



## Legislation Text

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**File #:** 990715, **Version:** 1

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990715

SUBSTITUTE

870833

THE CHAIR

Substitute resolution amending a special privilege to Miller Breweries East Inc. for change of ownership and for alterations to items previously granted permission to be in the public right-of-way for the premises at 4101 West Blue Mound Road, in the 10<sup>th</sup> and 15<sup>th</sup> Aldermanic Districts.

Substitute resolution amending a special privilege to Miller Breweries East Inc. for alterations to items previously granted permission to be in the public right-of-way including a fence and two informational signs for the premises at 4101 West Blue Mound Road.

Whereas, Miller Brewing Company requested permission to install informational/directional signs and underground conduit in the public right-of-way; and

Whereas, Miller Brewing Company had also requested permission to use the area under three arch bays of the Wisconsin Avenue Viaduct, which included construction of a fence; and

Whereas, Permission for said items to encroach into the public right-of-way was granted under Common Council Resolution File Number 870833; and

Whereas, Subsequently, the Wisconsin Avenue Viaduct had been replaced and items either altered or removed from the public right-of-way altogether; and

Whereas, Miller Breweries East Inc. now owns the subject property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, Said altered items may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 870833 is hereby rescinded; and, be it

Further Resolved, That Miller Breweries East Inc., c/o Technical Service Manager, 4000 West State Street, Milwaukee, Wisconsin 53208, is hereby granted the following special privileges:

1. To keep and maintain two informational signs located along the south side of West Blue Mound Road approximately 150 feet west of the westline of North 40<sup>th</sup> Street, immediately west of the Menomonee River. The first sign is a 4-foot square private stop sign mounted on steel poles at a minimum height of 5 feet 6 inches above grade. The second sign is a 20-foot 6-inch long directional sign being mounted on steel poles to a minimum height of 15 feet 9 inches above grade.
2. To keep and maintain a chain link fence under the Wisconsin Avenue Viaduct. Said fence is located approximately 1-foot south of the northline of West Wisconsin Avenue and commences west of pier 9 of the Wisconsin Avenue Viaduct, located approximately 42 feet west of the westline of North 39<sup>th</sup> Street, and extends to pier 6 located approximately 474 feet to the west.

3. To keep and maintain asphalt pavement under the Wisconsin Avenue Viaduct in the bay located between pier 7 and pier 6. Said pavement shall be used for ingress and egress from the property.

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, Miller Breweries East Inc., 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 \$5,000 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 \$80.00. 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:lja  
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