

City of  
**Milwaukee**  
Development Center



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809 N. Broadway/PO Box 324/Milwaukee, WI 53201-0324/414-286-8211

June 8, 2009

City Clerk Ronald D. Leonardt  
Attn: James Owczarski  
Office of the City Clerk

Commissioner Art Dahlberg  
Dept. of Neighborhood Services

Commissioner Richard Marcoux  
Attn: Elaine Miller  
Department of City Development

City Attorney Grant F. Langley  
Attn: Tom Miller  
Office of the City Attorney

Commissioner Jeffrey J Mantes  
Attn: Ghassan Korban  
Department of Public Works

City Engineer Jeffrey S. Polenske  
Attn: Michael Loughran

Re: Subterranean space lease petition from MillerCoors, LLC

Dear Committee Members:

In accordance with Section 245-14 of the Milwaukee Code of Ordinances, I am forwarding to you materials relating to an application for an air space lease filed by Miller Coors, LLC. The lease is being requested for existing special privilege #308 for an underground tunnel approximately 5' wide and 6' high, the center line of said tunnel being 122' east of the E/L of N 41<sup>st</sup> St and extending across W State St in a slightly northwesterly direction.

I am asking that the City Clerk prepare the appropriate file for introduction at the next Council meeting.

I am asking that all of you review the enclosed materials in preparation for a meeting in June or July to discuss these submittals and the committee's recommendation regarding this lease.

Should you require additional information from the applicant, please give me a call at ext. 8480.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Linda Eichhorst".

Linda Eichhorst  
Development Center

Attachments

Cc: Ald. Michael Murphy  
Brian Randall

City of  
**Milwaukee**  
Development Center

## Customer Information

809 N. Broadway/PO Box 324/Milwaukee, WI 53201-0324/414-286-8211

### Air or Subterranean Space Lease Petition

Submit this application with \$150 application fee to:  
Milwaukee Development Center  
Make check payable to City of Milwaukee.  
Application fee is non-refundable.

Date June 4, 2009

TO THE HONORABLE, THE COMMON COUNCIL OF THE CITY OF MILWAUKEE:

The undersigned MillerCoors, LLC, a Delaware limited liability company,  
*(state whether petitioner is an individual, co-partnership, Wisconsin or foreign corporation)*  
respectfully petitions the Common Council of the City of Milwaukee, according to the provisions of Section 66.048(3)  
and (4) of the Wisconsin Statutes, that the following space lease be granted:

Subterranean Space Lease for existing Special Privilege (No. 309) structure consisting of an underground tunnel approximately  
5 feet wide by 6 feet high, the center line of said tunnel being 122 feet east of the east line of North 41st Street and

extending across West State Street in a slightly northwesterly direction  
of which building plans, plot plans and descriptive data showing the elevations, locations, height and size of the  
proposed structure and its relationship to adjoining buildings are herewith submitted.

The petitioners are the owners in fee of the following described real property:

MillerCoors, LLC owns the property on the north and south sides of West State Street including  
Lot 8, Block 2 and Lot 3, Block 1 in Assessor's Plat No. 124 being a part of the NW one-quarter  
of Section 25, Township Number 7 North, Range 21 East

also known by street and number as 4901 West Street Street (Bldg. 16) and 3930 West State Street (Bldg. 29)  
which property is located on both sides of that portion of the (street, ~~also known as XXXXXXXXX~~) to be so leased.

This petition is subject to such terms and conditions as may be agreed up on between the City of Milwaukee and the  
petitioner, which terms and conditions shall be set forth in a written lease pursuant to Section 66.048(3) and (4),  
Wisconsin Statutes. The leasing of such space shall be subject to a determination by the Common Council of the City  
of Milwaukee that such space is not needed for street, alley or other public purpose and that the public interest will be  
served by such leasing, and upon such determination as shall be authorized by ordinance duly passed by the City of  
Milwaukee.

Signature Brian C. Randall Brian C. Randall, Agent

Address 330 East Kilbourn Avenue, Suite 1250 (53202)

Phone (414) 271-0130

Corporation, firm or society MillerCoors, LLC

Address 3939 West Highland Boulevard (53208)

Title or office held in same Authorized Agent and Attorney-in-Fact

# SUBSURFACE EASEMENT EXHIBIT TUNNEL BELOW WEST STATE STREET

Situated in West State street, in the City of Milwaukee, Milwaukee County, Wisconsin.

A subsurface easement across West State street, being a part of the Southwest 1/4 of the Northwest 1/4 of Section 25, Town 7 North, Range 21 East, in the City of Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows.

