



Legislation Text

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980979
SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Jon Isakson d/b/a T&S Automotive to keep and maintain five groundwater monitoring wells in West Forest Home Avenue, West Oklahoma Avenue and South 45th Street in the vicinity of 4440 West Forest Home Avenue, in the 11th Aldermanic District in the City of Milwaukee.

- Analysis -

Substitute resolution granting a special privilege to Jon Isakson d/b/a T&S Automotive, to keep and maintain five groundwater monitoring wells in the public rights-of-way of West Forest Home Avenue, West Oklahoma Avenue and South 45th Street in the vicinity of 4440 West Forest Home Avenue.

Whereas, It has been deemed necessary to conduct an environmental assessment for a site located at 4440 West Forest Home 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, five locations need to be located within the public rights-of-way for extended periods of time; 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 City of Milwaukee, that Jon Isakson d/b/a T&S Automotive, 4440 West Forest Home Avenue, Milwaukee, WI 53219, is hereby granted the following special privilege:

To keep and maintain five flush-mounted monitoring wells in the vicinity of 4440 West Forest Home Avenue located as follows: two monitoring wells are located on West Forest Home Avenue approximately 44 and 45 feet south of the northline of West Forest Home Avenue and 31 and 188 feet east of the eastline of South 45th Street, respectively; two monitoring wells are located on West Oklahoma Avenue approximately 7 and 6 feet south of the northline of West Oklahoma Avenue and 5 and 74 feet east of the eastline of South 45th Street, respectively; one monitoring well is located on South 45th Street approximately 15 feet south of the southline of West Oklahoma Avenue and 20 feet east of the westline of South 45th Street.

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.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Jon Isakson d/b/a T&S Automotive, 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. Place on file with the Department of Public Works (DPW) a signed "CONSENT TO ENTER ONTO PUBLIC RIGHT OF WAY FOR ENVIRONMENTAL ASSESSMENT" form along with the required documentation at the time of application for a DPW permit.
Infrastructure Services Division

JJM:cjt

December 3, 1998

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