

City of Milwaukee

Legislation Details (With Text)

File #:	090		ion: 1	_						
Туре:	Ord	inance		Status:	Pass	sed				
File created:	9/1/	2009		In control:	PUB	LIC WORKS COMM	ITTEE			
On agenda:				Final action	n: 10/13	3/2009				
Effective date:										
Title:	maii of th	A substitute ordinance granting a subterranean space lease to MillerCoors, LLC to occupy and maintain an existing underground tunnel in and across West State Street approximately 108 feet east of the east line of North 41st Street in the 15th Aldermanic District in the City of Milwaukee, replacing and superseding existing Special Privilege No. 308 (Common Council File Nos. 83999 and 83999-a).								
Sponsors:	THE	THE CHAIR								
Indexes:	SUBTERREANEAN SPACE LEASES									
Attachments:	1. Subterranean Lease petition, 2. Email from Dept of Public Works re revised Subsurface easement exhibit, 3. Revised Subsurface easement exhibit, 4. Letter from Air and Subterranean Space Committee, 5. Lease, 6. Fiscal Note, 7. City Plan Commission Letter.pdf, 8. 9-30-09 Letter from Atty. John Finerty, 9. Hearing Notice List, 10. Notice Published on 10-29-09									
Date	Ver.	Action By			Action			Result	Tally	
9/1/2009	0	COMMON CO	JNCIL		ASSIGNE	D TO				
9/10/2009	0	PUBLIC WORKS COMMITTEE		1ITTEE	REFERRED TO					
9/10/2009	0	PUBLIC WORKS COMMITTEE		1ITTEE	REFERRED TO					
9/10/2009	0	PUBLIC WORKS COMMITTEE		IITTEE	REFERRED TO					
9/23/2009	1	CITY CLERK			DRAFT SUBMITTED					
9/24/2009	1	PUBLIC WORKS COMMITTEE		1ITTEE	HEARING NOTICES SENT					
9/30/2009	1	PUBLIC WORK	PUBLIC WORKS COMMITTEE		RECOMM	COMMENDED FOR PASSAGE		Pass	5:0	
10/13/2009	1	COMMON CO	JNCIL		PASSED			Pass	15:0	
10/14/2009	1	MAYOR			SIGNED					
10/29/2009	1	CITY CLERK			PUBLISHI	ED				
090479 SUBSTITUTE 83999 83999-a Special Privile THE CHAIR A substitute	ege 30	08 ance granting	a subt	erranean s	pace lea	se to MillerCoor	s IIC t	o occur	ov an	

maintain an existing underground tunnel in and across West State Street approximately 108 feet east of the east line of North 41st Street in the 15th Aldermanic District in the City of Milwaukee, replacing and superseding existing Special Privilege No. 308 (Common Council File Nos. 83999 and 83999-a).

In accordance with state law, this ordinance will grant a subterranean space lease to MillerCoors, LLC to continue occupying and maintaining an existing tunnel beneath a portion of West State Street approximately 108 feet east of the east curb line of North 41st Street in the City of Milwaukee. The

lease will replace and supersede Special Privilege No. 308 (Common Council File Nos. 83999 and 83999-a) previously granted for the tunnel.

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

Part 1. FINDINGS. In accordance with the provisions of § 66.0915(4), Wis. Stats. (2007-2008), the Common Council of the City of Milwaukee hereby authorizes, directs and agrees that the City of Milwaukee, through the proper City officials, enter into a lease with MillerCoors, LLC for an underground tunnel approximately five feet wide by six feet high, the center line of said tunnel being 108 feet east of the east line of North 41st Street and extending across West State Street in a slightly northwesterly direction, and the Common Council of the City of Milwaukee hereby finds that such subterranean space is not needed for street, alley or other public purposes and that the underground tunnel will continue to serve the public interest in promoting industry in the City of Milwaukee.

Part 2. Attached and made part of Common Council File No. 090479 is a copy of the lease in substantially the same form as the lease that will be signed.

Part 3. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 4. The Department of City Development, through its real estate section, shall process, with City department funds, the recording of this ordinance with the Milwaukee County Register of Deeds and shall forward the recording information complete with a final copy of the ordinance and lease to the City Engineer and the City Comptroller.

Part 5. This ordinance shall take effect and be in force from and after its passage and publication.

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:

CA TDM/tdm 1029-2008-2423:148500 09/15/2009