



City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, WI 53202

Meeting Agenda PUBLIC WORKS COMMITTEE

ALD. ROBERT BAUMAN, CHAIR
Ald. Joseph Dudzik, Vice-Chair
Ald. Willie Wade, Ald. Robert Donovan, and Ald. Robert Puente

Staff Assistant, Terry MacDonald, 286-2233
Fax: (414) 286-3456, E-mail: tmacdo@milwaukee.gov

Wednesday, October 21, 2009

9:00 AM

Room 301-B, City Hall

1. [090761](#) Resolution relative to approving the levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes.

 Sponsors: THE CHAIR

 Attachments: [Cover Letter](#)
 [Official Notice Number 26](#)

2. [090760](#) Substitute resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$222,692.60 for a total estimated cost of these projects being \$4,370,886.60.

 Sponsors: THE CHAIR

 Attachments: [Fiscal note](#)
 [Cover Letter](#)

3. [090762](#) Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$372,000 for a total estimated cost of these projects being \$6,523,000.

 Sponsors: THE CHAIR

 Attachments: [Fiscal Note](#)
 [Cover Letter](#)

4. [090763](#) Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$3,826,817 for a total estimated cost of these projects being \$4,181,837.

 Sponsors: THE CHAIR

 Attachments: [Fiscal Note](#)
 [Cover Letter](#)

5. [090778](#) Resolution authorizing the Commissioner of Public Works to execute a Revised Project Agreement titled "State/Municipal Agreement for a Highway Improvement Project"

between the City of Milwaukee and Wisconsin Department of Transportation associated with the rehabilitation of the West Hampton Avenue Bridge over Lincoln Creek with 80 percent Federal and/or State aid under the Local Bridge Rehabilitation Program.

Sponsors: THE CHAIR

Attachments: [Cover Letter](#)

[Fiscal Note](#)

[Revised Agreement](#)

6. [090796](#) Resolution authorizing the Commissioner of Public Works to execute a Revised Project Agreement titled "State/Municipal Agreement for a Highway Improvement Project" between the City of Milwaukee and Wisconsin Department of Transportation associated with the North 45th Street Bridge over Menomonee River with 80 percent Federal and State aid under the Local Bridge Rehabilitation Program and to fund the revised design estimate with a City of Milwaukee share of \$12,000 and a grantor share of \$48,000.

Sponsors: THE CHAIR

Attachments: [Cover Letter](#)

[Fiscal Note](#)

[Revised Contract](#)

[Comptroller's Certificate](#)

7. [090795](#) Resolution relative to the cost participation and installation of traffic control devices in conjunction with four American Reinvestment and Recovery Act paving projects in various Aldermanic Districts at a total estimated cost of \$590,131.13, with an estimated grantor share of \$472,104.91, and an estimated City share of \$118,026.22.

Sponsors: THE CHAIR

Attachments: [Cover Letter](#)

[Fiscal Note](#)

[Contract for Keefe Avenue](#)

[Contract for North Avenue](#)

[Contract for S. 1st Street](#)

[Contract for S. 1st Street](#)

[Comptroller's Certificate](#)

8. [090797](#) Resolution authorizing the Commissioner of Public Works to execute a cost sharing agreement with Milwaukee County for the planned improvement from a rural to urban roadway, of South 13th Street between West Rawson Avenue and West College Avenue and authorizing the City Comptroller to establish the necessary accounts to fund the City of Milwaukee's share of the right-of-way costs of \$300,000, of which the Federal/State share is \$240,000 and the City's share is \$60,000.

Sponsors: THE CHAIR

Attachments: [Cover Letter](#)

[Fiscal Note](#)

[Agreement](#)

[Comptroller's Certificate](#)

9. [090811](#) Resolution accepting a sewer easement document SE-2791A & SE-2791B from the

Redevelopment Authority of the City of Milwaukee, located 178 feet north to 450 feet north of the centerline of West North Avenue between North 24th Street and North 25th Street.

Sponsors: THE CHAIR

Attachments: [Cover Letter](#)

[Sewer Easements](#)

[Plat Maps](#)

10. [090704](#) Resolution approving a Fiber Infrastructure Partnership Agreement between the City and AT&T.

Sponsors: THE CHAIR

Attachments: [Agreement](#)

[Fiscal note](#)

11. [090414](#) Substitute resolution granting a special privilege to America's Auto Shop LLC to install and maintain three groundwater monitoring wells for the premises at 1058 West Windlake Avenue, in the 12th Aldermanic District.