Commencing at the intersection of the present East line of North 41st street and the present South line of West State street; thence North 82°30'27" East along the Southerly right of way line of West State street 6.68 feet to the point of beginning of lands to be described; thence North 03°34'37" East 67.25 feet to a point on the Northerly line of West State street; thence North 82°30'27" East along said Northerly line 8.73 feet to a point; thence South 04°14'08" West 67.41 feet to a point on the Southerly line of West State street; thence South 82°30'27" West along said Southerly line 7.94 feet to the point of beginning.

Containing 550 sq.ft. (0.013 acres).

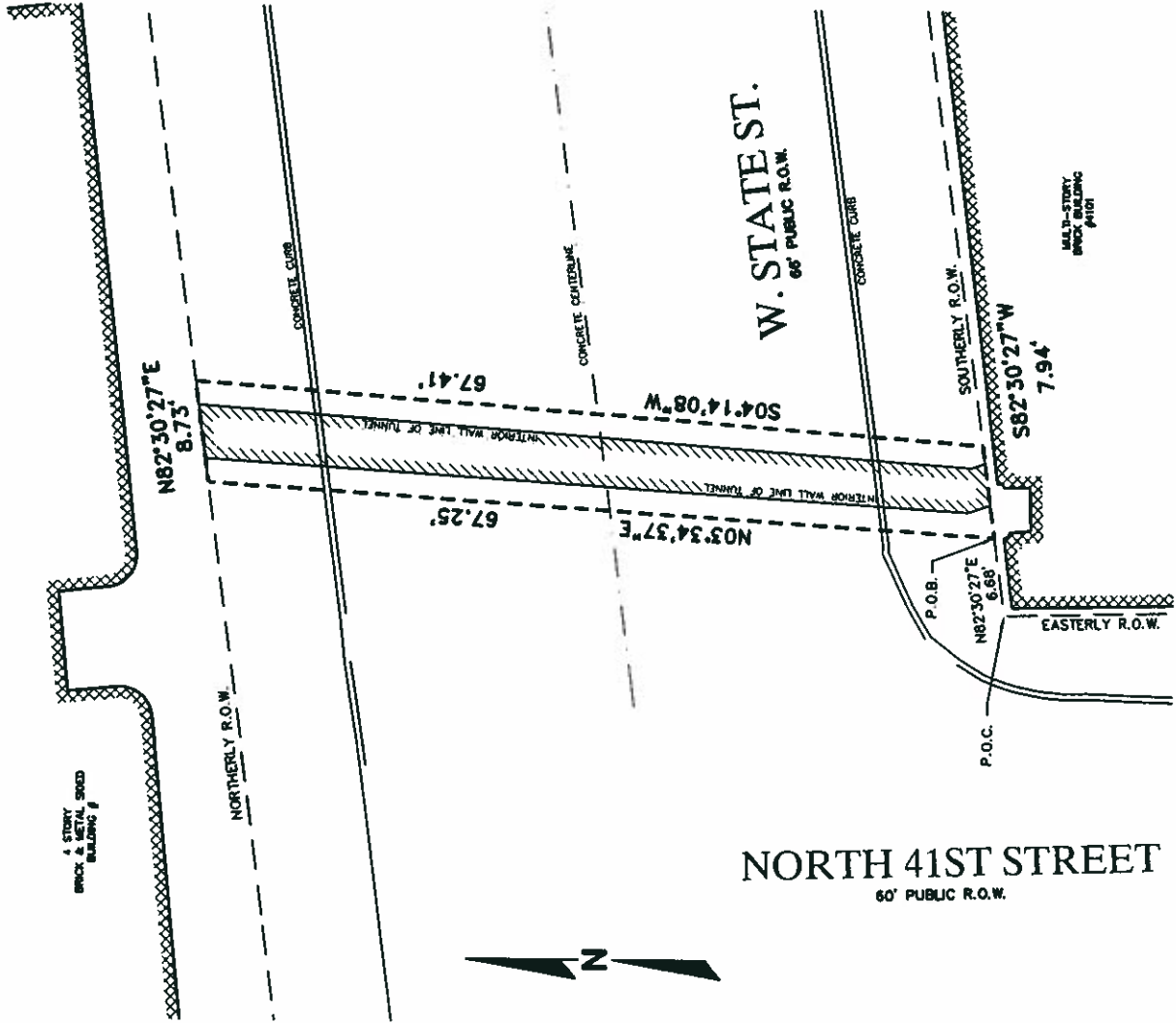
February 19, 2009

Miller Coors

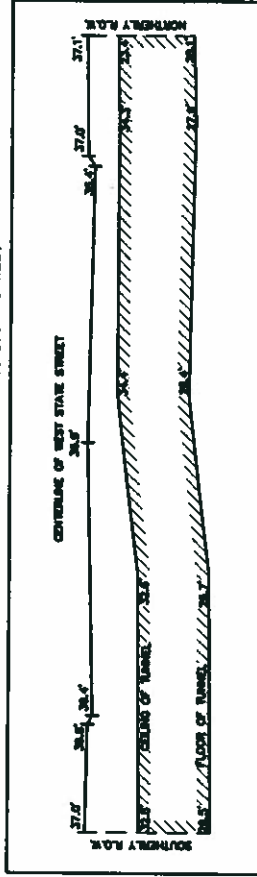
Survey no. 163997-ojn

**Note.**

Elevations are based on the City of Milwaukee datum



PROFILE OF SUBSURFACE TUNNEL LOOKING WEST



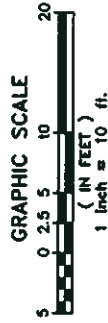
**R.A. Smith National, Inc.**

Beyond Surveying  
and Engineering

16745 W. Bluemound Road, Brookfield WI 53005  
262-791-1000 Fax 262-797-7373  
www.ra-smithnational.com

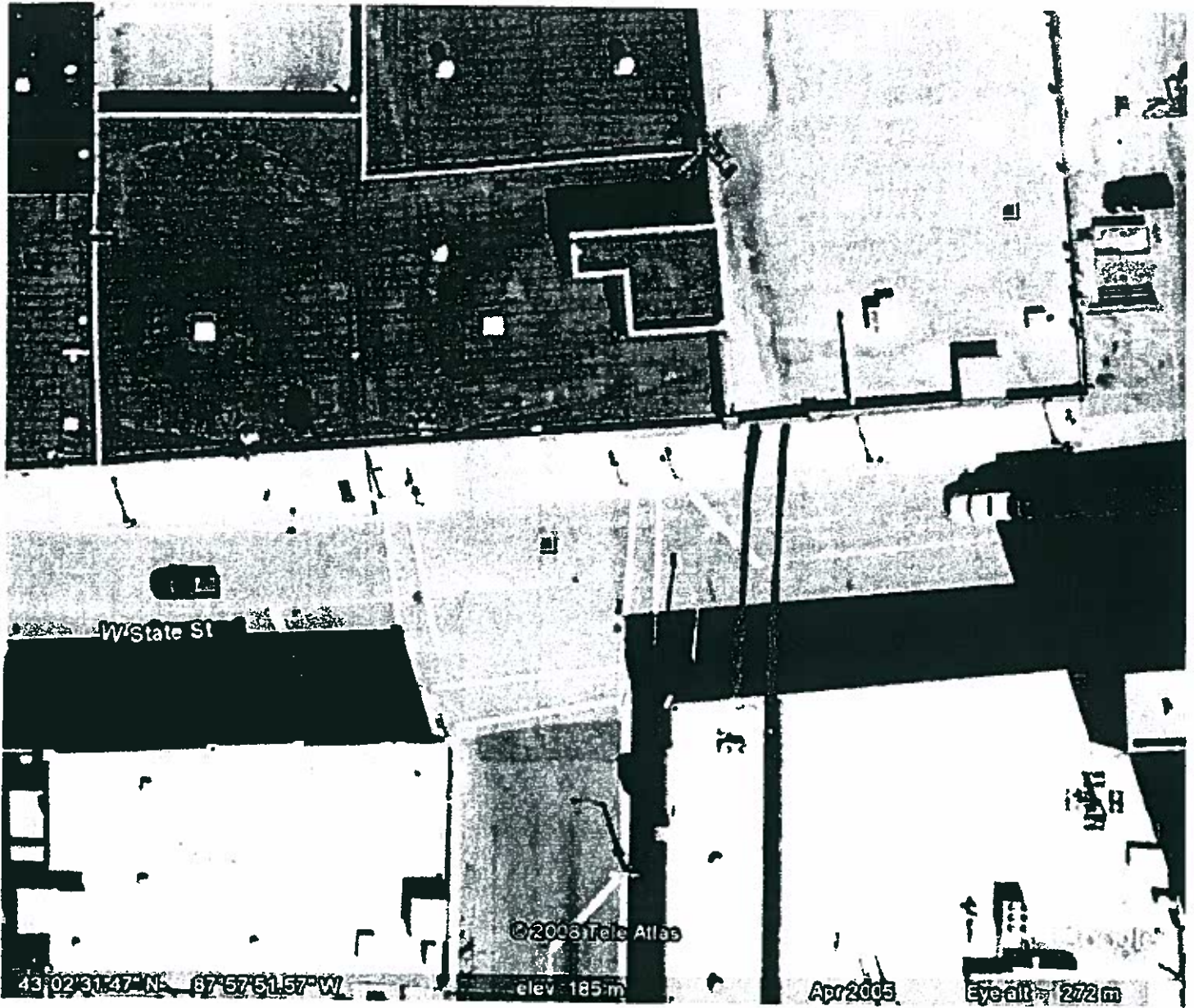
S. Sitawong  
E. Wood Ave. Excelsior

SHEET 1 OF 1



