



# City of Milwaukee

City Hall  
200 East Wells Street  
Milwaukee, WI 53202

## Meeting Agenda PUBLIC WORKS COMMITTEE

**ALD. ROBERT BAUMAN, CHAIR**

**Ald. Joseph Dudzik, Vice-Chair**

**Ald. Willie Wade, Ald. Robert Donovan, and Ald. Robert Puente**

**Staff Assistant, Tobie Black, 286-2231**

**Fax: 286-3456, [tblack@milwaukee.gov](mailto:tblack@milwaukee.gov)**

**Legislative Liaison, Aaron Cadle, 286-8666,  
[acadle@milwaukee.gov](mailto:acadle@milwaukee.gov)**

---

Tuesday, March 8, 2011

9:00 AM

Room 301-B, City Hall

---

1. [101349](#) Resolution relative to approving the levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes.  
**Sponsors:** THE CHAIR
  
2. [101348](#) Resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$70,000 for a total estimated cost of these projects being \$2,072,000.  
**Sponsors:** THE CHAIR
  
3. [101350](#) Resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$126,000 for a total estimated cost of these projects being \$2,084,000.  
**Sponsors:** THE CHAIR
  
4. [101351](#) Resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$4,185,000 for a total estimated cost of these projects being \$4,470,000.  
**Sponsors:** THE CHAIR
  
5. [101317](#) Resolution approving a Three-Year Harbor Statement of Intentions for the Port of Milwaukee.  
**Sponsors:** THE CHAIR
  
6. [101186](#) Substitute resolution to vacate all rights-of-way located on the eastern portion of the Housing Authority of the City of Milwaukee's Westlawn site, bounded by West Silver Spring Drive, North 60th Street, West Custer Avenue and North 64th Street, in the 9th Aldermanic District.  
**Sponsors:** THE CHAIR

7. [101412](#) Substitute resolution approving the transfer of a river skimmer from the City of Milwaukee to the Milwaukee Metropolitan Sewerage District.  
**Sponsors:** Ald. Bauman
8. [101352](#) A substitute ordinance relating to multiunit solid waste collection late charges.  
**Sponsors:** THE CHAIR
9. [101353](#) Substitute resolution approving 2011 monthly solid waste collection charges for multiunit dwellings with 5 or more units.  
**Sponsors:** THE CHAIR
10. [101354](#) An ordinance relating to the collection of bulky waste.  
**Sponsors:** THE CHAIR
11. [101411](#) Communication by the Wisconsin Department of Transportation relating to an update on the Zoo Interchange reconstruction project.  
**Sponsors:** THE CHAIR
12. [101358](#) Communication relating to an update on the condition of the roof and exterior of City Hall.  
**Sponsors:** THE CHAIR
13. [101179](#) Resolution authorizing and directing the property City of Milwaukee officials to execute a Special Permission Agreement with the Urban Ecology Center, allowing it to take ownership of an existing retaining wall which is partially located in the public right-of-way, adjacent to the premises at 3638-3700 West Pierce Street, in the 8th Aldermanic District.  
**Sponsors:** THE CHAIR  
*--May be placed on file as no longer needed.*
14. [091604](#) Resolution directing the Department of Public Works to commence compliance with new Manual on Uniform Traffic Control Devices standards for street signs on various city street construction projects.  
**Sponsors:** Ald. Witkowski  
*--May be placed on file as no longer needed.*

This meeting will be webcast live at [www.milwaukee.gov/channel25](http://www.milwaukee.gov/channel25).

**Members of the Common Council and its standing committees who are not members of this committee may attend this meeting to participate or to gather information. Notice is given that this meeting may constitute a meeting of the Common Council or any of its standing committees, although they will not take any formal action at this meeting.**

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall.

Persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. Registered lobbyists appearing before a Common Council committee are required to identify themselves as such. More information is available at [www.milwaukee.gov/lobby](http://www.milwaukee.gov/lobby).



Legislation Details (With Text)

**File #:** 101349      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 3/1/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution relative to approving the levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes.

**Sponsors:** THE CHAIR

**Indexes:** PUBLIC IMPROVEMENTS, SIDEWALK IMPROVEMENTS, STORM SEWERS, STREET IMPROVEMENTS

**Attachments:** Official Notice Number 79, Cover Letter

Date	Ver.	Action By	Action	Result	Tally
3/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101349  
Version  
ORIGINAL  
Reference

Sponsor  
THE CHAIR  
Title

Resolution relative to approving the levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes.

Requestor  
INFRASTRUCTURE SERVICES DEPARTMENT  
Drafter  
MLD:dr  
Report 9  
02/22/2011

**OFFICIAL NOTICE NUMBER 79  
PUBLIC HEARING ON PROPOSED IMPROVEMENTS  
AND SPECIAL ASSESSMENTS**

There will be a public hearing held by the Public Works Committee of the Common Council of the City of Milwaukee concerning the following improvements and special assessments. The Commissioner of Public Works has determined these improvements are necessary and in the public interest.

The hearing will be held at the date and time shown below:

<p><b>TUESDAY</b></p> <p><b>MARCH 8, 2011</b></p> <p><b>ROOM 301-B – CITY HALL</b></p> <p><b>9:00 A.M.</b></p>
--

**5th Aldermanic District**

**N. 119th St. – W. Hampton Ave. to 1600 feet m/l north of W. Hampton Ave. (SM495100035):**

Install storm sewer.

**N. 119th St. – W. Hampton Ave. to a point 1700 feet m/l north of W. Hampton Ave. (ST11080113):**

Concrete pavement reconstruction, install curb and gutter, install sidewalk and driveway approaches where necessary, sodding (5.0-foot width of tree border area), and grading.

**8th Aldermanic District**

**S. 31st St. – W. Cleveland Ave. to a point 40 feet m/l south of W. Forest Home Avenue (ST21100109):**

Concrete pavement reconstruction, replace all curb and gutter, sidewalk and driveway approaches, sodding (5.0-foot width of tree border area), and grading.

**11th Aldermanic District**

**W. Crawford Ave. – W. Tripoli Ave. to S. 73rd St. (Including S. 73rd St. – W. Tripoli Ave. to W. Crawford Ave.) (ST211060150):**

Asphalt pavement overlay (0-foot width of tree border area).

**13th Aldermanic District**

**S. 13th St. – South City limits to W. Giuffre Ct. (ST320041501):**

Install concrete walk.

**S. 20th St. – The South City limits to W. College Ave. (Portions in the City of Oak Creek) (ST211020101):**

Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (6.0-foot width of tree border area), and grading.

**14th Aldermanic District**

**E. Lincoln Ave. – S. Kinnickinnic Ave. to S. 1st St. (ST211110101):**

Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (0-foot width of tree border area), and grading.

You may examine a copy of the report recommending these projects in Room 908, 841 North Broadway, Milwaukee, Wisconsin during the hours of 8:30 A.M. and 4:30 P.M., Monday through Friday.

This notice is published by authority of the Common Council of the City of Milwaukee in accordance with Section 66.0703 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances.

Office of the City Clerk, Milwaukee

---

Ronald D. Leonhardt, City Clerk

February 21, 2011

February 22, 2011

File Number

To the Honorable, the Common Council

Dear Council Members:

The Common Council has adopted preliminary resolutions which determined it necessary and in the public interest to make various public improvements and to make special assessments therefore.

The Commissioner of Public Works is filing this report consisting of a list of projects. This report is subject to amendment at the next Public Works Committee Hearing. The plans and specifications of said improvements are on file in the City Engineer's Office.

I am herewith submitting a report regarding the above matter and recommend adoption of the amended resolution approving same.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

MLD:dr  
Afr 9  
Report Appended



Legislation Details (With Text)

**File #:** 101348      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 3/1/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$70,000 for a total estimated cost of these projects being \$2,072,000.

**Sponsors:** THE CHAIR

**Indexes:** PUBLIC IMPROVEMENTS, STREET IMPROVEMENTS

**Attachments:** Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number

101348

Version

ORIGINAL

Sponsor

THE CHAIR

Title

Resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$70,000 for a total estimated cost of these projects being \$2,072,000.

Analysis

This resolution authorizes engineering studies and directs the Commissioner of Public Works to determine any benefits or damages which would result if the projects were to be constructed. After the Commissioner files his report, a Public Hearing will be held on those projects determined assessable. A resolution will be submitted after the Public Hearing authorizing construction. The City cost for engineering these projects is estimated to be \$70,000 with the total cost estimated to be \$2,072,000.