Sponsors: THE CHAIR

Attachments: [Special Privilege Petition](#)

[Letter from Department of Public Works](#)

[Fiscal Note](#)

[Pictures](#)

[Map](#)

12. [090263](#) Substitute resolution amending a special privilege to Hurricane Hannah Corporation for addition of a permanent platform for a sidewalk café and an excess door swing for the premises at 2203 North Prospect Avenue, in the 3rd Aldermanic District.

Sponsors: THE CHAIR

Attachments: [Special Privilege Petition](#)

[Letter from City Engineer](#)

[Fiscal Note](#)

[Pictures](#)

[Map](#)

13. [090417](#) Substitute resolution amending a special privilege for change of ownership to Lutheran Church of the Reformation ELCA for a hollow alley in the public right-of-way for the premises at 2201 North 35th Street, in the 15th Aldermanic District.

Sponsors: THE CHAIR

Attachments: [Fiscal Note](#)

[Letter from Dept of Public Works](#)

[Special Privilege Petition](#)

[Pictures](#)

[Map](#)

14. [090787](#) Resolution authorizing the issuance of a street occupancy permit to FJA Christiansen Roofing Co., Inc. as construction manager for the 735 North Water Street Building re-roofing project allowing occupancy of the entire south bound roadway between Mason Street and Wisconsin Avenue.
- Sponsors:** THE CHAIR
- Attachments:** [Cover Letter](#)
[Fiscal Note](#)
15. [090788](#) Resolution authorizing the Commissioner of Public Works to enter into an Out-of-Program Agreement with UWM Real Estate Foundation, Inc. for the widening and reconstruction of Cambridge Avenue from East North Avenue to a point north and authorizing acceptance of a deed to dedicate the land needed to widen the public right of way.
- Sponsors:** THE CHAIR
- Attachments:** [Cover Letter.doc](#)
[Fiscal Note.doc](#)
[Agreement.doc](#)
[Exhibits A and B.doc](#)
16. [090757](#) Resolution granting an easement to the Wisconsin Electric Power Company and Wisconsin Bell Inc. on City of Milwaukee owned property at 3000 North Lincoln Memorial Drive, and authorizing the proper City officers to execute the easement document.
- Sponsors:** THE CHAIR
- Attachments:** [Fiscal Note](#)
[Easement](#)
17. [090781](#) Resolution authorizing the application, acceptance and funding of the American Recovery and Reinvestment Act Port Security Grant from the U. S. Department of Homeland Security through the Community Development Grants Administration.
- Sponsors:** THE CHAIR
- Attachments:** [Fiscal Note](#)
[Grant Budget Form](#)
[Port Contractors](#)
[Cover Letter](#)
[Hearing Notice List](#)
- This item will include discussion of measures that will be taken to ensure transparency and accountability relating to the expenditure of American Recovery and Reinvestment Act funds received as a result of adoption of this file.*
- May be referred to the Public Safety Committee*
18. [090812](#) Resolution authorizing the execution of a lease for the retail space to be utilized as a restaurant located at 1118 N. 4th Street in the 4th and Highland parking structure.
- Sponsors:** THE CHAIR

Attachments: [Cover letter from Dept of Public Works Parking](#)
[Proposed Lease Terms](#)
[Lease Letter for Retail Space.doc](#)
[Lease for Retail Space.doc](#)

19. [090452](#) Substitute resolution to vacate the east-west alley in the block bounded by West Howard Avenue, West Tripoli Avenue, South 43rd Street and South 45th Street, in the 11th Aldermanic District.
Sponsors: Ald. Dudzik
Attachments: [Fiscal Note.doc](#)
[Exhibit A](#)
20. [090545](#) Substitute resolution to vacate a portion of West Bolivar Avenue, north side, from South 6th Street east to a point, in the 13th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Fiscal Note.doc](#)
[Exhibit A](#)
21. [090547](#) Substitute resolution to vacate a portion of West Whitaker Avenue from the westerly line of I-94 west to a point, in the 13th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Fiscal Note.doc](#)
[Exhibit A](#)
22. [090549](#) Substitute resolution to vacate a portion of South 15th Place between West Van Norman Avenue and the easterly line of I-94, in the 13th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Fiscal Note.doc](#)
[Exhibit A](#)
23. [090551](#) Substitute resolution to vacate a portion of South 16th Street, west side, between West Halsey Avenue and West Vogel Avenue, in the 13th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Fiscal Note.doc](#)
[Exhibit A](#)
24. [090792](#) Resolution authorizing permanent easements at 1600 West Edgerton Avenue and at 4927 South 15th Place with the Wisconsin Department of Transportation for the I-94 reconstruction project, in the 13th Aldermanic District.
Sponsors: THE CHAIR
Attachments: [Fiscal Note.doc](#)
[Easement Map.doc](#)
25. [090842](#) Reappointment of Tina Chang to the Harbor Commission by the Mayor. (3rd