(Existing SP 308)





SP 308

Ordinances and regula-  
forth in the Milwaukee

RTENDER

W. Wisconsin Ave.  
Municipal Sq. Greendale  
h St.

"F"

h St., 6th Ward

recommend that they be

P. MEYERS  
TIN E. SCHREIBER  
N G. BROPHY

Streets-Alleys-Sewers, re-  
ordinances, viz.:

FILE NUMBER 46-496

NANCE

of Chapter 9 of the Mil-  
the establishment of use  
d. (Pages 387 and 388.)

of Public Land Commis-

FILE NUMBER 46-693

NANCE

of the Milwaukee Code of  
y streets (19th Ward).

sage.

d separate action on the

d that all rules interfer-  
foregoing ordinances at

The motion prevailed by the following vote:

Ayes:—Ald. Bannow, Brophy, Clasen, Collins,  
Cookson, Cybulski, Davies, Dietz, Fleming, Hansen,  
Hass, Jendusa, Kalupa, Klug, Koepke, Koerner,  
Kroenke, Meyers, Michalski, Mueller, Schmidt,  
Schreiber, Schultz, Steinhagen and the President—25.

Noes:—0.

The foregoing ordinances were thereupon passed  
by the following vote:

Ayes:—Ald. Bannow, Brophy, Clasen, Collins,  
Cookson, Cybulski, Davies, Dietz, Fleming, Hansen,  
Hass, Jendusa, Kalupa, Klug, Koepke, Koerner,  
Kroenke, Meyers, Michalski, Mueller, Schmidt,  
Schreiber, Schultz, Steinhagen and the President—25.

Noes.—0.

ALD. BANNOW—

