



Legislation Text

File #: 991158, Version: 1

991158
SUBSTITUTE
922132
THE CHAIR

Substitute resolution amending a special privilege granted to Mr. Ken Posto to keep and maintain three groundwater monitoring wells in the public rights-of-way near 1010 East Layton Avenue, to now grant permission to Mr. Ken Posto to keep and maintain two additional monitoring wells in the public right-of-way near 1010 East Layton Avenue, in the 13th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution amends a special privilege granted to Mr. Ken Posto to keep and maintain three flush-mounted groundwater monitoring wells in the public rights-of-way in the vicinity of 1010 East Layton Avenue to now grant permission to Mr. Ken Posto to keep and maintain two additional monitoring wells in the public right-of-way near 1010 East Layton Avenue.

Whereas, Mr. Ken Posto was granted a special privilege under Common Council Resolution File Number 922132, adopted on July 27, 1993, to keep and maintain three groundwater monitoring wells in the public rights-of-way of East Layton Avenue and South Logan Avenue; and

Whereas, Mr. Ken Posto has installed two additional wells and is seeking permission to maintain these two additional monitoring wells in the public right-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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 922132 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Mr. Ken Posto, 7403 98th Street, Unit C, Kenosha, WI 53142, is hereby granted the following special privilege:

1. To keep, use and maintain four flush-mounted monitoring wells in the vicinity of 1010 East Layton Avenue. The four wells in East Layton Avenue are located as follows: two wells are located approximately 17 feet south of the northline of East Layton Avenue and 24 and 85 feet east of the eastline of South Logan Avenue, respectively; one well is located approximately 64 feet south of the southline of East Layton Avenue and 43 feet east of the eastline of South Logan Avenue; and one well is located approximately 62 feet south of the southline of East Layton Avenue and 106 feet east of the eastline of South Logan Avenue.

2. To keep, use and maintain one flush-mounted monitoring well in South Logan Avenue in the vicinity of 1010 East Layton Avenue as follows: approximately 22 feet west of the eastline of South Logan Avenue and 31 feet north of the northline of East Layton Avenue.

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 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 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, Mr. Ken Posto, 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 \$2,000.00 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 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 South Logan Avenue and East Layton Avenue, and shall be undertaken at no cost to the City of Milwaukee.

Infrastructure Services Division

JJM:cjt

December 20, 1999

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