Aldermanic District)

Sponsors: THE CHAIR

Attachments: [Appointment letter](#)
[Attendance Record](#)

This meeting will be webcast live at www.milwaukee.gov/channel25.

Members of the Common Council and its standing committees who are not members of this committee may attend this meeting to participate or to gather information. Notice is given that this meeting may constitute a meeting of the Common Council or any of its standing committees, although they will not take any formal action at this meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall.

Persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. Registered lobbyists appearing before a Common Council committee are required to identify themselves as such. More information is available at www.milwaukee.gov/lobby.



Legislation Details (With Text)

File #: 090761 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution relative to approving the levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes.

Sponsors: THE CHAIR

Indexes: PUBLIC IMPROVEMENTS

Attachments: Cover Letter, Official Notice Number 26

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090761

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution relative to approving the levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes.

Requestor

INFRASTRUCTURE SERVICES DEPARTMENT

Drafter

MLD:dr

Report 3

10/02/09

October 2, 2009

File Number

To the Honorable, the Common Council

Dear Council Members:

The Common Council has adopted preliminary resolutions which determined it necessary and in the public interest to make various public improvements and to make special assessments therefore.

The Commissioner of Public Works is filing this report consisting of a list of projects. This report is subject to amendment at the next Public Works Committee Hearing. The plans and specifications of said improvements are on file in the City Engineer's Office.

I am herewith submitting a report regarding the above matter and recommend adoption of the amended resolution approving same.

Respectfully submitted,

Special Deputy Commissioner
of Public Works

MLD:dr
Afr 3
Report Appended

**OFFICIAL NOTICE NUMBER 26
PUBLIC HEARING ON PROPOSED IMPROVEMENTS
AND SPECIAL ASSESSMENTS**

There will be a public hearing held by the Public Works Committee of the Common Council of the City of Milwaukee concerning the following improvements and special assessments. The Commissioner of Public Works has determined these improvements are necessary and in the public interest.

The hearing will be held at the date and time shown below:

<p>WEDNESDAY</p> <p>OCTOBER 21, 2009</p> <p>ROOM 301-B – CITY HALL</p> <p>9:00 A.M.</p>

4th Aldermanic District

E. State St. – N. Prospect Ave. to N. Edison St. (ST30684001):

Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding (0 to 7 foot width of tree border area), and grading.

13th Aldermanic District

S. 13th St. – W. Rawson Ave. to W. College Ave. (ST320040501):

Concrete pavement construction, place curb and gutter, sidewalk and driveway approaches, sodding (6 foot width of tree border area), and grading.

S. 13th St. – W. Rawson Ave. to W. College Ave. (ST320040501):

Install new storm sewer.

You may examine a copy of the report recommending these projects in Room 908, 841 North Broadway, Milwaukee, Wisconsin during the hours of 8:30 A.M. and 4:30 P.M., Monday through Friday.

This notice is published by authority of the Common Council of the City of Milwaukee in accordance with Section 66.0703 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances.

Office of the City Clerk, Milwaukee

Ronald D. Leonhardt, City Clerk

October 6, 2009



Legislation Details (With Text)

File #: 090760 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$222,692.60 for a total estimated cost of these projects being \$4,370,886.60.

Sponsors: THE CHAIR

Indexes: PUBLIC IMPROVEMENTS

Attachments: Fiscal note, Cover Letter

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		
10/16/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number

090760

Version

SUBSTITUTE 1

Sponsor

THE CHAIR

Title

Substitute resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$222,692.60 for a total estimated cost of these projects being \$4,370,886.60.

Analysis

This resolution authorizes engineering studies and directs the Commissioner of Public Works to determine any benefits or damages which would result if the projects were to be constructed. After the Commissioner files his report, a Public Hearing will be held on those projects determined assessable. A resolution will be submitted after the Public Hearing authorizing construction. The City cost for engineering these projects is estimated to be \$222,692.60 with the total cost estimated to be \$4,370,886.60.