From the Committee on Streets-Alleys-Sewers,  
presented reports, in favor of adopting the following  
resolutions, viz.:

FILE NUMBER 83647

Resolution directing assessment in vacation of that  
part of N. Buffum Street between E. Vienna Ave-  
nue and E. Nash Street and that part of the north  
and south alley in the block between E. Vienna  
Avenue, N. Buffum Street, E. Nash Street and N.  
Richards Street in the 21st Ward of the City of  
Milwaukee. (Pages 711 and 712.)

Adopted.

FILE NUMBER 83939

Resolution directing assessment in vacation of a  
portion of S. Adams Avenue between E. Morgan  
Avenue and E. Wilbur Avenue, also, the north and  
south alleys in the blocks between E. Morgan Ave-  
nue, E. Wilbur Avenue, S. Quincy Avenue and the  
right-of-way of T. M. E. R. & T. Co., also, the  
public walk west of S. Adams Avenue between E.  
Morgan Avenue and E. Wilbur Avenue in the 17th  
Ward. (Page 711.)

Adopted.

FILE NUMBER 46-754

Resolution to permit Society Madonna del Luma to  
hold fireworks display on July 21, 1946. (Page  
706.)

Adopted.

Resolution relating to installation of street lighting  
facilities on W. Blue Mound Road at the intersec-  
tion of N. 72nd and N. 73rd Streets.

Adopted.

