

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MILWAUKEE AND THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT CONCERNING MAINTENANCE OF THE UPPER AND LOWER WALLS ALONG RECONSTRUCTED CONGRESS AVENUE AND BRIDGES LOCATED AT 37TH & CONGRESS AND NORTH SHERMAN BOULEVARD & CONGRESS

The City of Milwaukee, a general purpose municipal corporation, organized and operating pursuant to special charter, hereafter "City," and the Milwaukee Metropolitan Sewerage District, a municipal body corporate, organized and operating pursuant to §§ 66.88 through 66.918, Stats., hereafter "District," enter into this Memorandum of Understanding, pursuant to § 66.30, Stats., effective the last date appearing below, for the purpose of establishing their respective procedures, practices, duties and responsibilities with relation to the improvement of Lincoln Creek so as to ameliorate or eliminate flooding damage:

WHEREAS, Lincoln Creek, which is tributary to the Milwaukee River and which floods within the corporate boundary of the City, had been divided by the District into 10 discrete reaches for purposes of projecting, planning, designing, and constructing needed improvements for the watercourse; and

WHEREAS, the District had determined that in Reach 4 of Lincoln Creek, the City-owned reconstructed West Congress Streets, including the District-owned upper and lower retaining wall on both sides of Lincoln Creek between North Sherman Boulevard and North 35th Street, along with the City-owned bridge structures over Lincoln Creek at North 37th Street and at North Sherman Boulevard, hereafter referred to as "North 37th Street" and "North Sherman Boulevard" require periodic maintenance;

NOW, THEREFORE, in light of the above and foregoing declarations, the City and the District enter into this Memorandum of Understanding setting forth their respective roles in maintenance activities to the upper and lower retaining wall on both sides of Lincoln Creek between North Sherman Boulevard and North 35th Street and the bridges located at North 37th Street and North Sherman Boulevard.

Maintenance:

- A. Replacement Structures. The maintenance of the replacement structures over Lincoln Creek at North 37th Street and at North Sherman Boulevard shall be the responsibility of the City.
- B. Channel Protection. The maintenance of the upper and lower retaining walls on both sides of Lincoln Creek between North Sherman Boulevard and North 35th along with the form and function of the low flow channel through and underneath the replacement structures over Lincoln Creek at North 37th Street and at North Sherman Boulevard shall be the responsibility of the District.

WHEREFORE, the authorized representatives of the parties to this Memorandum of Understanding affix their signatures, being duly authorized to do so.

CITY OF MILWAUKEE

**MILWAUKEE METROPOLITAN SEWERAGE
DISTRICT**

By: _____

By: _____

Kevin L. Shafer, P.E., Executive Director

Date: _____

Date: _____