



Legislation Text

File #: 031295, **Version:** 1

031295

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Bostik Findley, Inc., to keep and maintain three groundwater monitoring wells in the public right-of-way near 3033 West Pemberton Avenue, in the 7th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Bostik Findley, Inc., to keep and maintain three flush-mounted groundwater monitoring wells in the public right-of-way in the vicinity of 3033 West Pemberton Avenue. Whereas, Bostik Findley, Inc., is seeking permission to keep and maintain three monitoring wells in the public right-of-way in the area of 3033 West Pemberton Avenue; 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 Bostik Findley, Inc., 11320 Watertown Plank Road, Wauwatosa, WI 53226, is hereby granted the following special privilege:

To keep and maintain three flush-mounted monitoring wells in the vicinity of 3033 West Pemberton Avenue as follows: three wells are located in the right-of-way of West Clarke Street, centered approximately 15, 14 and 14 feet north of the southline of West Clarke Street and 223 and 134 feet west and 6 feet east of the westline of North 30th Street, respectively.

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 City Development, 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, Bostik Findley, 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 \$50,000 covering bodily injury to any one person and \$100,000 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 66.0425 of the Wisconsin Statutes (1999), 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 right-of-way of West Clarke Street and shall be undertaken at no cost to the City of Milwaukee.

Department of Public Works
Infrastructure Services Division

JJM:cjt

February 12, 2004

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