ALD. BANNOW—

From the Committee on Streets-Alleys-Sewers, re-  
ported upon the following matters, viz.:

FILE NUMBER 83999-a

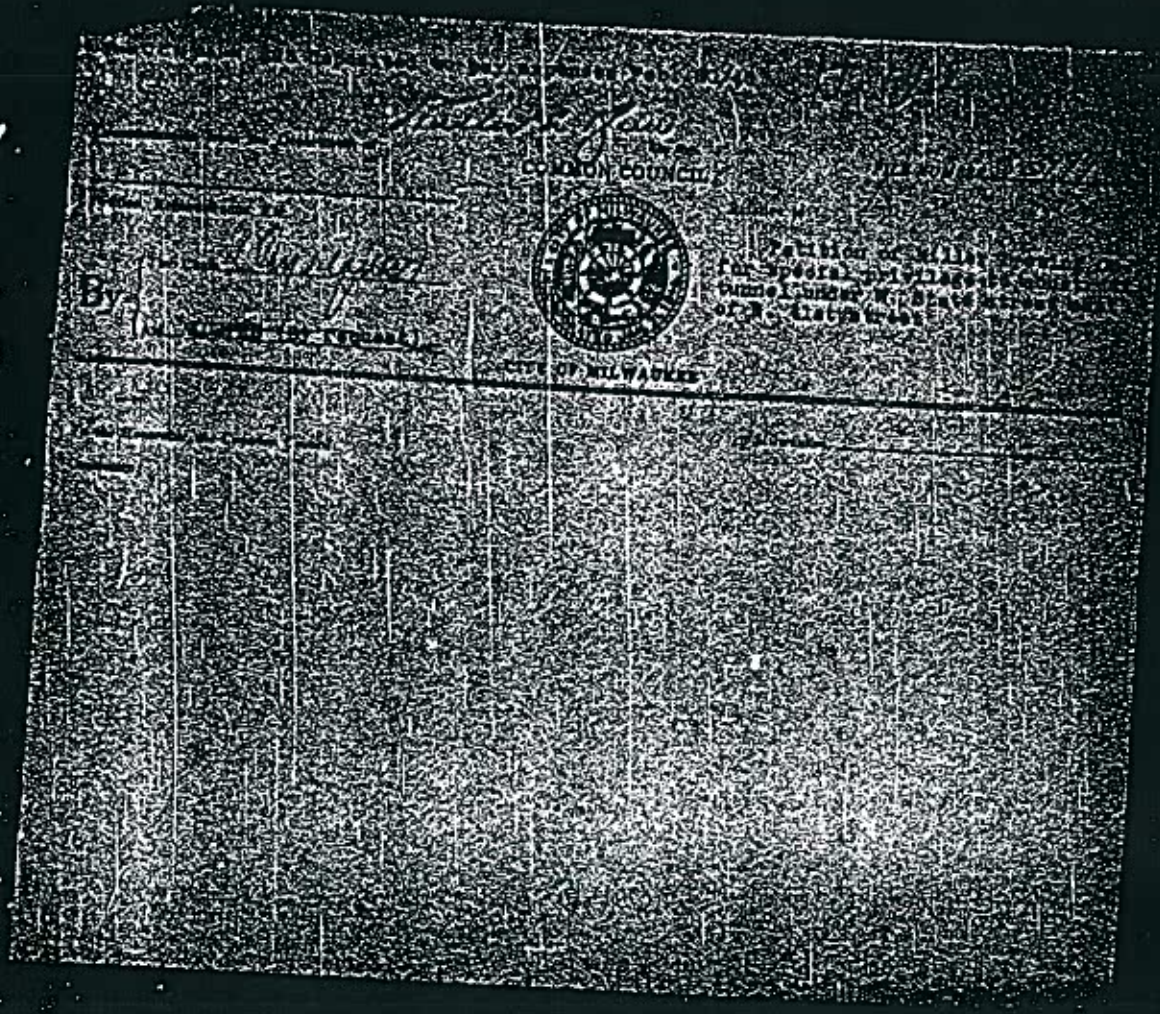
Resolution to amend Resolution File Number 83999  
granting a special privilege to the Miller Brewing  
Company, a Wisconsin Corporation, located at 4002  
W. State Street, to construct and maintain an un-  
derground tunnel in and across W. State Street,  
in the 15th Ward of the City of Milwaukee. (Page  
710.)

by the following substitute resolution and recom-  
mended its adoption:

FILE NUMBER 83999-a

Resolution to amend resolution File Number 83999  
granting a special privilege to the Miller Brewing  
Co. to construct and maintain an underground tun-  
nel in and across W. State Street, 15th Ward.

