

..Number

061496

..Version

PROPOSED SUBSTITUTE A

..Reference

060304

..Sponsor

THE CHAIR

..Title

Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$6,857,500 for a total estimated cost of these projects being \$7,940,000.

..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 \$6,857,500. The total estimated cost of these projects is \$7,940,000.

..Body

Whereas, Kilbourn Tower, LLC, a Wisconsin Limited Liability Corporation entered into an "Agreement For Sale" with the City of Milwaukee for the sale of property at 923 East Kilbourn Avenue that included \$250,000 for the construction of public improvements in the median of East Kilbourn Avenue, project ST211070162, as specified in Common Council Resolution File number 020968 adopted November 26, 2002; and

Whereas, The Term Sheet and Agreement for Sale called for a Purchase Money Note to be executed by Kilbourn Tower, LLC and guaranteed by Ted Kellner and Joel Lee, which Note and guarantees the City received, and which cover and include that portion of the Purchase Price concerning the improvements within the median of East Kilbourn Avenue, and

Whereas, The City desires to improve the median at this time as contemplated by the Term sheet attached to file 020968 and by the "Agreement For Sale" attached to this file 061496,, said agreement having been recorded against title in the Register of Deeds Office as Document No. 8534403, and said agreement effectively serving as a waiver of notice and hearing of the abutting property owners to have the median work in East Kilbourn Avenue constructed as an assessable project; and

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

4th Aldermanic District

E. Kilbourn Ave. at N. Marshall St. (ST211070162) File Number 060304: Special treatment including installing brick pavers, colored curb and gutter, concrete walk where needed, and sodding. (Assessable Reconstruction Paving Fund -- \$250,000). The total

cost for this project including the requested amount is \$250,000. This project is anticipated to be completed during the 2007 construction season.

W. McKinley Blvd. – N. 26th St. to N. 34th St. (SM495060056) File Number 060574: Relay combined sewer and lining, (Nonassessable Sewer Maintenance Relay Fund -- \$4,796,000). The total estimated cost for this project including the requested amount is \$4,846,000. This project is anticipated to be completed during the 2007 construction season.

N. 21st St. – W. Wisconsin Ave. to W. Wells St. (SM495060010) File Number 051658: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$109,000). The total estimated cost for this project including the requested amount is \$121,000. This project is anticipated to be completed during the 2007 construction season.

N. 31st St. – W. McKinley Blvd. to 300 feet m/l north of W. McKinley Blvd. (SM495070043) File Number 061498: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$50,000). The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2007 construction season.

N. 33rd St. – W. Vliet St. to W. McKinley Blvd. (SM495060057) File Number 060843: Relay combined sewer and lining. (Nonassessable Sewer Maintenance Relay Fund -- \$318,000). The total estimated cost for this project including the requested amount is \$343,000. This project is anticipated to be completed during the 2007 construction season.

6th Aldermanic District

N. Hubbard St. – E. Garfield Ave. to E. Lloyd St. (SW170060106): Relay combined sewer. (Nonassessable Expansion of Capacity Sewer Fund -- \$320,000, additional construction funds). File Number 060572 authorized \$900,000. The total estimated cost including this request is \$1,220,000. This project is anticipated to be completed during the 2007 construction season.

N. Riverboat Rd. – N. Weil St. to 200 feet m/l east of N. Weil St. (SW170060107) File Number 061095: Install sanitary sewer. (Nonassessable Expansion of Capacity Sewer Fund -- \$50,000). The total estimated cost for this project including the requested amount is \$60,000. This project is anticipated to be completed during the 2007 construction season.

8th Aldermanic District

S. 23rd St. - W. Lapham St. to W. Mitchell St. (SM495050040) File Number 050136: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$155,000).

The total estimated cost for this project including the requested amount is \$167,000. This project is anticipated to be completed during the 2007 construction season.

S. 45th St. – W. Montana St. to W. Dakota St. (WT410060001) File Number 041695: Relay water main. (Nonassessable Water Fund -- \$180,000). The total estimated cost for this project including the requested amount is \$190,000. This project is anticipated to be completed during the 2007 construction season.

10th Aldermanic District

W. Adler St. – S. 94th Pl. to S. 95th St. (WT410051051) File Number 040112: Relay water main. (Nonassessable Water Fund -- \$95,000). The total estimated cost for this project including the requested amount is \$105,000. This project is anticipated to be completed during the 2007 construction season.

W. Dixon St. – S. 92nd St. to W. Chester St. (WT410060004) File Number 041695: Relay water main. (Nonassessable Water Fund -- \$270,000). The total estimated cost for this project including the requested amount is \$280,000. This project is anticipated to be completed during the 2007 construction season.

W. Main St. – 240 feet m/l east of S. 95th St. to S. 95th St. (WT410051049) File Number 040112: Relay water main. (Nonassessable Water Fund -- \$45,000). The total estimated cost for this project including the requested amount is \$55,000. This project is anticipated to be completed during the 2007 construction season.

Water Easement 642 (S. 95th St.) – W. Adler St. to W. Main St. (WT410051050) File Number 040112: Relay water main. (Nonassessable Water Fund -- \$55,000). The total estimated cost for this project including the requested amount is \$65,000. This project is anticipated to be completed during the 2007 construction season.

14th Aldermanic District

S. Logan Ave. – E. Dakota St. to E. Idaho St. (SM495060043) File Number 060243: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$114,500). The total estimated cost for this project including the requested amount is \$128,000. This project is anticipated to be completed during the 2007 construction season.

Alley between S. Ellen St., S. Kinnickinnic Ave., and E. Rusk Ave. (SM495060022) File Number 051658: Combined sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$50,000). The total estimated cost for this project including the requested amount is \$60,000. This project is anticipated to be completed during the 2007 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 including East Kilbourn Avenue, project ST211070162, in accordance with Section 66.60 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; 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 proper City departments take such action as is required of them to assess Kilbourn Tower, LLC (and its successors in interest) (and the 923 E. Kilbourn Ave. parcel and interests therein) for East Kilbourn Avenue, project ST211070162, and collect such assessment in the manner directly by said Section 115-42, 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

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04/11/07