



## Legislation Details (With Text)

|                        |   |                      |                        |
|------------------------|---|----------------------|------------------------|
| <b>File #:</b>         | 011607  | <b>Version:</b>      | 1                      |
| <b>Type:</b>           | Resolution  | <b>Status:</b>       | Passed                 |
| <b>File created:</b>   | 3/5/2002  | <b>In control:</b>   | PUBLIC WORKS COMMITTEE |
| <b>On agenda:</b>      |   | <b>Final action:</b> | 5/14/2002              |
| <b>Effective date:</b> |   |                      |                        |
| <b>Title:</b>          | Substitute resolution amending a special privilege granted to Larson Company, Inc. to keep and maintain two groundwater monitoring wells in the public rights-of-way near 3811 North Port Washington Avenue, to now grant permission to Larson Company, Inc. to keep and maintain three additional monitoring wells in the public right-of-way near 3811 North Port Washington Avenue, in the 6th Aldermanic District in the City of Milwaukee. |                      |                        |
| <b>Sponsors:</b>       | THE CHAIR   |                      |                        |
| <b>Indexes:</b>        | SPECIAL PRIVILEGE PERMITS   |                      |                        |
| <b>Attachments:</b>    | 1. Special Privilege Application.PDF, 2. Cover Letter.pdf, 3. Fiscal Note.pdf   |                      |                        |

| Date      | Ver. | Action By              | Action                   | Result | Tally |
|-----------|------|------------------------|--------------------------|--------|-------|
| 3/5/2002  | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 3/6/2002  |      | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 4/16/2002 | 1    | CITY CLERK             | DRAFT SUBMITTED          |        |       |
| 4/25/2002 | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 4/26/2002 | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 4/26/2002 | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 4/26/2002 | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 5/1/2002  | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 5:0   |
| 5/14/2002 | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 17:0  |
| 5/23/2002 | 1    | MAYOR                  | SIGNED                   |        |       |

011607  
SUBSTITUTE  
010262  
THE CHAIR

Substitute resolution amending a special privilege granted to Larson Company, Inc. to keep and maintain two groundwater monitoring wells in the public rights-of-way near 3811 North Port Washington Avenue, to now grant permission to Larson Company, Inc. to keep and maintain three additional monitoring wells in the public right-of-way near 3811 North Port Washington Avenue, in the 6<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Larson Company, Inc. to keep and maintain two flush-mounted groundwater monitoring wells in the public rights-of-way in the vicinity of 3811 North Port Washington Avenue to now grant permission to Larson Company, Inc. to keep and maintain three additional monitoring wells in the public rights-of-way near 3811 North Port Washington Avenue.

Whereas, Larson Company, Inc. was granted a special privilege under Common Council Resolution File Number 011607, adopted on August 2, 2001, to keep and maintain two groundwater monitoring wells on the

east side of North Port Washington Avenue in the public right-of-way in the vicinity of 3811 North Port Washington Avenue; and

Whereas, Larson Company, Inc. has recently installed three additional wells and is seeking permission to keep and maintain these three additional monitoring wells in the public rights-of-way in the same general area; and

Whereas, These five monitoring wells may only legally remain in the public rights-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 010262 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Larson Company, Inc., 3811 North Port Washington Avenue, Milwaukee, WI 53212, is hereby granted the following special privilege:

To keep and maintain five flush-mounted monitoring wells in the vicinity of 3811 North Port Washington Avenue as follows: two wells are located in the sidewalk area on the east side of North Port Washington Avenue, centered approximately 35 and 88 feet north of the northline of West Vienna Avenue and approximately 5 feet west of the eastline of North Port Washington Avenue; two wells are located in the sidewalk area on the west side of North Port Washington Avenue, one well centered approximately 43 feet north of the northline of West Vienna Avenue and 2.5 feet east of the westline of North Port Washington Avenue and one well is centered approximately 85.5 feet north of the northline of West Vienna Avenue and 4.5 feet east of the westline of North Port Washington Avenue; one well is located in the sidewalk area on the north side of West Vienna Avenue centered approximately 7.5 feet south of the northline of West Vienna Avenue and 8.5 feet west of the westline of North Port Washington Avenue.

These monitoring wells shall be maintained and used/removed to the satisfaction of the Commissioners of Public Works and Neighborhood Services in accordance with the City of Milwaukee Building Codes and Zoning ordinances. All necessary permits shall be obtained from the City of Milwaukee Departments 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, Larson Company, 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 \$3,000.00 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 66.0915((3) 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 rights-of-way of North Port Washington Avenue and West Vienna Avenue and shall be undertaken at no cost to the City of Milwaukee.

Department of Public Works  
Infrastructure Services Division

JJM:cjt  
April 10, 2002  
011607