Body

Resolved, By the Common Council of the City of Milwaukee that it is necessary and in the public interest to do the following described work according to City specifications, and that such public improvements and resulting special assessments be made pursuant to Section 66.0703 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances:

4th Aldermanic District



N. Jefferson St. - E. Clybourn St. to E. Kilbourn Ave. (ST211130103): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$25,000). The total estimated cost for this project including the requested amount is \$425,000. This project is anticipated to be completed during the 2013 construction season.

5th Aldermanic District

W. Hadley St. - N. 80th St. to N. 86th St. (ST211130104): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$20,000). The total estimated cost for this project including the requested amount is \$265,000. This project is anticipated to be completed during the 2013 construction season.

8th Aldermanic District

S. 30th St. - W. Burnham St. to W. Mitchell St. (ST211110175): Install traffic calming devices. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$12,000. This project is anticipated to be completed during the 2011 construction season.

9th Aldermanic District

W. County Line Rd. - N. 68th St./N. Swan Rd. (ST211100132): Paving the roadway with asphalt. Rural cross section. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$20,000, Additional Funds). The total estimated cost for this project including the requested amount is \$1,370,000. This project is anticipated to be completed during the 2011 construction season.

; and, be it

Further Resolved, That the abutting and adjacent properties be assessed a portion of the cost, said assessment to be recommended by the Commissioner of Public Works in his report; and, be it

Further Resolved, That all assessments and payments be made in accordance with Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That all City departments are authorized to do engineering, surveying, preparing of plans, and estimates of cost thereof, to be utilized in the preparation of said report of the Commissioner of Public Works; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

Requestor

Infrastructure Services Division

Drafter

MLD:dr

Apr 9

02/22/2011





Legislation Details (With Text)

**File #:** 101350      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 3/1/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$126,000 for a total estimated cost of these projects being \$2,084,000.

**Sponsors:** THE CHAIR

**Indexes:** SANITARY SEWERS, SEWER IMPROVEMENTS, SEWERS

**Attachments:** Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101350

Version  
ORIGINAL

Sponsor  
THE CHAIR

Title  
Resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$126,000 for a total estimated cost of these projects being \$2,084,000.

Analysis  
This resolution authorizes engineering studies on projects which by City Charter are nonassessable. After design plans and estimates of costs have been prepared, a resolution authorizing construction will be submitted to the Common Council. The City cost for engineering these projects is estimated to be \$126,000 with the total cost estimated to be \$2,084,000.

Body  
Resolved, By the Common Council of the City of Milwaukee, that it is necessary and in the public interest to do the following described improvements according to City specifications:

3rd Aldermanic District

E. Chambers St. - N. Bremen St. to 125 feet m/l east of N. Weil St. (SM495110016): Combined sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost

for this project including the requested amount is \$112,000. This project is anticipated to be completed during the 2012 construction season.

#### 8th Aldermanic District

W. Burnham St. - S. 33rd St. to S. 35th St. (SM495110023): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$295,000. This project is anticipated to be completed during the 2011 construction season.

S. 35th St. - 300 feet m/l north of W. Burnham St. to W. Burnham St. (SM495110024): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$143,000. This project is anticipated to be completed during the 2011 construction season.

#### 10th Aldermanic District

W. St. Paul Ave. - 150 feet m/l east of N. 39th St. to N. 42nd St. (SM495110021): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$540,000. This project is anticipated to be completed during the 2011 construction season.

N. 39th St. - W. St. Paul Ave. to W. Clybourn St. (SM495110022): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$109,000. This project is anticipated to be completed during the 2011 construction season.

#### 13th Aldermanic District

E. Bolivar Ave. - S. Austin St. to S. Pine Ave. (SM495110019): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$216,000. This project is anticipated to be completed during the 2012 construction season.

S. Quincy Ave. - E. Armour Ave. to E. Layton Ave. (SM495110017): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$193,000. This project is anticipated to be completed during the 2012 construction season.

#### 13th and 14th Aldermanic Districts

E. Waterford Ave. - S. Austin St. to S. Whitnall Ave. (SM495110020): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$278,000. This project is anticipated to be completed during the 2012 construction season.

#### 14th Aldermanic District

S. Pine Ave. - E. Howard Ave. to E. Norwich St. (SM495110018): Relaying sanitary sewer.

(Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$198,000. This project is anticipated to be completed during the 2012 construction season.

;and, be it

Further Resolved, That all City Departments are authorized to perform engineering, surveys, plan preparation, and determine an estimated cost thereof; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

Requestor  
Infrastructure Services Division  
Drafter  
MLD:dr  
Npr 9  
02/22/2011

**PW FILE NUMBER: 101350**

NAME	ADDRESS	DATE SENT		
Mary Dziewiontkoski	Dept. Public Works – Infra.	3/3/11		
Clark Wantoch	DPW-Infra.	X		
Ald. Kovac	CC	X		
Ald. Murphy	CC	X		
Ald. Donovan	CC	X		
Ald. Witkowski	CC	X		
Ald. Zielinski	CC	X		



Legislation Details (With Text)

**File #:** 101351      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 3/1/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$4,185,000 for a total estimated cost of these projects being \$4,470,000.

**Sponsors:** THE CHAIR

**Indexes:** PUBLIC IMPROVEMENTS, SANITARY SEWERS, SEWER IMPROVEMENTS, SEWERS

**Attachments:** Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101351  
Version  
ORIGINAL  
Reference  
070994  
Sponsor  
THE CHAIR  
Title

Resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$4,185,000 for a total estimated cost of these projects being \$4,470,000.

Analysis

This resolution directs the installation and construction of certain public improvements which have been determined to be nonassessable by the Commissioner of Public Works. The City cost of the projects approved by this resolution is estimated to be \$4,185,000. The total estimated cost of these projects is \$4,470,000.

Body

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions determining it necessary and in the public interest to construct nonassessable improvements; and

Whereas, Plans, specifications and cost estimates have been prepared for the following described improvements:



### 3rd Aldermanic District

N. Edison St. - E. Knapp St. to E. Cherry St. (SM495070145) File Number 070994: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$126,000). The total estimated cost for this project including the requested amount is \$136,000. This project is anticipated to be completed during the 2011 construction season.

### 7th Aldermanic District

I and I Pilot Project (SM494100105) File Number 100839: Sanitary sewer lining. (Infiltration/Inflow Reduction Fund -- \$20,000, Additional Funds). The total estimated cost for this project including the requested amount is \$115,000. This project is anticipated to be completed during the 2011 construction season.

N. 25th St. - W. Hadley St. to W. Locust St. (SM495100084) File Number 100013: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$162,000). The total estimated cost for this project including the requested amount is \$174,000. This project is anticipated to be completed during the 2011 construction season.

N. 37th St. - W. Congress St. to W. Ruby Ave. (SM495100070) File Number 091432: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$122,000). The total estimated cost for this project including the requested amount is \$134,000. This project is anticipated to be completed during the 2011 construction season.

N. 37th St. - W. Keefe Ave. to W. Nash St. (SM495100052) File Number 091432: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$131,000). The total estimated cost for this project including the requested amount is \$146,000. This project is anticipated to be completed during the 2011 construction season.

N. 41st St. - W. Ruby Ave. to W. Glendale Ave. (SM495100139) File Number 100144: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$136,000). The total estimated cost for this project including the requested amount is \$148,000. This project is anticipated to be completed during the 2011 construction season.

### 7th and 15th Aldermanic Districts

W. Fond du Lac Ave. - N. 30th St. to N. 35th St. (SM495100189) File Number 100723: Combined sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$445,000). The total estimated cost for this project including the requested amount is \$460,000. This project is anticipated to be completed during the 2011 construction season.

### 13th Aldermanic District

W. Mallory Ave. (Ext'd) - E./S. North/South Freeway to W./S. North/South Freeway (SM495090004) File Number 081420: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000, Additional Funds). The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2011 construction season.

#### 14th Aldermanic District

E. Bay St. - S. Winchester St. to S. Kinnickinnic Ave. (SM495100162) File Number 100723: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$769,000). The total estimated cost for this project including the requested amount is \$784,000. This project is anticipated to be completed during the 2011 construction season.

S. Harbor Dr. - E. Bay St. to E. Jones St. (SM495100140) File Number 100216: New storm sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$1,528,000). The total estimated cost for this project including the requested amount is \$1,553,000. This project is anticipated to be completed during the 2011 construction season.

#### 15th Aldermanic District

N. 32nd St. - W. Center St. to W. Hadley St. (SM495100083) File Number 100013: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$174,000). The total estimated cost for this project including the requested amount is \$186,000. This project is anticipated to be completed during the 2011 construction season.

