



## Legislation Text

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**File #: 970835, Version: 1**

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970835  
SUBSTITUTE

### THE CHAIR

Substitute resolution granting a special privilege to Open Pantry Food Marts of Wisconsin, Inc. to keep and maintain three groundwater monitoring wells in South 20th Street and West College Avenue near 2012 West College Avenue, in the 13th Aldermanic District in the City of Milwaukee.

### - Analysis -

This resolution grants a special privilege to Open Pantry Food Marts of Wisconsin, Inc. to keep and maintain three groundwater flush-mounted monitoring wells in the public rights-of-way of South 20th Street and West College Avenue in the vicinity of 2012 West College Avenue.

Whereas, The Wisconsin Department of Natural Resources has deemed it necessary to conduct an environmental assessment for a site located at 2012 West College Avenue 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 monitored within the public right-of-way for an extended period of time; and

Whereas, These three 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 Open Pantry Food Marts of Wisconsin, Inc., 817 South Main Street, Racine, WI 53403 is hereby granted the following special privilege:

To keep and maintain three flush-mounted monitoring wells in the vicinity of 2012 West College Avenue located as follows: the eastern well in the median of College Avenue (CTH ZZ) is centered approximately 30 feet west of the westline of South 20th Street and 58.5 feet south of the northline of West College Avenue; the western well in the median of West College Avenue is centered approximately 130 feet west of the westline of South 20th Street and 58.5 feet south of the northline of West College Avenue; the well in South 20th Street is centered approximately 60 feet north of the northline of West College Avenue and 70 feet east of the westline of South 20th Street.

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 Commissioners of Public Works and Building Inspection of the City of Milwaukee and from Milwaukee County as applicable.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Open Pantry Food Marts of Wisconsin, 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 \$1,000.00 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 and Milwaukee County 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 rights-of-way of South 20th Street and West College Avenue and shall be undertaken at no cost to the City of Milwaukee.

Infrastructure Services Division

JJM:cjt

October 14, 1997

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