Resolved, By the Common Council of the City of  
Milwaukee that resolution File Number 83999,  
adopted March 4, 1946, granting a special privilege  
to the Miller Brewing Company, located at 4002 W.  
State Street, to construct and maintain an under-  
ground tunnel in and across W. State Street, be and  
hereby is amended by striking out the word and fig-  
ure "four (4)" where they appear in the fourth line  
of the first paragraph before the word "feet" and  
inserting in lieu thereof the word and figure "five  
(5)," and further by striking out the words and fig-  
ures "five (5) feet six (6) inches" where they appear  
in the fifth line of the first paragraph before the  
word "high" and inserting in lieu thereof the words  
and figure "six (6) feet," and further by striking out  
the words and figures "seventy-nine and twenty one-  
hundredths (\$79.20)" where they appear in the elev-  
enth and twelfth lines of the second paragraph be-  
fore the word "Dollars" and inserting in lieu thereof  
the words and figures "ninety and ten one-hundredths  
(\$90.10)" and further by striking out the words and  
figures "seventy-nine and twenty one-hundredths  
(\$79.20)" where they appear in the second and third  
lines of section (b) before the word "Dollars" and  
inserting in lieu thereof the words and figures  
"ninety and ten one-hundredths (\$90.10)."



PETITION

Milwaukee, Wis. February 18 1946

To the Honorable the Common Council of the City of Milwaukee

Sheweth

The undersigned, MILLER BREWING COMPANY, a Wisconsin corporation

do hereby petition the Common Council of the City of Milwaukee for the following described property:

Being the owners of the following described property: Lot 3 in Block 1 and Lot 5 in Block 2

of the Wisconsin State Street and State Street

Recorder's Plat No. 174 in the City of Milwaukee, Wisconsin.

Respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section

# PETITION

Milwaukee, Wis. February 18 1946

To the Honorable the Common Council of the City of Milwaukee,  
Gentlemen.

The undersigned, MILLER BREWING COMPANY, a Wisconsin corporation

(State whether the petitioner is an individual, a partnership, Wisconsin corporation or foreign corporation.)

being the owners of the following described real estate Lot 3 in Block 1 and Lot 8 in Block 2

(State describe property adjacent to special privilege to be used there.)

in Assessor's Plat No. 124 in the City of Milwaukee, Wisconsin,

respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section

04.05(1) Wisconsin Statutes, that the following privilege be granted: To construct a tunnel approxi-

(How describe the privilege.)

mately 4' in width by 5' 6" in height, to run beneath the surface of West State Street in approximately a northerly and southerly direction, the center line of which will commence at a point approximately 122 feet east of the west wall of our Wash House (located on the south side of West State Street and running eastward from North 41st Street) and continue to a point approximately 5' 6" west of the east wall of our Bottle House (located on the north side of West State Street and just east of North 41st Street) said tunnel to be constructed in such a manner so as not to interfere with the present city water and sewer mains embedded in West State Street, as per sketch (not drawn to scale) attached hereto and made a part hereof.

of which a plan is hereto annexed and made a part of this petition. Petitioner... agrees to comply with all laws and all the ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, to remove said privilege upon 10 days notice, and to furnish a bond and to pay compensation as provided by law in the sum to be fixed by the proper city officers, and not to contest the above named statute in the legality of this special privilege in any way.

Referred to the Committee on Milwaukee-Edison Street.

MILLER BREWING COMPANY

FEB 21 1946

(Signed)

By Fredrick J. Miller  
Vice President

40 102

1946



FRANZ M. BIRD  
PLASTER BORNING CO.

BOTTLE HOUSE

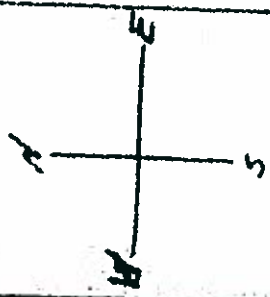
NORTH CURB

WEST STATE STREET

SOUTH CURB

WASH HOUSE

TUNNEL



5'-4"

4'-2"

12'-0"

7'-1"

11'-2"

4'

Resolution granting a special privilege to the Miller Brewing Company, a Wisconsin Corporation, located at 4012 N. State Street to construct and maintain an underground tunnel in and across N. State Street, in the 15th Ward of the City of Milwaukee.

RESOLVED, by the Common Council of the City of Milwaukee, that the Miller Brewing Company is hereby granted the right and privilege to construct and maintain an underground tunnel four (4) feet wide by five (5) feet six (6) inches high, the center line of said tunnel being 122 feet east of the east lot line of North 41st Street and extending across East State Street in a slightly northwesterly direction connecting Lot 6, Block 2 with Lot 3, Block 1, in Assessor's Plat No. 124 in the S.W. 1/4 Section 25, Township 7 North, Range 21 East. The cost for altering water mains, sewer and house drains to be borne by the applicant and said underground tunnel to be constructed to the approval of the Commissioner of Public Works and the Inspector of Buildings, before any work is commenced.

