



Preserving The Environment •  
Improving Water Quality

June 12, 2006

Mr. Jeffrey Mantes  
Commissioner of Public Works  
Room 516, Municipal Building  
841 North Broadway  
Milwaukee, WI 53202

Subject: Pedestrian Bridge at North 37th Street  
Lincoln Creek Watercourse Improvement  
Reach 4 (North 35th Street to North Sherman Boulevard)

Dear Mr. Mantes:

The Milwaukee Metropolitan Sewerage District (District) has completed the construction of the Lincoln Creek Watercourse Improvements for the above-referenced project, including the reconstruction and repaving of West Congress Street, both north and south of the Lincoln Creek Channel, and the construction of the pedestrian bridge at North 37th Street. All flood management work and appurtenances were completed in accordance with City of Milwaukee (City), Wisconsin Department of Natural Resources (WDNR), and Milwaukee County (County) criteria and under City review and approval.

The District and the City negotiated an Intergovernmental Cooperation Agreement (ICA) for work along Reach 4 that addressed the design, construction and maintenance responsibilities for the improvements mentioned in this area, as well as the reconstruction of the Sherman Boulevard bridge. The ICA was never signed apparently due to negotiations between the City and Milwaukee County over an issue not related to this project.

The District has fulfilled its obligations for the pedestrian bridge at North 37<sup>th</sup> Street per the unsigned ICA (see two copies attached). The design and construction of the pedestrian bridge were the responsibility of the District with the understanding the City would be the owner and be responsible for all maintenance obligations. The District redesigned and constructed the pedestrian bridge in accordance with City-provided specifications. The City reviewed and approved the plans and provided comments during the design phase, and reviewed and approved shop drawings and inspected the bridge during the construction phase.

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In accordance with the above-referenced terms for maintenance and operation, the District is hereby requesting the City sign the ICA and assume all maintenance and operation obligations relating to the pedestrian bridge at North 37th Street.

The record drawings dated 10/26/04 are attached for your records, as well as City correspondence indicating eventual ownership of the bridge.

Please indicate your acceptance below, sign both copies of the attached ICA and return to the District for execution.

If you have any questions or concerns, please do not hesitate to contact me to discuss this matter further. I can be reached at (414) 225-2148.

Sincerely,



Michael J. Martin, P.E., DEE  
Director of Technical Services

Attachments

TS/MM:JW/dlm  
Mantes060606PedBridgeLC.doc

The North 37th Street Pedestrian Bridge is hereby accepted on behalf of the City of Milwaukee.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
(Date)

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF MILWAUKEE AND  
THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT  
CONCERNING CONSTRUCTION IN REACH 4  
OF LINCOLN CREEK

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 secs. 66.88 through 66.918, Stats., hereafter "District," enter into this Memorandum of Understanding, pursuant to sec. 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, has 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 has determined that in Reach 4 of Lincoln Creek, the City-owned bridge structures over Lincoln Creek at North 37<sup>th</sup> Street and at North 43<sup>rd</sup> Street, also known as Sherman Boulevard, hereafter referred to as "Sherman Boulevard," are inadequate to permit the required flow of stormwater to pass through the openings to ameliorate or eliminate the back-up of flood waters; and

WHEREAS, the Metropolitan Sewerage Commission has adopted a policy that provides for the District to pay for demolition of bridges which may be necessitated to accommodate the flow of watercourses over which the District has taken jurisdiction, if required by hydraulic capacity of the section, and allows the local municipality to pay for reconstruction of bridges with adequate openings; and

WHEREAS, the City and the District agree that demolition of the bridge structures over Lincoln Creek at North 37<sup>th</sup> Street and at Sherman Boulevard are necessary to enhance the ability of Lincoln Creek to provide adequate drainage to the affected basin; and

WHEREAS, the City and the District agree that the North 37<sup>th</sup> Street Bridge, once demolished, should be replaced by a pedestrian bridge; and

WHEREAS, the lowering and widening of Lincoln Creek between North 35<sup>th</sup> Street and Sherman Boulevard will require changes to West Congress Street;

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 construction activities to provide adequate drainage to Reach 4 of the Lincoln Creek drainage basin:

1. **Design Activities.** A) The District shall provide designs for the North 37<sup>th</sup> Street Pedestrian Bridge, including channel grading, erosion control plans for the replacement structure, and retaining walls at its sole cost and expense. The City will develop designs for and will relocate temporary and permanent lighting, communications relocations, and permanent signs, which work will be reimbursed by the District. The District and its representatives will hold regular meetings with all City departments involved to coordinate the designs and schedules for the proposed work. The City shall review and approve all plans and specifications for work to be accepted by the City.  
  
B) The City shall provide the design of the replacement structure at Sherman Boulevard, which design will be consistent the opening required by the District for its renovation of Lincoln Creek.
2. **Bid Activities.** A) The District will be responsible for all necessary activities to solicit bids to perform various demolition and construction activities on Reach 4 of Lincoln Creek, including as an integral part thereof, the demolition of the structure at North 37<sup>th</sup> Street over Lincoln Creek and all associated work necessary to relocate storm sewers; sanitary sewer; bypass controller; water mains; street lighting; and city communications work, and the reconstruction of West Congress Street on both sides of Lincoln Creek. Work on the replacement pedestrian bridge at North 37<sup>th</sup> Street shall be let as part of this work. Bid advertisement, supervision, receipt, and award shall be performed pursuant to the policies for the award of bids of the Metropolitan Sewerage Commission. All such services shall be at the expense of the District.  
  