N. 32nd St. - W. Garfield Ave. to W. North Ave. (SM495100111) File Number 100013: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$110,000). The total estimated cost for this project including the requested amount is \$122,000. This project is anticipated to be completed during the 2011 construction season.

#### City Wide

2011 Combined and Storm Manhole Rehabilitation - Various Locations (SM495100231) File Number 100144: (Nonassessable Sewer Maintenance Relay Fund -- \$447,000). The total estimated cost for this project including the requested amount is \$462,000. This project is anticipated to be completed during the 2011 construction season.

now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is authorized and directed to proceed with said work; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

Requestor  
Infrastructure Services Division  
Drafter  
MLD:dr  
Nfr 9  
02/22/2011





Legislation Details (With Text)

**File #:** 101317      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 3/1/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution approving a Three-Year Harbor Statement of Intentions for the Port of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** HARBOR COMMISSION, PORT OF MILWAUKEE

**Attachments:** Cover Letter, Statement, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101317  
Version  
Original  
Reference

Sponsor  
Chair  
Title

Resolution approving a Three-Year Harbor Statement of Intentions for the Port of Milwaukee.

Analysis

The Wisconsin Dept. of Transportation, in accord with State Statute, requires a Statement of Project Intentions from Local units of government intending to apply for Federal and/or State aid for harbor-related work of benefit to commercial transportation within the next three years; and

Body

Resolved, The Three-Year Harbor Statement of Intentions attached to this resolution describes proposed improvements which are in the best interest of the Port of Milwaukee, City of Milwaukee; and, be it

Further Resolved, The Port of Milwaukee has carefully reviewed the estimated project costs, funding sources, physical location and alternatives to the proposed projects; and, be it

Further Resolved, This Three-Year Harbor Statement of Intentions is used by the Wisconsin Department of Transportation for planning purposes only and is not a petition for Federal and/or State aid; and, be it

Further Resolved, The Board of Harbor Commissioners approved the Three-Year Harbor Statement of Intentions at its meeting on February 10, 2011; and, be it

Further Resolved, All projects included in the three-year program are contingent upon future Common Council approval of each project prior to proceeding with the project; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that, the Three-Year Harbor Statement of Intentions

attached to this file is approved.

Drafter

Lawrence E. Sullivan

Port of Milwaukee

2/11/2011

md/3yrst1ccres.doc

February 7, 2010

Ref: HAP/3 year statement

To The Honorable  
The Common Council  
City of Milwaukee

Dear Council Members:

In order to be eligible for future grants under the State Department of Transportation Harbor Assistance Program, an annual update of the Port's Harbor Development Three Year Statement of Intentions is required to be submitted to the State Department of Transportation by April 1 each year.

The State Department of Transportation uses this listing of potential future projects for budgeting purposes. It is neither an application for funding, nor does it represent, in any way, a financial commitment by the City.

The Port's 2010 Harbor Development Three-Year Statement of Intentions was unanimously approved by the Board of Harbor Commissioners at its last meeting on February 11, 2010 and we, therefore, respectfully request that your Honorable Body approve such so that we may transmit it to the State Department of Transportation by April 1, 2010.

Respectfully submitted,

LAWRENCE E. SULLIVAN  
Harbor Engineer

LES/dcl

md:3yrst10ccltr.doc

PORT OF MILWAUKEE  
WISCONSIN DEPARTMENT OF TRANSPORTATION  
HARBOR ASSISTANCE PROGRAM  
THREE-YEAR HARBOR DEVELOPMENT STATEMENT OF INTENTION  
2011 TO 2013

Application Date	Project Description	Construction Year	Split State-City	Estimated Project Cost
2011	Fender Improvements (various locations)	2011/2012	80%-20%	\$ 100,000
2011	Terminal Paving Rehabilitation & Related work (various locations)	2011/2012	80%-20%	\$ 200,000
2011	Pier /Berth Channel Improvements (dredging & related work various locations)	2011/2012	80%-20%	\$ 100,000
2012	Trans Load Terminal & Related Equipment	2012/2013	80%-20%	\$ 1,750,000
2012	City Heavy Lift Dock Improvements	2012/2013	80%-20%	\$ 2,600,000
2012	Pier /Berth Channel Improvements (dredging & related work various locations)	2012/2013	80%-20%	\$ 1,000,000
2013	Cargo Handling Equipment & Related work	2013/2014	80%-20%	\$ 5,000,000
2013	Relocate Container yard	2013/2014	80%-20%	\$ 1,200,000
2013	Fender Improvements (various locations)	2013/2014	80%-20%	\$ 500,000
2013	Pier /Berth Channel Improvements (dredging & related work various locations)	2013/2014	80%-20%	\$ 1,000,000

File Excel 012711a.xls

ECR/HB/BN/WJ/LES 01-27-2011

**LEGISLATIVE REFERENCE BUREAU FISCAL ANALYSIS**

**PUBLIC WORKS COMMITTEE**

**MARCH 8, 2011**

**Item 5, File #101317**

File Number 101317 is a resolution approving a Three-Year Harbor Development Statement of Intentions for the Port of Milwaukee.

**Background**

1. Pursuant to Wisconsin Statutes, the Wisconsin Department of Transportation (WISDOT) requires each local unit of government that intends to apply, within the next 3 years, for State aid for harbor improvement projects under WISDOT's Harbor Assistance Program to submit a "Three-Year Harbor Development Statement of Intentions" by April 1 each year.
2. The Three-Year Harbor Development Statement of Intentions is used by WISDOT for planning purposes only and is not an application for Federal and/or State aid.
3. The Port of Milwaukee has prepared a Three-Year Harbor Development Statement of Intentions for 2011 to 2013 that includes a project description, anticipated construction year, State/City cost distribution and estimated project cost for each major capital improvement planned for Milwaukee's harbor during those years.

**Discussion**

1. The Three-Year Harbor Development Statement of Intentions for 2011 to 2013 is as follows:

<b>Application Date</b>	<b>Construction Year</b>	<b>Project Description</b>	<b>Funding State-City</b>	<b>Estimated Cost</b>
2011	2011 – 2012	Fender Improvements (various locations)	80% - 20%	\$ 100,000
2011	2011 – 2012	Terminal Paving Rehabilitation and Related Work (various locations)	80% - 20%	\$ 200,000
2011	2011 – 2012	Pier/Berth Channel Improvements (dredging & related work, various locations)	80% - 20%	\$100,000
2012	2012 – 2013	Trans Load Terminal and Related Equipment	80% - 20%	\$1,750,000
2012	2012 – 2013	City Heavy Lift Dock Improvements	80% - 20%	\$2,600,000
2012	2012 – 2013	Pier/Berth Channel Improvements (dredging & related work, various locations)	80% - 20%	\$1,000,000
2013	2013 – 2014	Relocate Container Yard	80% - 20%	\$1,200,000
2013	2013 – 2014	Fender Improvements (various locations)	80% - 20%	\$500,000
2013	2013 – 2014	Pier/Berth Channel Improvements (dredging & related work, various locations)	80% - 20%	\$1,000,000
2013	2013 – 2014	Cargo Handling Equipment & Related Work	80% - 20%	\$5,000,000



2. This Statement of Intentions is similar to the 2010-2012 Statement of Intentions approved and submitted last year.
3. The Board of Harbor Commissioners unanimously approved the Three-Year Harbor Development Statement of Intentions at its February 10, 2011 meeting.

**Fiscal Impact**

1. Adoption of this resolution has no fiscal impact on the City.
2. The Three-Year Harbor Development Statement of Intentions does not obligate the City to apply for or accept grant funds or to make any other financial commitment to harbor improvements. The Statement of Intentions is used by WISDOT for planning and budgetary purposes only.

Prepared by: Jeff Osterman, X2262  
LRB-Research & Analysis Section  
March 4, 2011

cc: Eric Reinelt  
Lawrence Sullivan  
Hattie Billingsley





Legislation Details (With Text)

**File #:** 101186      **Version:** 1  
**Type:** Resolution      **Status:** In Committee  
**File created:** 1/19/2011      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**

**Title:** Substitute resolution to vacate all rights-of-way located on the eastern portion of the Housing Authority of the City of Milwaukee's Westlawn site, bounded by West Silver Spring Drive, North 60th Street, West Custer Avenue and North 64th Street, in the 9th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

**Attachments:** Exhibit A, City Plan Commission Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101186  
Version  
SUBSTITUTE 1  
Reference

Sponsor  
THE CHAIR  
Title

Substitute resolution to vacate all rights-of-way located on the eastern portion of the Housing Authority of the City of Milwaukee's Westlawn site, bounded by West Silver Spring Drive, North 60th Street, West Custer Avenue and North 64th Street, in the 9th Aldermanic District.

