



## Legislation Text

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**File #: 051522, Version: 1**

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051522  
SUBSTITUTE 1  
031294  
THE CHAIR

Substitute resolution amending a special privilege to 735 W Wisconsin Avenue, LLC for encroachment into the public right-of-way of two groundwater monitoring wells for the premises at 625 North James Lovell Street, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to 735 W Wisconsin Avenue, LLC to keep and maintain two groundwater monitoring wells, for the premises at 625 North James Lovell Street, that the previous owner had received permission to have.

Whereas, Towne Peterson LLC requested a special privilege to keep and maintain two ground water monitoring wells; and

Whereas, Permission was granted in 2005 by adoption of Common Council Resolution File Number 031294; and

Whereas, 735 W Wisconsin Avenue, LLC is the current owner; and

Whereas, The Wisconsin Department of Natural Resources has deemed it necessary to conduct an environmental assessment for a site located at 625 North James Lovell Street to determine petroleum product migration patterns; and

Whereas, The environmental assessment is still in progress, requiring the continued presence of the two monitoring wells in North James Lovell Street; and

Whereas, For the liability to be formally transferred to the current owners the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 981323 is hereby rescinded; and, be it

Further Resolved, That 735 W Wisconsin Avenue, LLC, 710 North Plankinton Avenue, Suite 1400, Milwaukee, Wisconsin 53203 is hereby granted the following special privilege:

To keep and maintain two flush-mounted monitoring wells in the vicinity of 625 North James Lovell Street in the 20-foot wide, east-west alley bounded by North James Lovell Street, West Michigan Street, West Wisconsin Avenue and North 8<sup>th</sup> Street. Said monitoring wells are centered approximately 74 and 140 feet west of the westline of North James Lovell Street and 5 and 2 feet north of the southline of the alley, respectively. Both monitoring wells are 8 inches in diameter.

The above mentioned groundwater monitoring wells shall be used and maintained to the approval of the Commissioners of Public Works and Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, 735 W Wisconsin Avenue, 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. This 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 own 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 cancelled 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 no 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 and 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 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1<sup>st</sup> 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 right-of-way of the north-south alley bounded by North James Lovell Street, West Michigan Street, West Wisconsin Avenue and North 8<sup>th</sup> Street.

Department of Public Works  
Infrastructure Services Division  
MDL:lja  
March 24, 2006  
051522