



Legislation Text

File #: 921447, Version: 1

921447
SUBSTITUTE 1
THE CHAIR

Substitute resolution granting a special privilege to CMK Inc., for the installation of a monitoring well on the northeast corner of North 4th Street and West Garfield Avenue adjacent to 2212-28 North 4th Street, in the 6th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution grants a special privilege to CMK Inc. for the installation of a monitoring well on the northeast corner of North 4th Street and West Garfield Avenue adjacent to 2212-28 North 4th Street.

Whereas, It has been deemed necessary to conduct an environmental assessment for a site located at 2212-28 North 4th 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 that one location needs to be within the public right of way for an extended period of time; and

Whereas, This monitoring well 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 CMK Inc./ c/o C. H. Coakley & Co., 3530 West Pierce Street, is hereby granted the following special privilege:

To install and maintain a flush mounted monitoring well in the public right of way of North 4th Street and West Garfield Avenue located approximately 10 feet south of the northline of West Garfield Avenue and approximately 9 feet west of the eastline of North 4th Street. Said well shall extend to a point approximately 30 feet below grade.

The monitoring well 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, CMK 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, 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 and Milwaukee County or the State of Wisconsin, as appropriate, as an insured party. Both bond and insurance policy shall provide that they shall, not be cancelled until after at least thirty days notice in writing to the City Clerk.
3. Pay to the City Treasurer an initial fee of \$35.00 which 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, 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.
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. Place on file with the Department of Public Works (DPW) a signed "CONSENT TO ENTER ONTO PUBLIC RIGHT OF WAY FOR ENVIRONMENTAL ASSESSMENT" along with the required documentation at the time of application for a DPW permit.

Division of Engineers

MAS:cjt

July 2, 1993
ASSESSMENT" along with the required
documentation at the time of application for a DPW
permit.

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