Body

Resolved, By the Common Council of the City of Milwaukee that it is necessary and in the public interest to do the following described work according to City specifications, and that such public improvements and resulting special assessments be made pursuant to Section 66.0703 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances:

3rd Aldermanic District

N. Cambridge Ave. - E. Locust St. to E. Kenwood Blvd. (ST211100138): Install traffic calming devices. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$10,000. This project is anticipated to be completed during the 2010 construction season.

4th Aldermanic District

W. McKinley Blvd. - N. 27th St. to N. 35th St. (ST211110104): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$58,000). The total estimated cost for this project including the requested amount is \$984,000. This project is anticipated to be completed during the 2011 construction season.

6th Aldermanic District

N. 3rd St. - W. Concordia Ave. to W. Keefe Ave. (ST211100139): Install traffic calming devices. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$7,000. This project is anticipated to be completed during the 2010 construction season.

N. 15th St. - W. Burleigh St. to W. Ring St. (ST211100140): Install traffic calming devices. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$7,000. This project is anticipated to be completed during the

2010 construction season.

8th Aldermanic District

W. Canal St. - Miller Park Ring Rd. to Falk Dr. (Canal Phase 2-Sanitary) (SW170050101) File Number 041468: Expansion of capacity. (Assessable Expansion of Capacity Sewer Fund -- \$72,386.60 Additional Funds). The total estimated cost for this project including the requested amount is \$2,087,071.60. This project has been completed.

W. Canal St. - Miller Park Ring Rd. to Falk Dr. (Canal Phase 2-Storm) (SW170050112) File Number 041468: Expansion of capacity. (Assessable Expansion of Capacity Sewer Fund -- \$47,306 Additional Funds). The total estimated cost for this project including the requested amount is \$1,111,815. This project has been completed.

10th Aldermanic District

W. Vienna Ave. - N. 66th St. to N. 68th Street, including N. 66th Street - W. Vienna Ave. to W. Melvina St. (ST211080151): Install traffic calming devices. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$10,000. This project is anticipated to be completed during the 2010 construction season.

13th Aldermanic District

W. Holmes Ct. - S. 18th St. to a point west of S. 18th St. (ST211100142): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$65,000. This project is anticipated to be completed during the 2011 construction season.

W. Vogel Ct. - S. 18th St. to a point west of S. 18th St. (ST211100141): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$65,000. This project is anticipated to be completed during the 2011 construction season.

14th Aldermanic District

S. Brisbane Ave. - E. Deer Pl. to E. Clarence St. (ST211100134): Install traffic calming devices. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$7,000. This project is anticipated to be completed during the 2010 construction season.

15th Aldermanic District

W. Lloyd St. - N. 11th St. to N. 13th St. (ST211100135): Install traffic calming devices. (Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$10,000. This project is anticipated to be completed during the 2010 construction season.

N. 46th St. - W. North Ave. to W. Meineke Ave. (ST211100133): Install traffic calming devices.

(Nonassessable Reconstruction Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$7,000. This project is anticipated to be completed during the 2010 construction season.

; and, be it

Further Resolved, That the abutting and adjacent properties be assessed a portion of the cost, said assessment to be recommended by the Commissioner of Public Works in his report; and, be it

Further Resolved, That all assessments and payments be made in accordance with Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That all City departments are authorized to do engineering, surveying, preparing of plans, and estimates of cost thereof, to be utilized in the preparation of said report of the Commissioner of Public Works; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

Requestor
Infrastructure Services Division
Drafter
MLD:dr
Apr 3
10/16/09

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)

A) DATE: October 16, 2009

FILE NUMBER: 090760

Original Fiscal Note Substitute

SUBJECT: Substitute resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$222,692.60 for a total estimated cost of these projects being \$4,370,886.60.

B) SUBMITTED BY (name/title/dept./ext.): Mary Dzewiontkoski/Assessment Engineer/Public Works/x2460

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER Paving	ST211		\$103,000.00		
Sewer	SW170		\$119,692.60		
TOTALS:			\$222,692.60		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION: *The total expenditure includes the cost of engineering, inspection, construction, and city forces. The total cost of this project is \$222,692.60.*

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

October 2, 2009

File Number

To the Honorable, the Common Council

Dear Council Members:

Please find attached a "Title Only" resolution for determining it necessary to make various assessable public improvements to be introduced at the next Common Council Meeting. It is our intent to insert the body of the resolution in this jacket prior to the meeting of the Public Works Committee of October 21, 2009.

