

**CORRESPONDENCE/MEMORANDUM**

State of Wisconsin

RECEIVED  
INFRASTRUCTURE  
SERVICES DIV.-ADMIN.

**PROJECT AGREEMENT ACCEPTANCE**

2012 FEB 13 AM 10:30

DATE: February 3, 2012

SUBJECT: Project Agreement

Project Number: 2025-11-00/01/70/71/90/91/92/93 – Revised  
Road Name: West Capitol Dr (STH 190)  
Project Limits: Mayfair Rd to North 60th St  
Municipality: City of Milwaukee, Milwaukee County  
Funding items: CSS

MILWAUKEE CITY ENGINEER			
DESIGN	REVIEW	DATE	<input checked="" type="checkbox"/>
CONCEPT	REPLY		<input checked="" type="checkbox"/>
CONSTRUCTION			<input checked="" type="checkbox"/>
PERMITS			
UTILITY			
RIGHT OF WAY			
ENVIRONMENTAL			
TRAVEL			
OTHER			

LCG X

The Attached Agreement Is Recommended For approval.

PROGRAM: 303 – SHR – 3R

CONCEPTS COVERED BY THIS AGREEMENT: Design, Construction

ESTIMATED COST: \$18,783,080

PARTICIPATION: See estimated cost table

NON-PARTICIPATION: See estimated cost table

EXECUTED BY: City of Milwaukee DATE: January 23, 2012

LET DATE: March 13, 2012

DESIGN REVIEW (if STH) BY: \_\_\_\_\_ (DATE) \_\_\_\_\_

NOTES: Multiple LET dates: 70 (3/13/12), 71(12/11/12), 90 (5/25/12), 91 (11/25/12), 92 (5/25/12), 93 (12/25/12)

Approved

Justin Shell  
Program Manager, DTIM-BSHP-PD&A

Feb 3, 2012  
Date

Region: SE

STATE/MUNICIPAL AGREEMENT  
FOR A  
HIGHWAY IMPROVEMENT PROJECT  
REVISES June 24, 2010 AGREEMENT

DATE: October 26, 2011  
PROJECT DESIGN ID: 2025-11-00/01  
PROJECT CONSTRUCTION ID: 2025-11-70/71/90/91/92/93  
HIGHWAY: West Capitol Dr (STH 190) LENGTH: 2.85 miles  
LIMITS: Mayfair Road (STH 100) to North 60<sup>th</sup> Street  
COUNTY: Milwaukee

The signatory city, village, town or county, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:



Existing Facility - Describe and give reason for request: Improvement.  
Proposed improvement - Nature of work: As determined by project scoping.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: A nominal amount is included to cover items in paragraph 4 (to be adjusted in the final plan).

**SEE FUNDING CHART ON PAGE TWO OF THIS AGREEMENT**

This request is subject to the terms and conditions that follow (pages 2-4) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon acceptance by the State shall constitute agreement between the Municipality and the State.

Signed for and in behalf of the City of Milwaukee.

	Commissioner of Public Works	1/18/12
Name Ghassan Korbay	Title	Date
	Deputy Comptroller	1/23/12
Name Michael J. Daur	Title	Date

*ejw*

FEB - 3 2012

PHASE	ESTIMATED COST					
	Total Est. Cost	Federal/ State Funds	%	Municipal Funds	%	
<b>Preliminary Engineering:</b>						
Plan Development						
2025-11-00	\$ 1,128,000	\$ 846,000	75%	\$ 282,000	25%	
State Review	\$ 35,360	\$ 101,520	75%	\$ 33,840	25%	
2025-11-01	\$ 1,881,000	\$ 1,410,750	75%	\$ 470,250	25%	
State Review	\$ 225,720	\$ 169,290	75%	\$ 56,430	25%	
<b>Real Estate Acquisition:</b>						
Acquisition	\$ 100,000	\$ 100,000	100%	\$ -	0%	
Compensable Utilities	\$ 20,000	\$ 20,000	100%	\$ -	0%	
<b>Construction:</b>						
2025-11-70/90/92						
84th St - 60th St	\$ 2,475,000	\$ 2,475,000	100%	\$ -	0%	
Pavement for parking	1 \$ 3,180,000	\$ 2,944,680	92.6%	\$ 235,320	7.4%	
Traffic Control Devices	\$ 550,000	\$ 550,000	100%	\$ -	0%	
Impacted lighting	\$ 291,500	\$ 291,500	100%	\$ -	0%	
2025-11-71/91/93						
Mayfair Rd - 84th St	\$ 1,725,000	\$ 1,725,000	100%	\$ -	0%	
Pavement for parking	1 \$ 5,800,000	\$ 5,324,400	91.8%	\$ 475,600	8.2%	
Traffic Control Devices	\$ 245,500	\$ 245,500	100%	\$ -	0%	
Impacted lighting	\$ 350,000	\$ 350,000	100%	\$ -	0%	
CSS	2 \$ 600,000	\$ 600,000	MAX	\$ -	BAL	
New Sidewalk	\$ 51,000	\$ 40,800	80%	\$ 10,200	20%	
Non-Participating	\$ 25,000	\$ -	0%	\$ 25,000	100%	
<b>Total Cost Distribution</b>	<b>\$ 18,783,080</b>	<b>\$ 17,194,440</b>		<b>\$ 1,588,640</b>		