**Analysis**  
This substitute resolution vacates the above rights-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the Housing Authority of the City of Milwaukee to facilitate the redevelopment of the eastern portion of its Westlawn site.

**Body**  
Whereas, It is proposed that all rights-of-way located on the eastern portion of the Housing Authority of the City of Milwaukee's Westlawn site, bounded by West Silver Spring Drive, North 60th Street, West Custer Avenue and North 64th Street, be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said rights-of-way as indicated by Exhibit A and bound and described by:

All those streets as platted in Westlawn, a recorded subdivision, in the Northeast 1/4 of Section 34, Township 8 North, Range 21 East, described as follows: West Birch Avenue lying between the west line of North 61st Street extended and its intersection with North 63rd Street; West Custer Avenue lying between the west line of North 60th Street extended and the east line of North 64th Street extended; West Sheridan Avenue lying between the west line of North 61st Street extended and the east line of North 64th Street extended; the South 30.00 feet of West Silver Spring Drive (service drive) lying between the west line of North 60th Street extended and the east line of North 64th Street extended; North 61st Street lying between the north line of West Custer Avenue extended and the south line of West Silver Spring Drive extended; North 62nd Street lying between the south line of West Custer Avenue extended and the south line of said Westlawn and North 63rd Street lying between the north line of West Custer Avenue extended and its intersection with West Birch Avenue, is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said rights-of-way had not been vacated.

Drafter

DCD:EAR:ear

03/03/11

W. Silver Spring

Dr.

SEC. LINE

60

60

SERVICE DRIVE

SERVICE DRIVE

89.79

88.85

249.99

50

St.

2

248.18

273.36

W. Sheridan

Ave.

09

295.51

R-416.76

6

529.33  
R-340.42

289.11

WESTLAWN

1

1080.23

SEC. LINE  
(100' R.O.W.)

20.04

548.61

W. Birch

Ave.

549.40

TAX KEY NUMBER  
189-0701-200  
(HACM)

7

320.04

N. 61st

400.87

595.00

W. Custer

R-591.30  
258.94

Ave.

329.20

232.66

155.02

11

29.07

155.02

92.51

60

580.00

50

N. 62nd

LINCOLN  
(DRAINAGE)

CREEK  
R.O.W.)

45

EXHIBIT "A"

FILE NO. 101186

PUBLIC STREETS  
PROPOSED TO  
BE VACATED

INFRASTRUCTURE SERVICES DIVISION

MILWAUKEE, WISCONSIN

ASSIGNED TO: W.E. FUCHS  
DRAWN BY: W.E.F.  
PROJECT/GRANT NO.: WKS2337297  
APPROVED BY: NTS

CH'K'D. BY: W.E. FUCHS  
DATE: FEB. 21, 2011

( MAP 1 OF 2 )

Marcia Cornell  
CENTRAL DRAFTING & RECORDS MANAGER

Jeffrey Palumbo  
CITY ENGINEER

189

N.E. 1/4 SEC. 34, T.8N., R.21E.

W. Silver Spring

Dr.

SEC. LINE

60

60

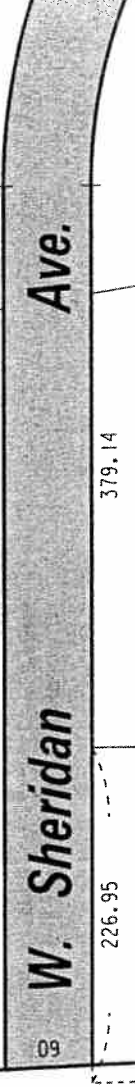


St.

230.13

2

595.92



193.19

LANDS

226.95

224.05

208.97

271.11

6

WESTLAWN

(60' R.O.W.)

544.46

WESTLAWN PLAYGROUND

543.60

273.65



166.32

71.28

R.45

N. 63rd St.

274.45

7

TAX KEY NUMBER  
189-0701-200  
(HACM)

262.80

W. Custer

60

595.00

Ave.

N. 64th

155.08

586.89

10

155.02

155.02

N. 62nd St.

584.52

LINCOLN CREEK  
(DRAINAGE EASEMENT)

PUBLIC STREETS  
PROPOSED TO  
BE VACATED



EXHIBIT "A"

FILE NO. 101186

INFRASTRUCTURE SERVICES DIVISION

MILWAUKEE, WISCONSIN

ASSIGNED TO: W.E. FUCHS

DRAWN BY: W.E.F.

PROJECT/GRANT NO.: WK52337297

APPROVED BY:

CH'K'D. BY: W.E. FUCHS

DATE: FEB. 21, 2011

SCALE: NTS

( MAP 2 OF 2 )

Marcia Cornell  
CENTRAL DRAFTING & RECORDS MANAGER

Jeffrey Palmabe  
REGISTERED ENGINEER CAW

March 4, 2011

To the Honorable Members of the  
Public Works Committee  
City of Milwaukee

Dear Committee Members:

File No. 101186 vacates all rights-of-way located on the eastern portion of the Housing Authority of the City of Milwaukee's Westlawn Housing Project, in the area bounded by West Silver Spring Drive, North 60th Street, and North 64th Street in the 2<sup>nd</sup> and 9th Aldermanic Districts. This vacation was requested by the Housing Authority of the City of Milwaukee to facilitate the redevelopment of the eastern portion of the Westlawn site.

The Department of Public Works Coordinated Report contains no stated objections to the proposed vacation. No additional costs have been identified as a result of this vacation.

Since the proposed vacation is not in conflict with City plans, the City Plan Commission at its regular meeting on February 21, 2011, recommended approval of the subject file, conditioned on obtainment of the petition and coordinated report from the Dept. of Public Works.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rocky Marcoux', with a stylized flourish at the end.

Rocky Marcoux  
Executive Secretary  
City Plan Commission of Milwaukee

cc: Ald. Joe Davis  
Ald. Robert Puente







Legislation Details (With Text)

**File #:** 101412      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 3/1/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution relating to the transfer of a river skimmer from the City of Milwaukee to the Milwaukee Metropolitan Sewerage District.

**Sponsors:** ALD. BAUMAN

**Indexes:** MILWAUKEE METROPOLITAN SEWERAGE DISTRICT, MILWAUKEE RIVER

**Attachments:** Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/4/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101412  
Version  
ORIGINAL  
Reference

Sponsor  
ALD. BAUMAN  
Title

Resolution relating to the transfer of a river skimmer from the City of Milwaukee to the Milwaukee Metropolitan Sewerage District.

Requestor

Drafter  
CC-CC  
jro  
3/3/11

..Number

101412

..Version

SUBSTITUTE 1

..Reference

960206, 971608, 030206

..Sponsor

ALD. BAUMAN

..Title

Substitute resolution approving the transfer of a river skimmer from the City of Milwaukee to the Milwaukee Metropolitan Sewerage District.

..Analysis

This resolution approves the transfer of a river skimmer from the City of Milwaukee to the Milwaukee Metropolitan Sewerage District.

Resolution

..Body

Whereas, Pursuant to Common Council Resolution Number 960206, adopted on June 4, 1996, the City entered into a Cooperation Agreement for River Clean-Up Services dated June 4, 1996, with the Board of Business Improvement District No. 15 ("BID #15"); and

Whereas, The City has entered into a series of subsequent agreements with BID #15 for removal of debris and related river clean-up services, the most recent of which is titled Cooperation Agreement for Milwaukee River Clean-Up Services (Revised), dated June 3, 2003 ("Revised Clean-Up Agreement"), which was authorized by Common Council Resolution Number 030206, adopted on June 3, 2003; and

Whereas, Pursuant to Common Council Resolution Number 971608, adopted on February 10, 1998, the City's Department of Public Works acquired a 1997 Aquatic Trash Hunter 46' by 12' Skimmer TH -12 ("River Skimmer"), 50% of the purchase price being funded by a State of Wisconsin Waterways grant, to clean floating debris from the Milwaukee River in the downtown riverwalk area; and

Whereas, Pursuant to the Revised Clean-Up Agreement, the City provides an annual contribution toward the skimmer operation from the City's Sewer Maintenance Fund, owns and maintains the skimmer, disposes of the collected debris, and authorizes payment for all operating expenses; and

Whereas, BID #15 assigned its responsibilities under the Revised Clean-Up Agreement to the Milwaukee Riverwalk District, Inc. ("MRD"), which manages the day-to-day daily operations of the skimmer, including receipt and disbursement of all funds involved in skimmer operation; and

Whereas, MRD contracts with the Milwaukee Community Services Corps ("MCSC") to staff the skimmer; and

Whereas, Since 1999, the Milwaukee Metropolitan Sewerage District (MMSD) has also contributed an annual payment toward the cost of operating the River Skimmer; and

Whereas, The City, MMSD, BID #15, and other involved parties are negotiating the development of a revised river clean-up services program in which MMSD will increase its participation and contribution to the program; and

Whereas, MMSD is in the process of procuring a new river skimmer and has included funding for this purchase in its Fiscal Year 2011 budget; and

Whereas, The City desires to transfer the River Skimmer to MMSD for \$1, subject to the terms and conditions of a River Skimmer Transfer Agreement, a copy of which is attached to this file; and

Whereas, The transfer of the River Skimmer to MMSD by April 1, 2011 will result in substantial savings to the skimmer operation during 2011 as a result of MMSD's ability to obtain insurance at lower cost to the program; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the River Skimmer Transfer Agreement in substantially the same form as is attached to this file, with such modifications as may be approved by the Commissioner of Public Works and the City Attorney, is approved; and, be it

Further Resolved, That the proper City officers are authorized and directed to execute the Agreement on behalf of the City of Milwaukee.

