



## Legislation Text

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**File #:** 010400, **Version:** 1

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010400

SUBSTITUTE

950550, 011672, 011673

THE CHAIR

Substitute resolution amending a special privilege to Miller Brewing Company which granted permission for several items to be located in the public rights-of-way, to now add permission for a signage bridge, in-ground flush uplighting, the excess portion of a fixed awning, bollards, benches, trash receptacle, trench drain, step and wall and to eliminate permission for some of the previous items and to keep some of the previous items, in the 16<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Miller Brewing Company to grant permission for several items located in the public rights-of-way, to now delete several of the previous items as well as to keep some of the previous items and add permission for other items such as a signage bridge, in-ground flush uplighting, the excess portion of a fixed awning, bollards, bench and trash receptacle on West State Street, between North 37<sup>th</sup> Street and North 46<sup>th</sup> Street.

Whereas, Common Council Resolution File Number 950550, adopted on September 27, 1995, granted an amended special privilege to Miller Brewing Company for several items to be located within the public rights-of-way of West State Street, West Linden Place, North 39<sup>th</sup> Street, North 38<sup>th</sup> Street and West Highland Boulevard; and

Whereas, As part of an enhancement/ambiance creation involving a street reconstruction project the applicant wishes to add permission for a monument/signage bridge, a fixed awning, bollards, benches and trash receptacle to be located in the public right-of-way and delete reference to several items no longer in these rights-of-way; and

Whereas, The items, which are in the public rights-of-way or proposed to be in the public rights-of-way, may only legally occupy the public rights-of-way by the adoption of a special privilege by the Common Council; and

Whereas, There are two additional components, which require related legislative actions to occur, in order for the enhancement/ambiance package to be completed and used as proposed consisting of: a Maintenance Agreement and Agreement for Pedestrian Easement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 950550 granted to Miller Brewing Company is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Miller Brewing Company, (MILLER) 3939 West Highland Boulevard, c/o Vice President - Public Affairs, Milwaukee, WI 53208, is hereby granted the following special privileges:

1. To construct and maintain a sign bridge spanning West State Street, approximately 140 feet east of North 45

<sup>th</sup> Street. The bridge consists of piers with footings and piles located in the sidewalk areas on the north and south sides of West State Street, with a steel latticework bridge spanning West State Street between the piers. The 4-foot 8-inch (north-south) by 6 foot (east-west) column piers consist of rock face stone on poured concrete, which are centered approximately 4 feet 4 inches from the curb face and have a height of 14 feet above the sidewalk. The arch of the sign bridge is proposed to be approximately 19.25 feet above the roadway with a minimum clearance for vehicles of approximately 17.4 feet. There are to be solid aluminum sign faces attached to the latticework facing east and west. The faces are to have "letter cutouts" for a "MILLER VALLEY" message, with each letter to be individually lit. In the center of the bridge, on each side, are to be a "Lady in the Moon" casting that are to be lit with spot-type lighting from below it. In addition, on top of each pier there are to be two torchiere-type lights that will radiate at approximately 31.5 feet above the sidewalk. The energy for all lights is to be from the Miller property on the south side of the street in conduit perpendicular under the sidewalk pavement.

Sidewalks shall be constructed on private property in order that the pedestrians can maneuver around the columns, in accord with a separate easement from Miller to the City of Milwaukee, as long as the piers and sign exist.

2. To construct and maintain a fixed awning on the south side of West State Street, west of North 41<sup>st</sup> Street. The awning begins approximately 175 feet west of the westline of North 41<sup>st</sup> Street and extends west approximately 450 feet. The awning is to abut the building, which is approximately 4.5 feet south of the southline, and extend approximately 7 feet into the sidewalk area. Since Section 245-7-4 allows fixed awnings to extend one-half of the distance between the property line and the curblines but not closer than 2 feet to the curblines, but not 6 feet in any case, the special privilege covers only the excess, being approximately 2 feet. Furthermore, the following 5 items, as proposed, are not Code compliant: 1) Section 245-7-6-b requires that an awning be supported entirely by the structure to which it abuts; however, Code relief is hereby given for the awning to be self-supported on steel tube columns on footings abutting the building at this location. The columns and footings, however, are not in the public right-of-way; 2) The roof of the structure is to be a standing seam aluminum roof; however, Section 245-7-6-d indicates that the roof shall slope from the building and shall not exceed an angle of 45 °, and be not less than 30 ° from the horizontal. Code relief is hereby given for a slope of approximately 18.5°; 3) Sec. 245-7-6-e requires that awnings, which are not constructed to permit the passage of rain or snow through open slots, slats or louvers in the roof shall be provided with gutters and conductors connected to the building sewer. This structure does not have said openings or a sewer connection; therefore Code relief is hereby given to have a solid surface and no sewer connection; 4) Section 245-7-6-a indicates that glass or similar fragile materials shall not be used in any part of such awnings. Code relief is hereby given to allow 3-foot wide continuous panes of glass located closest to the building for the length of the awning; 5) Light fixtures will be located near the outer edge attached to the underside of the awning structure and powered from Miller property; however, Section 245-7-7 does not allow any electrical illumination to be attached to the awnings. Code relief is therefore hereby given to allow the illumination as proposed.