Respectfully submitted,

Special Deputy Commissioner
of Public Works

MLD:dr
Title only
Apr 3



Legislation Details (With Text)

File #: 090762 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$372,000 for a total estimated cost of these projects being \$6,523,000.

Sponsors: THE CHAIR

Indexes: PUBLIC IMPROVEMENTS

Attachments: Fiscal Note, Cover Letter

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		
10/16/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number

090762

Version

SUBSTITUTE 1

Sponsor

THE CHAIR

Title

Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$372,000 for a total estimated cost of these projects being \$6,523,000.

Analysis

This resolution authorizes engineering studies on projects which by City Charter are nonassessable. After design plans and estimates of costs have been prepared, a resolution authorizing construction will be submitted to the Common Council. The City cost for engineering these projects is estimated to be \$372,000 with the total cost estimated to be \$6,523,000.

Body

Resolved, By the Common Council of the City of Milwaukee, that it is necessary and in the public interest to do the following described improvements according to City specifications:

1st Aldermanic District

N. 17th St. - 540 feet m/l south of W. Olive St. to 300 feet m/l north of W. Olive St. (SM495090082): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$175,000. This project is anticipated to be completed during the 2010 construction season.

W. Olive St. - N. 15th St. to N. 20th St. (SM495090081): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$380,000. This project is anticipated to be completed during the 2010 construction season.

2nd Aldermanic District

N. 74th St. - W. Hope Ave. to W. Marion St. (SM495090092): Sanitary sewer relay and lining. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$145,000. This project is anticipated to be completed during the 2010 construction season.

3rd Aldermanic District

N. Lake Dr. - E. Newport Ave. to E. Edgewood Ave. (SM495090067): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$303,000. This project is anticipated to be completed during the 2010 construction season.

E. Newport Ave. - N. Shepard Ave. to N. Lake Dr. (SM495090069): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$82,000. This project is anticipated to be completed during the 2010 construction season.

4th Aldermanic District

N. 25th St. - W. Wells St. to W. State St. (SM495090071): Relaying combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$207,000. This project is anticipated to be completed during the 2010 construction season.

5th Aldermanic District

W. Auer Ave. - N. 89th St. to N. 91st St. (SM495090091): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$155,000. This project is anticipated to be completed during the 2010 construction season.

Hartung Quarry Water Quality Detention Facility (SM493090103): (Nonassessable Sewer Fund-TSS Removal Fund -- \$20,000, Additional Funds). Total preliminary cost (including previous preliminary) is \$40,000. The total estimated cost for this project including the requested amount is \$770,000. This project is anticipated to be completed during the 2010 construction season.

W. Lisbon Ave. (south side) - N. 84th St. to N. 86th St. (SM495090084): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$128,000. This project is anticipated to be completed during the 2010 construction season.

N. 85th St. - W. Keefe Ave. to W. Nash St. (SM495090090): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$122,000. This project is anticipated to be completed during the 2010 construction season.

N. 88th St. - W. Townsend St. to W. Keefe Ave. (Ext'd) (SM495090085): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$121,000. This project is anticipated to be completed during the 2010 construction season.

N. 92nd St. - W. Townsend St. to W. Keefe Ave. (SM495090087): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$270,000. This project is anticipated to be completed during the 2010 construction season.

N. 94th St. - 225 feet m/l north of W. Burleigh St. to W. Auer Ave. (SM495090083): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$88,000. This project is anticipated to be completed during the 2010 construction season.

N. 95th St. - 90 feet m/l south of W. Nash St. to 160 feet m/l north of W. Nash St. (SM495090089): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2010 construction season.

N. 98th St. - W. Townsend St. to W. Keefe Ave. (SM495090086): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$120,000. This project is anticipated to be completed during the 2010 construction season.

N. 99th St. - 230 feet m/l south of W. Nash St. to 200 feet m/l north of W. Vienna Ave. (SM495090088): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$202,000. This project is anticipated to be completed during the 2010 construction season.

7th Aldermanic District

Area bounded by W. Congress St. to W. Glendale Ave. to N. Sherman Blvd. and N. 38th St. (SM494090106): Sanitary sewer main and lateral lining. (Nonassessable Sewer Maintenance Relay Fund -- \$1,000). The total estimated cost for this project including the requested amount is \$995,000. This project is anticipated to be completed during the 2010 construction season.

W. Roosevelt Dr. - N. 39th St. to N. 41st St. (SM495090080): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$272,000. This project is anticipated to be completed during the 2010 construction season.