..Requestor

DPW

..Drafter

TDM:tdm

March 3, 2011

1047-2011-575:166936

LRB126006-2

Teodros W. Medhin/lp

## **RIVER SKIMMER TRANSFER AGREEMENT**

This Agreement is made and effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the City of Milwaukee, Wisconsin, a municipal corporation, ("City"), acting through its Commissioner of Public Works, and the Milwaukee Metropolitan Sewerage District ("MMSD").

### **WITNESSETH:**

**WHEREAS**, Pursuant to Common Council Resolution No. 960206, the City entered into a Cooperation Agreement for River Cleanup Services dated June 4, 1996, with the Board of Business Improvement District No. 15 ("BID #15"); and

**WHEREAS**, The City has entered into a series of subsequent agreements with BID #15 for purposes of removal of debris and related river clean-up services, the most recent of which is titled Cooperation Agreement for Milwaukee River Clean-Up Services (Revised), dated June 3, 2003 ("Revised Clean-Up Agreement"), which was authorized by Common Council Resolution No. 030206; and

**WHEREAS**, Pursuant to Common Council Resolution No. 971608, the City's Department of Public Works acquired a 1997 Aquatic Trash Hunter 46' by 12' Skimmer TH -12 (Serial No. \_\_\_\_\_) ("River Skimmer"), 50 percent of the purchase price being funded by a State of Wisconsin Waterways grant, to clean floating debris from the Milwaukee River in the downtown riverwalk area; and

**WHEREAS**, Pursuant to the Revised Clean-Up Agreement, the City provides an annual contribution toward the skimmer operation from the City's Sewer Maintenance Fund, owns and maintains the skimmer, disposes of the collected debris, and authorizes payment for all operating expenses; and

**WHEREAS**, BID #15 assigned its responsibilities under the Revised Clean-Up Agreement to the Milwaukee Riverwalk District, Inc. ("MRD"), which manages the day-to-day daily operations of the skimmer including receipt and disbursement of all funds involved in skimmer operation; and

**WHEREAS**, MRD contracts with the Milwaukee Community Services Corps ("MCSC") to staff the skimmer; and

**WHEREAS**, Since 1999, MMSD has also contributed an annual payment toward the cost of operating the River Skimmer; and

**WHEREAS**, The City, MMSD, BID #15, and other involved parties are negotiating the development of a revised river clean-up services program in which MMSD will increase its participation and contribution to the program; and

**WHEREAS**, MMSD is in the process of procuring a new river skimmer and has included funding for this purchase in its Fiscal Year 2011 budget; and

**WHEREAS**, The transfer of the River Skimmer to MMSD by April 1, 2011 will result in substantial savings to the skimmer operation during 2011 as a result of MMSD's ability to obtain insurance at lower cost to the program; and

**WHEREAS**, the City's Common Council has approved this Agreement by Common Council Resolution No. \_\_\_\_\_ adopted \_\_\_\_\_, 2011;

**NOW, THEREFORE**, the City, acting through its Commissioner of Public Works, and MMSD, in consideration of the mutual promises contained herein and for other good and valuable consideration, agree as follows:

1. By execution of this Agreement, the City conveys to MMSD the City's right, title, and interest in the River Skimmer.
2. The purchase price for the River Skimmer shall be one dollar (\$1.00) and other good and valuable consideration.
3. The transfer of the River Skimmer is expressly conditioned upon MMSD's agreement that the River Skimmer will be used solely for the purpose for which the City procured the vessel, namely debris removal and river cleanup services for the River Impact Area and adjacent areas on the Milwaukee River as set forth in the Cooperation Agreement for Milwaukee River Clean-Up Services (Revised), dated June 3, 2003 as well as the Menomonee and Kinnickinnic rivers in a similar fashion to the 2010 operation schedule of the skimmer.
4. The City is conveying the River Skimmer to MMSD on an "as is" basis. The City makes no warranties, express or implied, including but not limited to any implied warranties of merchantability or fitness for a particular purpose.
5. Upon execution of this Agreement, MMSD shall assume the risk of all damages, losses, costs, and expenses arising out of the transportation and use of the River Skimmer. MMSD agrees to indemnify and hold the City, its officers, agents, and employees harmless from any and all liability, damages, losses, costs, and expenses arising out of this Agreement or future use of the River Skimmer.
6. MMSD is solely responsible for the costs of transporting the River Skimmer from City property.
7. This Agreement shall not affect the terms and conditions of the Cooperation Agreement for Milwaukee River Clean-Up Services (Revised), dated June 3, 2003.

8. MMSD is responsible for procuring appropriate levels of insurance for the River Skimmer. MMSD shall include the River Skimmer under its fleet policy and shall include the City and MCSC as additional insureds.

9. In the event that MMSD, for any reason, does not procure a new river skimmer vessel by December 31, 2011, MMSD shall transfer its right, title, and interest in the River Skimmer to the City at no cost to the City.

10. In the event that MMSD elects to convey its right, title, and interest in the River Skimmer to a third party, including without limitation by sale or donation, MMSD shall provide the City prior written notice of its intent to convey its right, title, and interest in the River Skimmer and shall give the City (or its designee) a right of first refusal to purchase the River Skimmer for a purchase price of one dollar (\$1.00).

11. This Agreement shall be governed by the laws of the State of Wisconsin. If any term or provision of this Agreement or the application thereof to any person or circumstance, shall to any extent be declared invalid or unenforceable, then the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by applicable law.

12. This Agreement is the complete agreement between the parties and may not be modified except in writing signed by the parties.

13. This Agreement may be executed in counterparts, each of which shall be deemed an original, but each of which taken together shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, each party has caused this Agreement to be executed by its duly authorized officers, as of the date of this Agreement.

**CITY OF MILWAUKEE**

\_\_\_\_\_  
JEFFREY J. MANTES, Commissioner of Public Works

Date: \_\_\_\_\_

**MILWAUKEE METROPOLITAN SEWERAGE DISTRICT**

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form and execution  
this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Assistant City Attorney

1047-2011-575:166794







Legislation Details (With Text)

**File #:** 101352      **Version:** 1

**Type:** Ordinance      **Status:** In Committee

**File created:** 3/1/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** A substitute ordinance relating to multiunit solid waste collection late charges.

**Sponsors:** THE CHAIR

**Indexes:** FEES, SOLID WASTE, SOLID WASTE DISPOSAL

**Attachments:** Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/3/2011	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101352  
Version  
SUBSTITUTE 1  
Reference

Sponsor  
THE CHAIR  
Title  
A substitute ordinance relating to multiunit solid waste collection late charges.

Sections  
79-16-2-b rc  
Analysis  
The department of public works provides solid waste collection service to multiunit dwellings with 5 units or more for a charge that recovers 100% of the cost of providing the service. This ordinance establishes an interest penalty and late charge of 3% on all past due accounts each quarter. Charges that remain unpaid for 2 quarters will be deemed delinquent and will be reported to the city comptroller, along with a 10% for placement on the tax roll.

