



## Legislation Text

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**File #: 980601, Version: 1**

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980601  
SUBSTITUTE  
951460  
THE CHAIR

Substitute resolution amending a special privilege granted to Emro Marketing Company to keep and maintain two groundwater monitoring wells in West Silver Spring Drive near 11006 West Silver Spring Drive, to now change the name of the grantee of the special privilege to Speedway Super America, LLC., in the 15th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution amends a special privilege granted to Emro Marketing Company to keep and maintain two flush-mounted groundwater monitoring wells in the public right-of-way on the north side of West Silver Spring Drive in the vicinity of 11006 West Silver Spring Drive, to now change the name of the grantee of the special privilege to Speedway Super America, LLC.

Whereas, Emro Marketing Company was granted a special privilege under Common Council Resolution File Number 951460, adopted on March 5, 1996, to keep and maintain two groundwater monitoring wells in the public right-of-way of West Silver Spring Drive; and

Whereas, The current owner of the property is Speedway Super America, LLC, and should now be named as the grantee of the special privilege; 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 951460 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Speedway Super America, LLC, is hereby granted the following special privilege:

To keep and maintain two flush-mounted monitoring wells in the vicinity of 11006 West Silver Spring Drive. The eastern well on the north side of West Silver Spring Drive is centered approximately 25.95 feet east and 7.05 feet south of the intersection of the streetlines of West Silver Spring Road and West Silver Spring Drive at the northwest corner. The western well on the north side of West Silver Spring Drive is centered approximately 35.40 feet west and 19.80 feet south of the intersection of the same streetlines. Said wells may 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 Building Inspection in accordance with the City of Milwaukee Building Codes and Zoning Ordinances. All necessary permits shall be obtained from the City of Milwaukee Commissioners of Public Works and Building Inspection and from Milwaukee County Department of Public Works;

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Speedway Super America, LLC, 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 West Silver Spring Drive, and shall be undertaken at no cost to the City of Milwaukee.

Infrastructure Services Division

JJM:cjt

October 21, 1998

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