B) The City will handle the bid advertisement and award of the contract for the demolition and reconstruction of the Sherman Boulevard bridge. The District will reimburse the City for the City's expenses in the demolition of

the Sherman Boulevard bridge. Bid advertisement, supervision, receipt, and award shall be performed pursuant to the policies for the award of bids of the City. All such services shall be at the expense of the District up to an amount not exceeding the amount the District would have expended had it performed the bid advertisement, supervision, receipt, and award of said contract(s).

3. **Construction Services.** A) The District will assign a resident engineer for the work within Lincoln Creek, including the lowering and widening thereof, removal of the existing bridge structure at North 37<sup>th</sup> Street and construction of the replacement pedestrian bridge, and the reconstruction of West Congress Street. The City shall assign inspectors for the construction of the replacement structure at North 37<sup>th</sup> Street; all associated work necessary to relocate storm sewers; sanitary sewer; bypass controller; water mains; street lighting; and city communications work; and for the reconstruction of West Congress Street. Upon notice to the District that the City inspectors for the construction of the replacement pedestrian bridge and the reconstruction of West Congress Street, the District will provide space for the City inspector in the job trailer, plus provide customary and usual office amenities, including but not limited by this enumeration, telephone service, facsimile machines, and parking. City inspectors shall be billed to the District at the rate of \$275 per day per inspector.

B) The City will provide inspection services for the Sherman Boulevard Bridge demolition and reconstruction at its own expense.

4. **Permits; easements.** A) The District will obtain any required permit for its demolition and replacement of the North 37<sup>th</sup> Street Bridge under Ch. 30, Stats., and any necessary United States permits. The District will conduct all public meetings necessary to achieve the demolition of the structures. The construction contractor(s) will obtain any needed stormwater management plans and permits and any traffic control plans and permits needed to construct replacement storm sewers; sanitary sewers; bypass controller; water mains; street lighting; and city communications work over Lincoln Creek at North 37<sup>th</sup> Street and for the reconstruction of West Congress Street. Erosion control permits will be obtained by the construction contractor(s) for all District work. The District will obtain necessary easements and construction easements for the District's work

covered by this Memorandum of Understanding. Neither the District nor its contractors shall be charged street occupancy permit costs by the City.

B) The City will be responsible for all permits needed to perform the demolition and replacement of the Sherman Boulevard bridge.

5. **Congress Street Reconstruction.** The District agrees to reconstruct West Congress Street between North Hopkins Avenue and North Sherman Boulevard in exchange for use of the roadway with street occupancy permits and conveyance to the District of Special Permission Agreements, for a term of 99 years, for an 8-foot wide band between the reconstructed West Congress Street and the District-owned parkway land, on which land the District is authorized to and will construct various of its flood control structures. The legal description of the 8-foot wide bands herein above referenced is contained in Exhibit A, attached hereto. When reconstructed, West Congress Street will be narrowed and made one-way pairs on each side of Lincoln Creek. Notwithstanding the District's construction work on West Congress Street, after said construction is completed, the street will remain City property.
6. **Acceptance of work.** The District will be the sole authority to issue acceptances for all work covered by this Memorandum of Understanding, including the retaining walls, but excluding the demolition and reconstruction of the Sherman Boulevard bridge. Before the District will issue its acceptance of any work on replacement of city facilities over Lincoln Creek, the District will first have received certification from the City of its acceptance of the work.
7. **Cost of Construction.** The District agrees to bear the entire cost of the in-stream construction of work at Reach 4 on Lincoln Creek and the demolition of the structures over Lincoln Creek at North 37<sup>th</sup> Street and at Sherman Boulevard. The District will pay the cost of the pedestrian bridge at North 37<sup>th</sup> Street, but ownership of such bridge will be turned over to the City. The District will pay the cost to reconstruct West Congress Street, between North Hopkins Avenue and North Sherman Boulevard. The City shall pay the cost of construction for the replacement structure over Lincoln Creek at Sherman Boulevard, including the cost of storm sewers and paving. The District shall pay the cost of removal, channel work, all water main work, sanitary sewer work, retaining walls, bypass controller

relocations, and removal and restoration of city communications and street lighting lines.

8. **Maintenance.** A) Replacement Structure. The maintenance of the replacement structures over Lincoln Creek at North 37<sup>th</sup> Street and at North Sherman Boulevard and of reconstructed West Congress Street shall be the responsibility of the City.

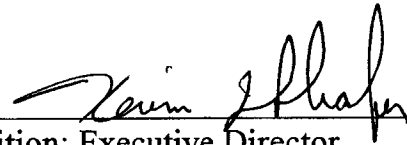
B) Channel Protection. The maintenance of the form and function of the low flow channel through and underneath the replacement structures over Lincoln Creek at North 37<sup>th</sup> Street and at North Sherman Boulevard shall be the responsibility of the District.

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: \_\_\_\_\_  
Position: \_\_\_\_\_  
Date: \_\_\_\_\_

By:  \_\_\_\_\_  
Position: Executive Director  
Date: 6/29/06