Body  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 79-16-2-b of the code is repealed and recreated to read:

**79-16. Penalty.**

**2. LIEN.** b. If any owner fails, omits, neglects or refuses to pay any fee assessed under s. 79-2-1-b for solid waste collection, pursuant to s. 66.0627, Wis. Stats., a special charge may be assessed against the subject property for all unpaid fees. The special charge assessed under this subsection shall consist of an interest penalty and late charge of 3% on outstanding balances and shall be charged on all past due accounts each quarter. This special charge may be waived by the

department if deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters shall be deemed delinquent. The delinquent special charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

LRB:

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

ATTORNEY

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

Requestor

DPW-Operations Division

Drafter

LRB125779-2

Jim Carroll

2/24/11





Legislation Details (With Text)

**File #:** 101353      **Version:** 1

**Type:** Resolution      **Status:** In Committee

**File created:** 3/1/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Substitute resolution approving 2011 monthly solid waste collection charges for multiunit dwellings with 5 or more units.

**Sponsors:** THE CHAIR

**Indexes:** FEES, SOLID WASTE, SOLID WASTE DISPOSAL

**Attachments:** Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/3/2011	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101353  
Version  
SUBSTITUTE 1  
Reference

Sponsor  
THE CHAIR  
Title

Substitute resolution approving 2011 monthly solid waste collection charges for multiunit dwellings with 5 or more units.

**Analysis**  
This resolution approves a schedule of 2011 monthly solid waste collection charges for multiunit dwellings with 5 or more units. These charges were determined by the Commissioner of Public Works, pursuant to the Milwaukee Code, to be the amounts necessary for the City to achieve 100% recovery of the costs of providing solid waste collection services to such dwellings.

**Body**  
Whereas, Section 79-2-1-b of the Milwaukee Code of Ordinances directs the Department of Public Works to charge a fee to the owners of multiunit dwellings with 5 or more units to recover 100% of the cost of solid waste collection services; and

Whereas, This section also stipulates that the amount of the solid waste collection fee shall be determined annually by the Commissioner of Public Works, subject to approval of the Common Council; and

Whereas, The Commissioner of Public Works has determined the monthly charges required for 100% recovery of the current cost of providing solid waste collection services to multiunit dwellings with 5 or more units; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following schedule of 2011 monthly and quarterly charges for collection of solid waste from multiunit dwellings with 5 or more units is approved:

Monthly Rate    Quarterly Rate

Top Load Container

2-yard	\$72.43	\$217.00
3-yard	\$78.40	\$235.00
4-yard	\$83.26	\$250.00
6-yard	\$94.83	\$284.00
8-yard	\$106.78	\$320.00

Monthly Rate    Quarterly Rate

Rear Load Container

2-yard	\$118.72	\$356.00
--------	----------	----------

Garbage Cart	\$17.92	\$54.00
--------------	---------	---------

Drafter  
Requestor  
DPW-Operations Division  
Drafter  
LRB125777-3  
Jim Carroll  
2/28/11



# City of Milwaukee Fiscal Impact Statement

## A

**Date** March 3, 2011 **File Number** 101353

**Subject** File #101353 is a substitute resolution approving the 2011 monthly solid waste collection charge for multiunit dwellings with 5 or more units.

## B

**Submitted By (Name/Title/Dept./Ext.)** Paul Klajbor, Administrative Services Manager, DPW Operations, 286-3271

## C

- This File**
- Increases or decreases previously authorized expenditures.
  - Suspends expenditure authority.
  - Increases or decreases city services.
  - Authorizes a department to administer a program affecting the city's fiscal liability.
  - Increases or decreases revenue.
  - Requests an amendment to the salary or positions ordinance.
  - Authorizes borrowing and related debt service.
  - Authorizes contingent borrowing (authority only).
  - Authorizes the expenditure of funds not authorized in adopted City Budget.

## D

- This Note**  Was requested by committee chair.

## E

- Charge To**
- Department Account
  - Capital Projects Fund
  - Debt Service
  - Other (Specify) \_\_\_\_\_
  - Contingent Fund
  - Special Purpose Accounts
  - Grant & Aid Accounts

## F

**Assumptions used in arriving at fiscal estimate.**

Assumed a 12% increase in the charge, a 5% reduction in the number of accounts, and both taking place for only 3/4ths of the year.

<b>G</b>			
<b>Purpose</b>	<b>Specify Type/Use</b>	<b>Expenditure</b>	<b>Revenue</b>
<b>Salaries/Wages</b>			
<b>Supplies/Materials</b>			
<b>Equipment</b>			
<b>Services</b>			
<b>Other</b>			\$1,614,214
<b>TOTALS</b>			

<b>H</b>	
<b>For expenditures and revenues which will occur on an annual basis over several years check the appropriate box below and then list each item and dollar amount separately.</b>	
<input type="checkbox"/> 1-3 Years <input type="checkbox"/> 3-5 Years	_____
<input type="checkbox"/> 1-3 Years <input type="checkbox"/> 3-5 Years	_____
<input type="checkbox"/> 1-3 Years <input type="checkbox"/> 3-5 Years	_____

<b>I</b>
<b>List any costs not included in Sections E and F above.</b>
_____

<b>J</b>
<b>Additional information.</b>
As part of the 2011 budget, at the 2010 apartment garbage rates, the recognized revenue was \$1,540,100. The new revenue projection, with the increased rates and a projected 5% reduction in accounts, is \$1,614,214. The difference then from the budgeted amount is \$74,114.

# LRB – RESEARCH AND ANALYSIS

MARCH 8, 2011 AGENDA

ITEM 9, FILE101353

PUBLIC WORKS COMMITTEE

JAMES CARROLL

File #101353 is a substitute resolution approving the 2011 monthly solid waste collection charge for multiunit dwellings with 5 or more units.

## **BACKGROUND**

1. The 2001 Proposed Budget eliminated the garbage collection service to multiunit dwellings (apartments) with 5 units or more. During the 2001 Budget amendment process, an amendment was passed restoring the service and changing the Code to require that the fee imposed provide 100% recovery of the current cost of providing solid waste collection services to multiunit dwellings.
2. Section 79-2-1-b-2 of the Milwaukee Code states “...the amount of the fee charged under this paragraph shall be determined on or before January 31 of each year by the commissioner of public works, subject to the approval of the common council.”
3. The owners of multiunit dwellings with 5 or more units have the option of using the City or private contractors for solid waste collection. There are approximately 2,804 residential buildings in the City of Milwaukee with 5 units or more. The City provides solid waste collection to approximately 43% of these buildings.
4. The last increase to the solid waste collection rates for multiunit dwellings with 5 or more units occurred in 2010.

## **DISCUSSION**

1. The 2011 rates will increase approximately 12% for cart collections. The table below compares the 2010 with the 2011 monthly rates.

Size	2010 Rate	2011 Rate
<b>Front Load</b>		
2- yd.	\$64.67	\$72.43
3-yd.	\$70.00	\$78.40
4-yd.	\$74.34	\$83.26
6-yd.	\$84.67	\$94.83
8-yd.	\$95.34	\$106.78
<b>Rear Load</b>		
2-yd.	\$106.00	\$118.72
<b>Carts</b>		
Cart	\$16.00	\$17.92

**NOTE: All charges are per month, collection is weekly, and billing is quarterly.**



## **FISCAL IMPACT**

Based on the 2010 rates the Comptroller's Office recognized \$1,540,100 in revenue for apartment garbage pickup in the 2011 Budget.

Because the 1<sup>st</sup> quarter billings have taken place, the new rates will go into effect with the 2<sup>nd</sup> quarter billings. With the new rates being in effect for  $\frac{3}{4}$  of the year and assuming the rate increase will result in a 5% reduction in the multiunit dwellings served, DPW estimates the total 2011 revenue for apartment garbage pickup will be \$1,614,214.

Cc: Paul Klajbor  
Wanda Booker  
Toni Biscobing  
W. Martin Morics  
Frederick Larry

Prepared by:  
Jim Carroll, X8679  
LRB Research & Analysis  
March 3, 2011





Legislation Details (With Text)

**File #:** 101354      **Version:** 0

**Type:** Ordinance      **Status:** In Committee

**File created:** 3/1/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** An ordinance relating to the collection of bulky waste.

**Sponsors:** THE CHAIR

**Indexes:** FEES, SOLID WASTE, SOLID WASTE DISPOSAL

**Attachments:** Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101354  
Version  
ORIGINAL  
Reference

Sponsor  
THE CHAIR  
Title  
An ordinance relating to the collection of bulky waste.

Sections  
79-6.5-3-b  
79-6.5-3-c-1

Analysis  
Beginning January 1, 2011, the amount of bulky waste the department of public works collects without charge was reduced to one cubic yard. This ordinance clarifies the section of the code that pertains to the bulky waste collection charge to make it consistent with current bulky collection practice.