7th and 10th Aldermanic Districts

N. 55th St. - W. Concordia Ave. to W. Townsend St. (SM495090076): Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2010 construction season.

8th Aldermanic District

S. 38th St. - W. Branting Ln. to W. Mitchell St. (SM495090077): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$214,000. This project is anticipated to be completed during the 2010 construction season.

8th and 11th Aldermanic Districts

W. Oklahoma Ave. - S. 31st St. to S. 35th St. (SM495090079): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$250,000. This project is anticipated to be completed during the 2010 construction season.

S. 43rd St. - W. Cleveland Ave. to W. Forest Home Ave. (SM495090068): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$250,000. This project is anticipated to be completed during the 2010 construction season.

10th Aldermanic District

W. Appleton Ave. - W. Lisbon Ave. to N. 57th St. (SM495090073): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$48,000. This project is anticipated to be completed during the 2010 construction season.

W. Blue Mound Rd. - N. 79th St. to N. Honey Creek Pkwy. (SM495090070): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$268,000. This project is anticipated to be completed during the 2010 construction season.

W. Center St. - N. 56th St. to N. 57th St. (SM495090074): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$84,000. This project is anticipated to be completed during the 2010 construction season.

W. Lisbon Ave. - W. Appleton Ave. to N. 58th St. (SM495090072): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$155,000. This project is anticipated to be completed during the 2010 construction season.

N. 52nd St. - W. Wright St. to W. Center St. (SM495090078): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$275,000. This project is anticipated to be completed during the 2010 construction season.

N. 68th St. - W. Mt. Vernon Ave. to a point north of W. Mt. Vernon Ave. (ST211090150) (Sponsored by the City of Wauwatosa): Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. The total estimated cost for this project is \$12,000. This project is anticipated to be completed during the 2009 construction season.

11th Aldermanic District

W. Ohio Ave. - S. 25th St. to S. 27th St. (SM495090094): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$161,000. This project is anticipated to be completed during the 2010 construction season.

13th Aldermanic District

S. 18th St. - W. Oklahoma Ave. to W. Euclid Ave. (SM495090057): Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$100,000. This project is anticipated to be completed during the 2010 construction season.

14th Aldermanic District

W. Ohio Ave. - 165 feet m/l west of S. 6th St. to S. 6th St. (SM495090075): Relaying storm sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$12,000). The total estimated cost for this project including the requested amount is \$51,000. This project is anticipated to be completed during the 2010 construction season.

;and, be it

Further Resolved, That all City Departments are authorized to perform engineering, surveys, plan preparation, and determine an estimated cost thereof; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

Requestor

Infrastructure Services Division

Drafter

MLD:dr

Npr 3

10/16/09

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** October 16, 2009

FILE NUMBER: 090762

Original Fiscal Note Substitute

SUBJECT: Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$372,000 for a total estimated cost of these projects being \$6,523,000.

B) **SUBMITTED BY (Name/title/dept./ext.):** Mary Dzewiontkoski/Assessment Engineer/Public Works/X2460

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:** DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
OTHER:	Sewer SM493		\$ 20,000		
	Sewer SM494		\$ 1,000		
	Sewer SM495		\$351,000		
TOTALS			\$372,000		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

--

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:** The total expenditure includes the cost of engineering, inspection, construction, and city forces. The total cost of these projects is estimated to be \$372,000.

--

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

October 2, 2009

File Number

To the Honorable, the Common Council

Dear Council Members:

Please find attached a "Title Only" resolution for determining it necessary to make various nonassessable public improvements to be introduced at the next Common Council Meeting. It is our intent to insert the body of the resolution in this jacket prior to the meeting of the Public Works Committee of October 21, 2009.

Respectfully submitted,

Special Deputy Commissioner
of Public Works

MLD:dr
Title only
Npr 3



Legislation Details (With Text)

File #: 090763 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:
Title: Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$3,826,817 for a total estimated cost of these projects being \$4,181,837.
Sponsors: THE CHAIR
Indexes: PUBLIC IMPROVEMENTS
Attachments: Fiscal Note, Cover Letter

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		
10/16/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number

090763

Version

SUBSTITUTE 1

Reference

060882

Sponsor

THE CHAIR

Title

Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$3,826,817 for a total estimated cost of these projects being \$4,181,837.

Analysis

This resolution directs the installation and construction of certain public improvements which have been determined to be nonassessable by the Commissioner of Public Works. The City cost of the projects approved by this resolution is estimated to be \$3,826,817. The total estimated cost of these projects is \$4,181,837.