- 1 Participation for parking is an estimate, the actual percent will be calculated when final plans are complete. Changes to the parking percentage noted in the above chart, require a letter of request from the Municipality. Upon acceptance of the percent changes, the State will send a concurrence letter
- 2 Community Sensitive Solutions (CSS) - maximum State/Federal funds \$600,000, any amount that exceeds the maximum is to be funded with 100% Municipal funds

**TERMS AND CONDITIONS:**

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality will pay to the State all costs incurred by the State in connection with the improvement which exceeds Federal/State financing commitments or are ineligible for Federal/State financing. The Municipality's concurrence is required before award of the contract for the improvement when the contracts exceed 5% of the estimate. The Municipality must also concur with contract modifications to contracts awarded by the State over \$25,000.00, unless the authorized representative of the State determines that a prompt change order is needed to preserve the work in progress, prevent extraordinary damage avoid unreasonable & costly delay, or other extraordinary condition of necessity, safety or emergency exists. The authorized representative of the State shall provide notice of the prompt change order to the Municipality or its authorized representative as soon as practicable thereafter and the Municipality shall pay its share of the prompt change order cost.

3. Funding of each project phase (preliminary engineering, real estate, construction, and other) is subject to inclusion in an approved program. Federal aid and/or State transportation fund financing will be limited to participation in the costs of the following items as specified in the estimate summary:
  - (a) The grading, base, pavement, and curb and gutter.
  - (b) Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
  - (c) Construction engineering incident to inspection and supervision of actual construction work.
  - (d) Signing and pavement marking, including detour routes.
  - (e) Storm sewer mains necessary for the surface water drainage.
  - (f) Construction of new sidewalks and driveways, replacement of sidewalks and private driveways resulting from roadway construction.
  - (g) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices.
  - (h) Real Estate for the improvement.
  - (i) Preliminary engineering and state review services.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner includes the following items:
  - (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
  - (b) Damages to abutting property due to change in street or sidewalk widths, grades or drainage.
  - (c) Conditioning, if required and maintenance of detour routes.
  - (d) Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
  - (e) Bridge width in excess of standards.
5. As the work progresses, the Municipality will be billed for work completed which is not chargeable to Federal/State funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
6. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
7. The work will be administered by the State and may include items not eligible for Federal/State participation.
8. The Municipality shall at its own cost and expense:
  - (a) Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements, in a manner satisfactory to the State and shall make ample provision for such maintenance each year.
  - (b) Maintenance of sidewalks and landscaping features along the project.

- (c) Maintenance of lighting systems, to include energy.
- (d) Maintenance of all features outside the travel lanes when additional pavement width is added at the request of the Municipality, with the exception of turn lanes.
- (e) Prohibit angle parking.
- (f) Regulate or prohibit all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
- (g) Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within an around the projects.
- (h) Provide complete plans, specifications, relocation order, real estate plat, estimates, appraisals, and acquiring the parcels.
- (i) Use the WisDOT Utility Accommodation Policy unless it adopts a policy, which has equal or more restrictive controls.

9. Basis for local participation:

Funding for preliminary engineering – for connecting highways is 25% Municipal

Funding for real estate required for standard roadway construction, 100% State.

Funding for compensable utilities required for standard roadway construction, 100% State.

Funding for construction of standard roadway items – 100% State

Funding for parking lanes – 100% Municipal and is calculated as a percentage of parking area compared to the total area of pavement. Parking percentage applies only to pavement items.

Funding for CSS (Community Sensitive Solutions) – 100% State, maximum amount \$600,000. Costs about this maximum are 100% Municipal. The funding is to be used for enhancement features along the project limits. CSS funds have been inflated to 2013 dollars.

Funding for lighting impacted by construction, 100% State.

Funding for traffic Control Devices – 100% State.

Funding for non-participating items 100% Municipality.

