



Legislation Text

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971756
SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Ms. Lucille Hundt d/b/a Ed's Automotive Repair Facility to keep and maintain two groundwater monitoring wells in East Fernwood Avenue and South Kinnickinnic Avenue near 3166 South Kinnickinnic Avenue, in the 14th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution grants a special privilege to Ms. Lucille Hundt d/b/a Ed's Automotive Repair Facility to keep and maintain two groundwater flush-mounted monitoring wells in the public rights-of-way of East Fernwood Avenue and South Kinnickinnic Avenue.

Whereas, The Wisconsin Department of Natural Resources has deemed it necessary to conduct an environmental assessment for a site located at 3166 South Kinnickinnic 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, two locations need to be monitored within the public right-of-way for an extended period of time; 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 Ms. Lucille Hundt d/b/a Ed's Automotive Repair Facility, 500 West Bradley Road, Apt. 235C, Milwaukee, WI 53217, is hereby granted the following special privilege:

To keep and maintain two flush-mounted monitoring wells in the vicinity of 3166 South Kinnickinnic Avenue as follows: the well located on East Fernwood Avenue is centered approximately 37 feet east of the eastline of South Kinnickinnic Avenue and 39 feet south of the northline of East Fernwood Avenue; the well located on South Kinnickinnic Avenue is centered approximately 28 feet west of the eastline of South Kinnickinnic Avenue and 5 feet south of the northline of East Fernwood Avenue.

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, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Ms. Lucille Hundt, 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 rights-of-way of East Fernwood Avenue and South Kinnickinnic Avenue.

Infrastructure Services Division

JJM:cjt

April 14, 1998

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