Body  
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 79-1-6.5-3-b and c-1 of the code is amended to read:

**79-6.5. Special Collection Charges.**

**3. DOMESTIC TREE AND BULKY WASTE.**

b. Bulky waste, not exceeding one cubic yard and origin as specified in this chapter and the rules of the commissioner, shall be collected without charge.

c-1. The commissioner may have bulky waste exceeding ~~[[2]]~~ >>one<< cubic ~~[[yards]]~~ >>yard<< removed. The costs of ~~[[such]]~~ >>this<< action shall be collected from the owner of the property at which the bulky waste is deposited, subject to the bulky collection charge established under s. 81-15.5. Bulky waste exceeding ~~[[2]]~~ >>one<< cubic ~~[[yards]]~~ >>yard<< shall be tagged by the commissioner with a notice to the property owner to remove the waste within 3 days or be subject to the charge. The bulky waste collection charge shall be due and payable 30 days after billing. If any owner fails, omits, neglects or refuses to pay any charge imposed under s. 81-15.5 for bulky waste collection, pursuant to s. 66.0627, Wis. Stats., the charge may be assessed against the subject property. The lien shall take effect as of the date of the delinquency. The lien shall automatically be extended upon the current or next tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such charge. The charge shall not be payable in installments.

LRB:  
APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

ATTORNEY  
IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

Department

Drafter  
LRB125717-1  
Jim Carroll  
2/22/11





Legislation Details (With Text)

**File #:** 101411      **Version:** 0

**Type:** Communication      **Status:** In Committee

**File created:** 3/1/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Communication by the Wisconsin Department of Transportation relating to an update on the Zoo Interchange reconstruction project.

**Sponsors:** THE CHAIR

**Indexes:** EXPRESSWAY, WISCONSIN DEPARTMENT OF TRANSPORTATION

**Attachments:** Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/4/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101411  
Version  
ORIGINAL  
Reference

Sponsor

Title  
Communication by the Wisconsin Department of Transportation relating to an update on the Zoo Interchange reconstruction project.

Requestor

Drafter  
CC-CC  
tb  
3/3/11





Legislation Details (With Text)

**File #:** 101358      **Version:** 0  
**Type:** Communication-Report      **Status:** In Committee  
**File created:** 3/1/2011      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:**  
**Effective date:**  
**Title:** Communication relating to an update on the condition of the roof and exterior of City Hall.  
**Sponsors:** THE CHAIR  
**Indexes:** CITY HALL, REPORTS AND STUDIES  
**Attachments:** Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

**Number**

101358

**Version**

ORIGINAL

**Reference**

**Sponsor**

THE CHAIR

**Title**

Communication relating to an update on the condition of the roof and exterior of City Hall.

**Requestor**

**Drafter**

CC-CC

Jim Owczarski

2/24/11







Legislation Details (With Text)

**File #:** 101179      **Version:** 1

**Type:** Resolution      **Status:** In Committee

**File created:** 1/19/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution authorizing and directing the property City of Milwaukee officials to execute a Special Permission Agreement with the Urban Ecology Center, allowing it to take ownership of an existing retaining wall which is partially located in the public right-of-way, adjacent to the premises at 3638-3700 West Pierce Street, in the 8th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** AGREEMENTS

**Attachments:** Special Permission Agreement

Date	Ver.	Action By	Action	Result	Tally
1/19/2011	0	COMMON COUNCIL	ASSIGNED TO		
3/3/2011	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
101179  
Version  
SUBSTITUTE 1  
Reference  
090219  
101190  
Sponsor  
THE CHAIR

Title  
Resolution authorizing and directing the property City of Milwaukee officials to execute a Special Permission Agreement with the Urban Ecology Center, allowing it to take ownership of an existing retaining wall which is partially located in the public right-of-way, adjacent to the premises at 3638-3700 West Pierce Street, in the 8<sup>th</sup> Aldermanic District.

Analysis  
This resolution authorizes and directs the proper City of Milwaukee officials to execute an agreement with the Urban Ecology Center, allowing it to take ownership of an existing retaining wall which is partially located in the public right-of-way, adjacent to the premises at 3638-3700 West Pierce Street.

Body  
Whereas, The Wisconsin Department of Transportation in a transaction with the Wisconsin Department of Natural Resources, the City of Milwaukee and others, pertaining to the Menomonee Valley Passage portion of the Hank Aaron State Trail, constructed a retaining wall partially located in the public right-of-way, and

Whereas, The Urban Ecology Center acquired the subject premises from the Department of Natural Resources and is requesting permission to keep and maintain that portion of the retaining wall that is in the public right-of-way to allow rehabilitation and expansion of an existing building that will incorporate the wall into the building foundation; and

Whereas, Permission to keep and maintain a retaining wall in public right-of-way can be granted in a Special Permission Agreement; and

Whereas, A Special Permission Agreement has been prepared, which specifies that Urban Ecology Center shall assume all maintenance responsibilities associated with such retaining wall; and

Whereas, Permission to allow the Urban Ecology Center the private use of the public right-of-way for such retaining wall can only be approved by the Common Council; now, therefore, be it

Resolved by the Common Council of the City of Milwaukee, that the proper City of Milwaukee officials are authorized and directed to execute a Special Permission Agreement allowing the Urban Ecology Center to keep and maintain a retaining wall in the West Pierce Street public right-of-way for the premises at 3638-3700 West Pierce Street under the terms and conditions specified in the Special Permission Agreement attached to this resolution and incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That the Special Permission Agreement shall be submitted to the Milwaukee County Register of Deeds for recording against the property described in the Agreement.

Requestor  
Department of Public Works  
Drafter  
Infrastructure Services Division  
MDL:ns  
February 8, 2011

**SPECIAL PERMISSION  
AGREEMENT**

Document Number

Document Title

**Drafted By:**

Gregg Hagopian, Milwaukee City Attorney's Office.

Recording Area

Name and Return Address

Dave Windsor  
City of Milwaukee  
809 N. Broadway, 9<sup>th</sup> Floor  
Milwaukee, WI 53202

Parcel Identification Number (PIN)

Part of 436-0007-000-3

Part of 436-0006-000-8

**SPECIAL PERMISSION AGREEMENT**

**CAO 165966, GH 2/8/2011**

THIS AGREEMENT is made by and between the City of Milwaukee, a municipal corporation (“City”) and the Urban Ecology Center, Inc (“UEC”), and is dated as of this \_\_\_ day of \_\_\_\_\_, 2011.

**WHEREAS**, the Wisconsin Department of Natural Resources (“DNR”) conveyed to UEC, and UEC now owns, that part of 3700 W. Pierce Street, Milwaukee (part of Lot 21), and that part of 3638 W. Pierce Street, Milwaukee (part of Lot 20), those parts, together, are herein called the “**UEC Parcel**,” which UEC Parcel is more particularly described on **EXHIBIT A** attached, which UEC Parcel is north of and adjacent to the West Pierce Street public right-of-way (“**ROW**”), and

**WHEREAS**, on the UEC Parcel is a retaining wall that the DNR also conveyed to UEC, that the UEC now owns, that is herein called the “**UEC Wall**,”

**WHEREAS**, the Wisconsin Department of Transportation (“DOT”), in a transaction with the DNR, the City, and others, pertaining to the Menomonee Valley Passage portion of the Hank Aaron State Trail (the “**HAST**”), constructed the UEC Wall, along with other retaining walls and improvements for the HAST; and

**WHEREAS**, one of the other retaining walls that the DOT built that remains DNR-owned, abuts the UEC Wall near the eastern edge of the UEC Wall, and is herein called the “**DNR Wall**,” and

**WHEREAS**, under ¶ 3.5.1.e. of that certain Valley Passage Easement, recorded in the Milwaukee County Register of Deeds Office (the “**ROD**”) on March 16, 2010 as Document No. 09854735 (that document, as amended, is herein called the “**VP Easement**”), the City is responsible for maintaining the DNR Wall; and

**WHEREAS**, the VP Easement was recently amended by an “Amendment to Valley Passage Easement” dated \_\_\_\_\_, 2011, which amendment has been or will be recorded in the ROD, and that amendment, among other things, reflects that UEC, as owner of the UEC Wall, is responsible for maintenance, repair and replacement of the UEC Wall; and

**WHEREAS**, on that part of the UEC Parcel that contains part of Lot 21, there currently exists a building, and on that part of the UEC Parcel that contains part of Lot 20, UEC intends on constructing an addition to that building (herein called the “**UEC Addition**”), which UEC Addition will incorporate a portion of the UEC Wall into the new UEC Addition; and

**WHEREAS**, on **EXHIBIT B** attached hereto, there is a depiction of the UEC Wall the DNR Wall, and the UEC-ROW Wall (hereafter defined); and

**WHEREAS**, a part of the UEC Wall (herein called the “**UEC-ROW Wall**”) is within the ROW; and

**WHEREAS**, UEC, as owner of the UEC Parcel and UEC Wall, requests that the City grant it special permission (personal license) to keep and maintain the UEC-ROW Wall in the ROW;

**NOW, THEREFORE**, In consideration of One Dollar, and the mutual covenants and conditions herein, UEC and the City agree to the following:

1. UEC, at no cost to the City, and subject to the terms and conditions herein, may keep and maintain the UEC-ROW Wall in the ROW Area described below (the “**Row Area**”). Any work related to the maintenance or modification of the UEC-ROW Wall must be done in accordance with plans and specifications approved by the Commissioner of the City’s Department of Public Works (the “**Commissioner**”).

