

April 8, 2002

To the Public Improvements Committee

Subject: Common Council Resolution File Number 010400

Dear Honorable Members:

In 1979 Miller Brewing Company (MILLER) proposed to undertake a State Street Beautification Project. This consisted of the placement of banner poles and banners, aluminum planters attached to the poles as well as a fancy brick driveway approach at vacated North 40th Street, under Common Council Number 79-1533.

That file was amended several times by adding some items in North 38th and North 39th Streets and West Linden Place; a trench drain in North 38th Street and low intensity pedestrian lighting near North 39th Street and West Linden Place; and ultimately a line fence near the south curb of West State Street near the entrance to the Miller Inn at 3931 West State Street, in 1995.

In the year 2001, the City of Milwaukee, as one of its major street improvement projects, was able to undertake the reconstruction of West State Street, from North 35th Street to the west City Limits, being approximately North 60th Street. This encompasses the Miller area. With the undertaking of this project acting possibly as the part of a catalyst, Miller has decided to retire the poles and banners and also make other changes involving their property and encroaching items within the public right-of-way of West State Street and therefore have requested an amendment of Common Council Resolution File Number 950550 under Common Council Resolution File Number 010400.

This request is to grant permission to Miller for: signage (monument-type) and a bridge-type spanning West State Street, at a point approximately 140 feet east of North 45th Street: the excess portion of a fixed awning, approximately 450 feet long, to abut and be attached to their building on the south side of West State Street, west of North 41st Street; bollards; benches and trash receptacles all to be placed in the public right-of-way of West State Street. The monument type sign will be placed out of the public right-of-way; however, in-ground flush uplighting for it within the right-of-way will require a special privilege as will in-ground lighting surrounding the bases for the bridge-type sign. These

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items will be placed as enhancements and ambiance within the Miller Brewing Company area adjacent to West State Street, between North 37th Street and North 46th Street. The banner poles, fancy brick driveway, planters and line fence on West State Street have been deleted from the special privilege. In addition, some items previously permitted, but now not in the right-of-way of West Highland Boulevard, have also been deleted.

We are not aware that the existing items have had an adverse effect on the general use of the public rights-of-way and we do not believe that the new items will adversely affect the use of the public rights-of-way. We have, therefore, prepared the attached special privilege resolution that, if adopted, would allow these items to encroach into the public rights-of-way.

It should be noted that two additional actions will need to be undertaken to totally create the ambiance package. They will occur under separate legislation briefly described as follows: 1) Since the bases for the sign bridge will be located in those areas of the public sidewalk where pedestrians would usually walk, Miller has indicated that they are willing to grant an easement to the City for pedestrian thoroughfares on their property as long as the bases are located in the public right-of-way. 2) In addition, the paving project included items that are not standard and usual paving project items such as, but not limited to, exposed aggregate within the "tree border" and granite pavers within portions of the West State Street roadway. Miller expressed a desire for these items and have indicated a willingness to maintain said items at their expense and will sign a Maintenance Agreement when language for said document is finalized.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Mariano A. Schifalacqua
Commissioner of Public Works

Martin G. Collins
Commissioner
Department of Neighborhood Services

JJM:cjt
Attachment