# City of Milwaukee

Office of the City Clerk

200 E. Wells Street

Milwaukee, Wisconsin 53202

Certified Copy of Resolution

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**FILE NO: I10985**

**Title:**

**Resolution directing the Commissioner of Public Works to execute a revised project agreement titled "State/Municipal Agreement" for a Highway improvement Project with the Wisconsin Department of Transportation for the reconstruction of West Capitol Drive from North 60th Street to Mayfair Road with State/Federal Aid, the total cost of the project is \$18,783,080 of which the City's share is \$1,588,640 and the grantor's share is \$17,194,440.**

**Body:**

Whereas, The Common Council of the City of Milwaukee adopted resolution file numbers 041289, 061548 and 100328 on February 11, 2005, April 25, 2007 and August 30, 2010, respectively, directing the Commissioner of Public Works to execute a State/Municipal Agreement with Wisconsin Department of Transportation (WisDOT) for the programming and construction of West Capitol Drive from North 60th Street to West Mayfair Road; and

Whereas, The Department of Public Works (DPW) requested and the WisDOT agreed to break the roadway project into two phases. Phase I going from North 60th Street to North 84th Street scheduled for construction in 2012 and Phase II from North 84th Street to West Mayfair Road scheduled for construction in 2013; and

Whereas, WisDOT has now provided separate State Review costs for each design phase of the project; and

Whereas, The DPW requested and the WisDOT agreed to participate in the work associated with city street lighting affected by the construction at 100 percent State cost as part of the Capitol Drive project; and

Whereas, The Department of Public Works requested and the WisDOT agreed to participate in the work associated with communication conduit transporting traffic signal cabling as part of the Capitol Drive, project costs to be included with participating construction costs; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized to execute the revised project agreement for the preliminary engineering of West Capitol Drive from North 60th Street to West Mayfair Road with State/Federal Aid under the WisDOT State Trunk Highway Program, a copy of which is attached to Common Council File I10985 and is incorporated by reference as though set forth in full; and, be it

Further Resolved, That the Commissioner of Public Works is hereby authorized to enter into an agreement with the WisDOT pertaining to the cost participation for the installation and/or modification of street lighting facilities in conjunction with the improvements of the aforementioned projects; and, be it

Further Resolved, That the Commissioner of Public Works is hereby authorized to install the street lighting facilities necessary in conjunction with the aforementioned project, following the execution of the street lighting agreements, the cost of which will be included in future resolutions; and, be it

Further Resolved, That the City Comptroller is hereby authorized to create within the Capital Improvement Fund, Grant and Aid Projects, the necessary Project/Grant Chartfield Values for the projects (Expenditures) and transfer to any of these accounts the amount required under the grant agreement and City Accounting Policy but not to exceed a 10 percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater, as follows:

Infrastructure Services Division:

State I.D. 2025-11-00

West Capitol Drive (STH 190)

North 84th Street to North 60th Street

Grantor Non-Reimbursable Paving  
(\$141,000)

Infrastructure Services Division

State I.D. 2025-11-00

West Capitol Drive (STH 190)

North 84th Street to North 60th Street

City of Milwaukee Non-Assessable Paving  
ST320110000  
Fund 0333  
\$33,840

Grantor Reimbursable Cash Paving  
SP032110100  
Fund 0306  
\$141,000

Grantor Non-Reimbursable Paving  
\$101,520

Construction is scheduled for 2012

Previously authorized for preliminary engineering: \$987,000

Current estimated cost of total project including this resolution: \$18,783,080  
Original estimated cost of the total project (Resolution #041289): \$19,065,000 □ Infrastructure  
Services Division  
State I.D. 2025-11-01  
West Capitol Drive (STH 190)  
Mayfair Road to North 84th Street

Grantor Non-Reimbursable Paving  
(\$235,125)

Infrastructure Services Division  
State I.D. 2025-11-01  
West Capitol Drive (STH 190)  
Mayfair Road to North 84th Street

City of Milwaukee Non-Assessable Paving  
ST320110000  
Fund 0333  
\$56,430

Grantor Reimbursable Cash Paving  
SP032110100  
Fund 0306  
\$235,125

Grantor Non-Reimbursable Paving  
\$169,290

Construction is scheduled for 2013.

Previously authorized for preliminary engineering: \$987,000  
Current estimated cost of total project including this resolution: \$18,783,080  
Original estimated cost of the total project (Resolution #041289): \$19,065,000

;and, be it

Further Resolved, That the City Engineer is hereby authorized and directed to approve and make periodic payments to the WisDOT upon receipt of invoices for the City of Milwaukee's share of costs on the projects.





I, Ronald D. Leonhardt, City Clerk, do hereby certify that the foregoing is a true and correct copy of a(n) Resolution Passed by the COMMON COUNCIL of the City of Milwaukee, Wisconsin on December 20, 2011.

*Ronald D Leonhardt*

Ronald D. Leonhardt

January 09, 2012

Date Certified