Body

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions determining it necessary and in the public interest to construct nonassessable improvements; and

Whereas, Plans, specifications and cost estimates have been prepared for the following described improvements:

1st Aldermanic District

W. Hampton Av. - Bridge over Lincoln Creek (N. 31st St. to N. 32nd St.)

(BR320062101/ST320062101)(2545-12-70) File Number 060882: Replace bridge, asphalt pavement resurfacing of bridge approaches, replace curb and gutter, sidewalk as necessary and grading.

Grantor Non-Reimbursable Paving Fund--\$ 88,071;

Grantor Reimbursable Paving Fund -- \$12,900;

City Share Non-assessable Paving Fund--\$ 26,535;

Grantor Non-Reimbursable Structure Fund--\$ 1,007,865;

Grantor Structure Reimbursable Structure Fund--\$153,300

City Share Non-Assessable Structure Fund--\$ 305,146

These funds are to be transferred to the construction account (BR320062110/ST320062110) (2545-12-70).

Previously authorized for bridge construction: \$0.00

Current estimated cost of the total project including this resolution: \$1,840,837

Original estimated cost of the total project (File Number 060882): \$ 1,497,000

This project is anticipated to be completed during the 2010 construction season.

3rd Aldermanic District

N. Cramer St. - E. North Ave. to E. Thomas Ave. (SM495080031) File Number 080237: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$65,000). The total estimated cost for this project including the requested amount is \$75,000. This project is anticipated to be completed during the 2010 construction season.

N. Marshall St. - E. Juneau Ave. to E. Ogden Ave. (SM495070064) File Number 070081: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$198,000). The total estimated cost for this project including the requested amount is \$210,000. This project is anticipated to be completed during the 2010 construction season.

N. Maryland Ave. - E. Hartford Ave. to E. Newport Ave. (SM495080034) File Number 080237: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$149,000). The total estimated cost for this project including the requested amount is \$159,000. This project is anticipated to be completed during the 2010 construction season.

N. Warren Ave. - N. Franklin Pl. to a point 125 feet m/l north of N. Franklin Pl. (SM495070090) File Number 070266: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$41,000). The total estimated cost for this project including the requested amount is \$51,000. This project is anticipated to be completed during the 2010 construction season.

6th Aldermanic District

N. 20th St. - 320 feet m/l south of W. Concordia Ave. to 200 feet m/l north of W. Roosevelt Dr. (SM495080043) File Number 080237: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$350,000). The total estimated cost for this project including the requested amount is \$360,000. This project is anticipated to be completed during the 2010 construction season.

7th Aldermanic District

W. Concordia Ave. - N. 41st St. to N. Sherman Blvd. (SM495090013) File Number 081489: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$110,000). The total estimated cost for this project including the requested amount is \$125,000. This project is anticipated to be completed during the 2010 construction season.

Area bounded by W. Congress St. to W. Glendale Ave. to N. Sherman Blvd. and N. 38th St. (SM494090106) File Number 090762: Sanitary sewer main and lateral lining. (Nonassessable Sewer Maintenance Relay Fund -- \$994,000). The total estimated cost for this project including the requested amount is \$995,000. This project is anticipated to be completed during the 2010 construction season.

W. Townsend St. - N. 42nd St. to N. Sherman Blvd. (SM495090010) File Number 081489: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$55,000). The total estimated cost for this project including the requested amount is \$70,000. This project is anticipated to be completed during the 2010 construction season.

N. 45th St. - W. Concordia Ave. to 375 feet m/l north of W. Concordia Ave. (SM495080073) File Number 090512: Relay sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$78,000). The total estimated cost for this project including the requested amount is \$93,000. This project is

anticipated to be completed during the 2010 construction season.

N. 46th St. - W. Center St. to W. Hadley St. (SM495070109) File Number 071055: Sanitary sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$106,000). The total estimated cost for this project including the requested amount is \$116,000. This project is anticipated to be completed during the 2010 construction season.

10th Aldermanic District

N. 68th St. - W. Mt. Vernon Ave. to a point north of W. Mt. Vernon Ave. (Sponsored by the City of Wauwatosa) (ST211090150) File Number 090762: Paving the roadway with concrete. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$12,000). The total estimated cost for this project is \$12,000. This project is anticipated to be completed during the 2009 construction season.

