, 1997

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