This privilege is granted upon the condition that the said grantee shall make and file in the Office of the City Clerk of the City of Milwaukee, a bond in the sum of Three Thousand and no/100 (\$3000.00) Dollars with two good sufficient sureties or a surety company, duly incorporated in the State of Wisconsin or duly licensed to do business in this state, such bond to be approved by the City Attorney of the City of Milwaukee and the aforesaid Miller Brewing Company will pay to the City Treasurer the annual fee of seventy-nine and 20/100 (\$79.20) Dollars, as long as such special privilege is maintained.

That the owner, the Miller Brewing Company, waives the right to contest

(a) in any manner, the validity of Section 66.05 (1) Wisconsin Statutes;

(b) the annual compensation amounting to the sum of seventy-nine and 20/100 (\$79.20) Dollars per annum payable on or before July 1st of each year.

That the Miller Brewing Company, its successors or assignees

(1) shall become primarily liable for damages to persons or property by reason of the granting of this special privilege;

(2) shall remove this special privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

**ACTION OF THE COMMON COUNCIL**

Date	Adopted under suspension of rules	Submitted by the Mayor
Order Devised	Ayes _____ Nays _____	Date <u>MAR 5 1946</u>
Referred to Committee	Committee report adopted <u>MAR 4 1946</u>	<u>John J. ...</u>
Rescinded from Committee	Ayes <u>26</u> Nays <u>0</u>	Approved
Referred to other Committee via Committee on	Substitute accepted and Substitute Resolution adopted	Date <u>MAR 5 1946</u>
Tally Sheet Number	Ayes _____ Nays _____	<u>John J. ...</u>

*Ray J. ...*  
*Joseph ...*  
*Laurence E. ...*

Substitute

File number 83999-4

RESOLVED, By the Common Council of the City of Milwaukee, that Resolution File Number 83999, adopted March 4, 1946, granting a special privilege to the Miller Brewing Company, located at 4002 W. State Street to construct and maintain an underground tunnel in and across W. State Street, be and hereby is amended by striking out the word and figure "four (4)" where it appears in the fourth line of the first paragraph, before the word "feet" and inserting in lieu thereof the word and figure "five (5)", and further by striking out the words and figures "five (5) feet six (6) inches" where they appear in the fifth line of the first paragraph, before the word "high" and inserting in lieu thereof the words and figure "six (6) feet", and further by striking out the words and figures "seventy-nine and twenty one-hundredths (\$79.20)" where they appear in the eleventh and twelfth lines of the second paragraph, before the word "Dollars" and inserting in lieu thereof the words and figures "ninety and ten one-hundredths (\$90.10)" and further by striking out the words and figures "seventy-nine and twenty one-hundredths (\$79.20)" where they appear in the second and third lines of section (b), before the word "Dollars" and inserting in lieu thereof the words and figures "ninety and ten one-hundredths (\$90.10)".

Form C C 128 10-4-44

### COMMON COUNCIL

OF THE



BY ALD.

FILE NUMBER

Resolution



CITY OF MILWAUKEE

Resolution to amend Resolution file no. 63929 granting a special privilege to the Miller Sewing Company, a Wisconsin Corporation, located at 4042 W. State Street to construct and maintain an underground tunnel in and across A. Mota Street, in the 10th Ward of the City of Milwaukee.

Referred to the Committee on STREETS-ALLEYS-SEWERS

Date

JUN 24 1946

COMMITTEE REPORTS

To the Honorable, the Common Council, Gentlemen:

<p>Date</p> <p>Your Committee on _____ recommends the adoption of the foregoing resolution.</p> <p>Countersigned:</p> <p>Comptroller</p> <p>Date</p>	<p>Date JUL 8 1946</p> <p>Your Committee on <b>STREETS, ALLEYS, SEWERS</b> to which was referred the foregoing resolution recommends the adoption of the foregoing substitute.</p> <p><i>J. J. Cannon</i> <i>L. E. Cochran</i></p> <p><i>Joseph Schmidt</i></p> <p>Date JUL 8 - 1946</p>	<p>Date</p> <p>Your Committee on _____ to which was referred the foregoing resolution recommends that it be _____</p>
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ACTION OF THE COMMON COUNCIL

