



Legislation Details (With Text)

File #: 090479 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:** 10/13/2009
Effective date:

Title: 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 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 COUNCIL	ASSIGNED TO		
9/10/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/10/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/10/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/23/2009	1	CITY CLERK	DRAFT SUBMITTED		
9/24/2009	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/30/2009	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
10/13/2009	1	COMMON COUNCIL	PASSED	Pass	15:0
10/14/2009	1	MAYOR	SIGNED		
10/29/2009	1	CITY CLERK	PUBLISHED		

090479
SUBSTITUTE 1
83999
83999-a
Special Privilege 308
THE CHAIR

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).

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

