



Legislation Details (With Text)

**File #:** 090234      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/16/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 10/13/2009

**Effective date:**

**Title:** A substitute ordinance granting an airspace space lease to MillerCoors, LLC to occupy and maintain an existing steel truss system supporting two steam lines over and crossing North 41st Street approximately 110 feet south of the south line of West State Street in the 15th Aldermanic District in the City of Milwaukee, replacing and superseding existing Special Privilege No. 113 (Common Council File No. 811295).

**Sponsors:** THE CHAIR

**Indexes:** AIR SPACE LEASES

**Attachments:** 1. Cover Letter, 2. Air Space Lease Petition and Drawings, 3. Copy of File Number 811295, 4. Air & Subterranean Space Leases Miller Coors Ltr 8.26.09.pdf, 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
6/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
6/17/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
6/17/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
6/17/2009	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		

090234  
SUBSTITUTE 1  
811295  
Special Privilege 113

THE CHAIR

A substitute ordinance granting an airspace space lease to MillerCoors, LLC to occupy and maintain an existing steel truss system supporting two steam lines over and crossing North 41<sup>st</sup> Street approximately 110 feet south of the south line of West State Street in the 15<sup>th</sup> Aldermanic District in the City of Milwaukee, replacing and superseding existing Special Privilege No. 113 (Common Council File No. 811295).

In accordance with state law, this ordinance will grant an airspace space lease to MillerCoors, LLC to

continue occupying and maintaining an existing steel truss system supporting two (2) steam lines with outer dimensions of approximately 5 feet wide by 5 feet high and minimum vertical clearance of 38 feet from the roadway over and crossing North 41<sup>st</sup> Street approximately 110 feet south of the south line of West State Street in the City of Milwaukee. The lease will replace and supersede certain rights previously granted for the steel truss system in Special Privilege No. 113 (Common Council File No. 811295).

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(3), 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 an airspace lease with MillerCoors, LLC to occupy an existing steel truss system supporting two (2) steam lines with outer dimensions of approximately 5 feet wide by 5 feet high and minimum vertical clearance of 38 feet from the roadway over and crossing North 41<sup>st</sup> Street approximately 110 feet south of the south line of West State Street in the City of Milwaukee, and the Common Council of the City of Milwaukee hereby finds that such airspace is not needed for street, alley or other public purposes and that the steel truss system and steam lines 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. 090234 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  
1029-2008-2423:148491  
7/29/2009