



Legislation Text

File #: 051692, **Version:** 1

051692
SUBSTITUTE 1
031295
THE CHAIR

Substitute resolution amending a special privilege to Bostik, Inc. for change of ownership for three monitoring wells previously granted permission for the premises at 3033 West Pemberton Avenue, also known as 3020-24 West Clarke Street, in the 15th Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege for change of ownership to Bostik, Incorporated for three monitoring wells previously granted permission for the premises at 3033 West Pemberton Avenue, also known as 3020-24 West Clarke Street.

Whereas, Bostik-Findley, Inc. petitioned for a special privilege to keep and maintain three monitoring wells in the public right-of-way; and

Whereas, Permission for said monitoring wells was granted in 2004 under Common Council File Number 031295; and

Whereas, Bostik, Inc. is now the responsible party for the monitoring wells; and

Whereas, For the liability to be formally transferred to the current responsible party, 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 031295 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that, Bostik, Inc., 11320 Watertown Plank Road, Wauwatosa, Wisconsin 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, also known as 3020-24 West Clarke Street. Said monitoring wells are located in the right-of-way of West Clarke Street, centered 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.

Said above-mentioned monitoring wells shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said monitoring wells shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, Bostik, 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 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 \$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 \$20,000 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 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 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 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 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 for the property at 3033 West Pemberton Avenue, also known as 3020-24 West Clarke Street, 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

MDL:lja

May 10, 2006

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