In allowing the awning to be located in the public right-of-way in the manner proposed, it is required that the public right-of-way shall be adequately lit in accord with the Department of Public Works standards pertaining to right-of-way lighting.

3. To install and maintain 120, 27-inch high, protective cast metal decorative bollards in the sidewalk area on the south side of West State Street, between a point approximately 500 feet east of North 41<sup>st</sup> Street and a point approximately 580 feet east of North 45<sup>th</sup> Street. The 10-inch maximum diameter bollards are to be embedded

and grouted into the concrete sidewalk generally on 9-foot centers. The bollards are to be centered approximately 19 inches south of the curblin, being approximately 8.42 feet north of the southline of West State Street.

4. To install and maintain 4, two on each side of West State Street, protective cast metal decorative bollards located between the sign base of item 1. and curblin, to preclude pedestrian movement in that space. Bollards are same as in item 3.
5. To install and maintain 6 in-ground lights on West State Street: 2 at the monument-type sign (on private property east of North 38<sup>th</sup> Street) and 1 each on each side of the base on, each side of the Street to light-wash the columns on the bases of the sign-bridge. Associated conduits are also allowed.
6. To install and maintain 1 bench - trash receptacle-bench combination on the north side of West State Street, west of Miller Mall, with the overall space used to be approximately 1.33 feet by 14.5 feet.
7. To keep and maintain a trench drain approximately 51 feet in length, 17 inches in width located in the gutter section in North 38<sup>th</sup> Street centered approximately 89 feet north of the northline of vacated West Linden Place and centered approximately 12.5 feet east of the westline of North 38<sup>th</sup> Street.
8. To keep and maintain two 4-foot long, 0.5-foot high, 0.5-foot wide sections of concrete curbing in the south sidewalk area of West Highland Boulevard. Said sections of curbing extend at right angles to the southline of West Highland Boulevard, between said southline and the main concrete walk and are located approximately 19 and 38 feet west of the eastline of vacated North 39<sup>th</sup> Street.
9. To keep and maintain two 4.6-foot high, concrete filled, pipe bollards in the south sidewalk area of West Highland Boulevard. Said bollards are 8 inches in diameter and centered 2.5 feet north of the southline of West Highland Boulevard at distances of 12 feet and 35 feet west of the eastline of vacated North 39<sup>th</sup> Street.
10. To keep and maintain the bottom step of a set of concrete steps, with handrails, located in front of the building main entrance at 3931 West State Street. Said concrete step is 10.50 feet wide and 6 inches high. Said step is centered approximately 185 feet east of the eastline of vacated North 40<sup>th</sup> Street and encroaches approximately 1 foot into the 10-foot wide fully concrete paved public sidewalk area on the south side of West State Street, leaving approximately 9 feet for pedestrian movement.

The grantee shall procure the necessary permits from the Commissioners of City Development and Public Works. The above items shall be kept, operated, installed, maintained and removed to the approval of the Commissioners of the Departments of Public Works, Neighborhood Services and City Development. Three copies of "as-built" plans of the conduits shall be forwarded to the City Engineer, in a timely manner, and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Miller Brewing Company, 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. The 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 \$250,000 covering bodily injury to any one person and \$500,000 covering bodily injury to more than one person in any one accident and \$100,000 covering property damage to any one 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 canceled 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 \$1,200.91. 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 any 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 66.0915((3) 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.
7. Join and continue to be a member of Diggers Hotline, the one-call system that operates in the Milwaukee area, as long as there is private underground cable in the public right-of-way, as required in Section 182.0175 (lm)(6) of the Wisconsin Statutes.

Department of Public Works  
Infrastructure Services Division

JJM:cjt  
April 8, 2002  
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