The ROW Area is described as follows and is depicted on the map attached hereto as **EXHIBIT B**:

That part of West Pierce Street in the Southwest ¼ of Section 36, Township 7 North, Range 21 East, described as follows: Commencing at the southeast corner of Block 1, Lot 21, thence N 85° 10’E along the north line of West Pierce Street for 70.54’, thence S 4° 50’E for 4.5’, thence S 85° 10’W for 70.54’, thence N 4° 50’W for 4.5’ to the point of commencement.

Said parcel contains 317.43 square feet or 0.007 acres more or less of land.

2. UEC accepts all responsibility to maintain, repair, reconstruct, replace, and remove the UEC-ROW Wall.
3. UEC shall indemnify and hold the City harmless from and against any and all claims, demands, causes of action, loss, liability, expense, or obligations whatsoever that may or shall arise (directly or indirectly) in connection with (a) the maintenance, repair, reconstruction, replacement, removal, existence, or use of the UEC-ROW Wall, (b) any improvements made to or in the ROW by UEC, (c) the UEC-ROW Wall being in the ROW Area, and (d) the UEC-ROW Wall’s effect or the UEC Addition’s effect on the DNR Wall.
4. No structures other than the UEC-ROW Wall will be constructed on or will be allowed to exist within the ROW or ROW Area by UEC. No installations or improvements by UEC shall be allowed to cause a condition of standing water on any property at, in, or abutting the ROW or ROW Area.
5. The City reserves all rights associated with ROW, including rights in the ROW Area, and the right to enter the ROW Area to repair, maintain, construct or reconstruct any City facilities that are or that the City wishes to be in said area.
6. Governmental agencies and entities and utility companies having the right to install and maintain facilities within the ROW and ROW Area shall continue to have and enjoy those rights.
7. UEC agrees, at its expense, to reconstruct the UEC-ROW Wall and UEC Wall as needed following any repair, maintenance, installation, construction or reconstruction of City facilities and/or others enjoying the rights as indicated in Item 5 or 6 above.
8. UEC agrees to remove, without cost to the City, the UEC-ROW Wall whenever the public interest or safety requires, or for any reason, when so ordered in writing by the Commissioner, or for any reason, as required by any resolution of the City’s Common Council. Said removal of the UEC-ROW Wall is to be accomplished within 60 days of the issuance of written notice or adoption of Common Council resolution. UEC shall not be entitled to any damages or compensation for, or as a result of, such removal, order, or

resolution. Written notice requiring removal shall be sent to the UEC at the following address:

Urban Ecology Center Inc.  
1500 East Park Place  
Milwaukee, WI 53211.

9. This Agreement does not relieve UEC from its responsibilities and obligations to obtain any City permits and/or approvals necessary to maintain and use the UEC Wall, the UEC Parcel, the building on the UEC Parcel, or the UEC Addition, and it does not relieve UEC from any of its responsibilities and obligations under the VP Easement (as amended).
10. UEC shall file with the Commissioner a certificate of insurance indicating that UEC holds a public liability policy in the amount of at least \$25,000 covering bodily injury to any one person, \$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 ROW Area covered by this Agreement, and naming the City as an additional insured. The insurance policy shall provide for at least 10 days written notice to the Commissioner prior to cancellation. UEC shall keep the foregoing insurance in place at its expense for so long as the UEC-ROW Wall exists within the ROW Area.
11. This Agreement is binding upon and inures to the benefit of the parties hereto, their personal representative, heirs, successors and assigns. However, UEC may not assign or transfer this Agreement or its rights hereunder to anyone without the Commissioner's express, prior written consent, and the Commissioner shall have sole discretion as to whether or not to grant any such consent.
12. This Agreement does not create any real property interest in the UEC, in the ROW, or in the ROW Area. UEC understands that its interest is a personal license that the City may revoke and/or terminate. Per ¶8 above, the City may order removal of the UEC-ROW Wall.
13. This Agreement may be executed in one or more counterparts, which, when taken together, shall constitute one and the same instrument. Original signatures however shall be provided.
14. This Agreement shall be recorded in the ROD at UEC's expense.
15. UEC understands that this Agreement is required because the UEC-ROW Wall is within the ROW. UEC further understands that the UEC Wall is subject to the terms and conditions of the VP Easement, as amended.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be entered as of the date first appearing above.

<b>CITY: CITY OF MILWAUKEE:</b>  _____	<b>UEC: URBAN ECOLOGY CENTER, INC:</b>  _____
Thomas Barrett, Mayor	Ken Leinbach, Executive Director

<p>_____ Ronald D. Leonhardt, City Clerk</p> <p>_____ W. Martin Morics, Comptroller</p> <p>Authorized by Common Council Resolution File No.: _____</p>	<p>_____ Jeff Geygan, Board of Directors, President</p>
<p>Approved as to content.</p> <p>Date: _____</p> <p>_____ Jeffrey S. Polenske, P.E., City Engineer</p>	<p><b>UEC SIGNATURE AUTHENTICATION</b></p> <p>Dennis Grzezinski, as a member in good standing of the State Bar of Wisconsin, hereby authenticates, the above signatures of the above-named UEC representatives in accordance with Wis. Stat. § 706.06 so this instrument may be recorded per Wis. Stat. § 706.05 (2)(b).</p> <p>_____ Dennis Grzezinski</p> <p>State Bar No. _____ Date of Authentication: _____</p>
<p><b>CITY SIGNATURE AUTHENTICATION</b></p> <p>Gregg C. Hagopian, as a member in good standing of the State Bar of Wisconsin, hereby approves, and authenticates, the above signatures of the above-named City representatives in accordance with Wis. Stat. § 706.06 so this instrument may be recorded per Wis. Stat. § 706.05 (2)(b).</p> <p>_____ Gregg C. Hagopian, Assistant City Attorney State Bar No. 1007373 Date of Authentication: _____</p>	



**EXHIBIT A**  
**DESCRIPTION OF UEC PARCEL**

The UEC Parcel is comprised of the following two component parcels:

- **That part of 3700 W. Pierce Street, Milwaukee, WI** (tax key number 436-0007-000-3) (legal description of Lot 21, in Block 1, in Arlington Heights, in the Southwest ¼ of Section 36, Town 7 North, Range 21 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin) bounded and described as follows:

*Here insert part of 3700 that uec will get from dnr*

- **That part of 3638 W. Pierce Street, Milwaukee, WI** (tax key number 436-0006-000-8) (legal description of Lot 20, in Block 1, in Arlington Heights, in the Southwest ¼ of Section 36, Town 7 North, Range 21 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin) bounded and described as follows:

*Here insert part of 3638 that uec will get from dnr*

**EXHIBIT B**  
**DEPICTION OF SUBJECT RETAINING WALL AND UEC WALL**



Legislation Details (With Text)

**File #:** 091604      **Version:** 0

**Type:** Resolution      **Status:** In Committee

**File created:** 3/24/2010      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** Resolution directing the Department of Public Works to commence compliance with new Manual on Uniform Traffic Control Devices standards for street signs on various city street construction projects.

**Sponsors:** ALD. WITKOWSKI

**Indexes:** DEPARTMENT OF PUBLIC WORKS, SIGNS, STREET IMPROVEMENTS, TRAFFIC CONTROL SIGNALS

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
3/24/2010	0	COMMON COUNCIL	ASSIGNED TO		
3/3/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number  
091604  
Version

Reference  
ALD. WITKOWSKI  
Sponsor

Title  
Resolution directing the Department of Public Works to commence compliance with new Manual on Uniform Traffic Control Devices standards for street signs on various city street construction projects.

Requestor

Drafter  
LRB10131-1  
TWM/lp  
3/25/2010