



Legislation Details (With Text)

**File #:** 080273      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 6/10/2008      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 7/1/2008

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to MillerCoors LLC for encroachment into the public right-of-way of communication conduits, a steam line and an electrical raceway for the premises at 4001 West State Street, in the 15th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition, 2. Cover letter, 3. Fiscal Note, 4. map 4001 W State Street, 5. Letters from Atty. John Finerty, 6. Maps from Atty. John Finerty, 7. More maps from Atty. John Finerty

Date	Ver.	Action By	Action	Result	Tally
6/10/2008	0	COMMON COUNCIL	ASSIGNED TO		
6/11/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
6/26/2008	1	CITY CLERK	DRAFT SUBMITTED		
7/1/2008	1	COMMON COUNCIL	ADOPTED	Pass	15:0
7/1/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
7/1/2008	1	MAYOR	SIGNED		

080273  
 SUBSTITUTE 1  
 75-2395  
 78-1540  
 81-1295  
 911798

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to MillerCoors LLC for encroachment into the public right-of-way of communication conduits, a steam line and an electrical raceway for the premises at 4001 West State Street, in the 15<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to MillerCoors LLC for encroachment into the public right-of-way of communication conduits, a steam line and an electrical raceway for the premises at 4001 West State Street.

Whereas, Miller Brewing Company requested permission to construct and maintain an electrical service raceway under and across West State Street; and

Whereas, Permission for said electrical service raceway was granted in 1976 under Common Council Resolution File Number 75-2395; and

Whereas, Miller Brewing Company requested permission to construct and maintain a communications conduit under and across West State Street; and

Whereas, Permission for said communications conduit was granted in 1978 under Common Council Resolution File

Number 78-1540; and

Whereas, Miller Brewing Company requested permission to keep and maintain a conduit for steam energy; and

Whereas, Permission for said steam conduit was granted in 1982 under Common Council Resolution File Number 81-1295; and

Whereas, Miller Brewing Company requested permission to construct and maintain an underground communications duct; and

Whereas, Permission for said underground communications duct was granted in 1992 under Common Council Resolution File Number 911798; and

Whereas, For the liability for said items to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Numbers 75-2395, 78-1540 and 911798 are hereby rescinded; and, be it

Further Resolved, That MillerCoors LLC, 3939 West Highland Avenue, Milwaukee, WI 53208, is hereby granted the following special privileges:

1. To keep and maintain a reinforced concrete electrical service raceway containing four 4-inch diameter conduits. Said raceway commences at the southline of West State Street approximately 82 feet west of the westline of vacated North 40<sup>th</sup> Street, also known as North Miller Mall, and extends north 66 feet across West State Street. Said raceway is located at a minimum depth of 18 inches.
2. To keep and maintain a ¾-inch diameter communication conduit crossing under West State Street at a point approximately 520 feet west of the westline of North 41<sup>st</sup> Street. Said conduit crosses the entire 66-foot wide right-of-way of West State Street.
3. To keep and maintain an underground conduit containing a 3-inch steam pipe, 2 1/2-inch return pipe and a 1-inch water pipe and a conduit containing electrical wires. Said conduit crosses 60-foot wide right-of-way of North 41<sup>st</sup> Street at a point approximately 10 feet south of the southline of West State Street and an approximate depth of 2 feet below grade.
4. To keep and maintain a 24-inch square duct at an approximate depth of 4 feet below grade. Said duct enters the public right-of-way at the westline of North 39<sup>th</sup> Street approximately 18 feet south of the southline of West Bluemound Road; then extends 37 feet to the northeast where it turns to the north and extends 138 feet 3 inches running parallel and 17 feet 6 inches east of the westline of North 39<sup>th</sup> Street; then continues northwest 19 feet 1 inch to a point approximately 4 feet east of the westline of North 39<sup>th</sup> Street; then continues north 355 feet 2 inches to a point approximately 25 feet south of the northline of North 39<sup>th</sup> Street (east-west alignment) and 53 feet west of the eastline of North 39<sup>th</sup> Street (north-south alignment); and then continues onto private property. Total length of said duct is 543.1 feet.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, MillerCoors LLC, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$1278.20. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1<sup>st</sup> of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division  
MDL: nas  
June 25, 2008  
080273