<p>Date</p> <p>Action Deleted</p> <p>Re-referred to Committee</p> <p>Recalled from Committee</p> <p>Referred to other Committee via Committee on</p>	<p>Adopted under suspension of rules</p> <p>Committee report adopted</p> <p>Substitute accepted and Substitute Resolution adopted</p> <p>JUL 8 1946</p> <p>Ayes 21 Nays</p>	<p>Submitted to His Honor the Mayor</p> <p>JUL 9 1946</p> <p><i>John P. Bohner</i> City Clerk</p> <p>Approved, JUL 9 1946</p> <p><i>John P. Bohner</i> Mayor</p>
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Certified Copy of Resolution

FILE NUMBER 83999

Resolution granting a special privilege to the Miller Brewing Company, a Wisconsin Corporation, located at 4002 W. State Street to construct and maintain an underground tunnel in and across W. State Street, in the 15th Ward of the City of Milwaukee.

Resolved, By the Common Council of the City of Milwaukee, that the Miller Brewing Company is hereby granted the right and privilege to construct and maintain an underground tunnel four (4) feet wide by five (5) feet six (6) inches high, the center line of said tunnel being 122 feet east of the east lot line of N. 41st Street and extending across W. State Street in a slightly northwesterly direction connecting Lot 8, Block 2 with Lot 3, Block 1, in Assessor's Plat No. 124 in the northwest one-quarter of Section 25, Township 7 north, Range 21 east. The cost for altering water mains, sewer and house drains to be borne by the applicant and said underground tunnel to be constructed to the approval of the Commissioner of Public Works and the Inspector of Buildings, before any work is commenced.]

This privilege is granted upon the condition that the said grantee shall make and file in the office of the City Clerk of the City of Milwaukee, a bond in the sum of Three Thousand and no one-hundredths (\$3,000.00) Dollars with two good sufficient sureties or a surety company, duly incorporated in the State of Wisconsin or duly licensed to do business in this state, such bond to be approved by the City Attorney of the City of Milwaukee and the aforesaid Miller Brewing Company will pay to the City Treasurer the annual fee of seventy-nine and twenty one-hundredths (\$79.20) Dollars, as long as such special privilege is maintained.

That the owner, the Miller Brewing Company, waives the right to contest:

(a) In any manner, the validity of Section 66.05(1) Wisconsin Statutes;

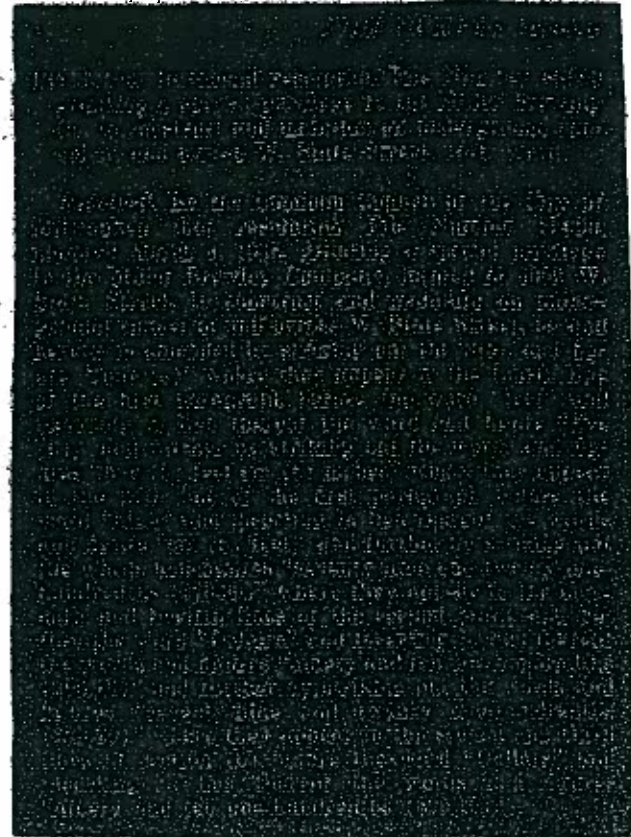
(b) The annual compensation amounting to the sum of seventy-nine and twenty one-hundredths (\$79.20) Dollars per annum payable on or before July 1st of each year.

That the Miller Brewing Company, its successors or assignees:

(1) Shall become primarily liable for damages to persons or property by reason of the granting of this special privilege;

(2) Shall remove this special privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Certified Copy of Resolution



JUL 12 1946

Office of the City Clerk  
Milwaukee

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Milwaukee on

JUL 8 - 1946

Walter A. Klein

City Clerk