Various Locations

Movable Bridges Remote Control Upgrades (BR100090109): (City Share Nonassessable Structure Fund -- \$75,000). The total estimated cost for this project is \$75,000. This project is anticipated to be completed during the 2009-2010 construction season.

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is authorized and directed to proceed with said work; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

Requestor
Infrastructure Services Division
Drafter
MLD:dr
Nfr 3
10/16/09

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** October 16, 2009

FILE NUMBER: 090763

Original Fiscal Note Substitute

SUBJECT: Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$3,826,817 for a total estimated cost of these projects being \$4,181,837.

B) **SUBMITTED BY (Name/title/dept./ext.):** Mary Dziewiontkoski/Assessment Engineer/Public Works/x2460

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:** DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
OTHER:	Grant & Aid Reimbursable Paving Funds (Fund 0306)	SP032090100	\$12,900	\$12,900	
	Grant & Aid Non-Reimbursable Paving Funds		\$88,071	\$88,071	
	City Share Non-Assessable Paving Fund (Fund 0333)	ST320090000	\$26,535	---	
	Grant & Aid Reimbursable Structure Funds (Fund 0306)	SP032090100	\$153,300	\$153,300	
EQUIPMENT REPAIR:	Grant & Aid Non-Reimbursable Structure Funds		\$1,007,865	\$1,007,865	
OTHER Structure:	City Share Non-Assessable Structure Funds		\$305,146	---	
BRIDGE	BR100		\$75,000		
SEWER	SM495		\$1,152,000		
SEWER	SM494		\$994,000		
STREET	ST211		\$12,000		
TOTALS			\$3,826,817	\$1,262,136	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditure = \$3,826,817
<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Revenue = \$1,262,136
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:** The total expenditure includes the cost of engineering, inspection, construction and city forces.

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. 090763 for bridge replacement and asphalt pavement resurfacing of bridge approaches of W. Hampton Ave Bridge over Lincoln Creek (City Share \$331,681.00 Grantor Share \$1,262,136.00) and approved the resolution as to:

- Sufficiency of funds
- Funding sources (per estimated **grant funding agreement**)
- Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: C. Wisniewski

Date: 10/17/09

October 2, 2009

File Number

To the Honorable, the Common Council

Dear Council Members:

Please find attached a "Title Only" resolution for approving construction of nonassessable public improvements to be introduced at the next Common Council Meeting. It is our intent to insert the body of the resolution in this jacket prior to the meeting of the Public Works Committee of October 21, 2009.

Respectfully submitted,

Special Deputy Commissioner
of Public Works

MLD:dr
Title only
Nfr 3



Legislation Details (With Text)

File #: 090778 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution authorizing the Commissioner of Public Works to execute a Revised Project Agreement titled "State/Municipal Agreement for a Highway Improvement Project" between the City of Milwaukee and Wisconsin Department of Transportation associated with the rehabilitation of the West Hampton Avenue Bridge over Lincoln Creek with 80 percent Federal and/or State aid under the Local Bridge Rehabilitation Program.

Sponsors: THE CHAIR

Indexes: AGREEMENTS, BRIDGES, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Cover Letter, Fiscal Note, Revised Agreement

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090778

Version

ORIGINAL

Reference

060882

Sponsor

THE CHAIR

Title

Resolution authorizing the Commissioner of Public Works to execute a Revised Project Agreement titled "State/Municipal Agreement for a Highway Improvement Project" between the City of Milwaukee and Wisconsin Department of Transportation associated with the rehabilitation of the West Hampton Avenue Bridge over Lincoln Creek with 80 percent Federal and/or State aid under the Local Bridge Rehabilitation Program.

Analysis

This resolution authorizes the Commissioner of Public Works to execute a Revised Project Agreement with the WISDOT associated with the rehabilitation of the West Hampton Avenue Bridge over Lincoln Creek. The Revised Project Agreement provides for 80 percent Federal/State aid and 20 percent local cost sharing for the increased construction costs for the project. The total estimated cost for the project is \$1,825,690 of which \$365,938 is the City of Milwaukee's share and \$1,459,752 is the grantor share. Construction funds will be requested in a future Common Council resolution.

Body

Whereas, The Common Council of the City of Milwaukee adopted Resolution File Number 060882 authorizing and directing the Commissioner of Public Works to execute an agreement with the Milwaukee and Wisconsin Department of Transportation (WISDOT) for rehabilitation of the West Hampton Avenue Bridge over Lincoln Creek with 80 percent Federal and/or State aid under the Local Bridge Rehabilitation Program; and

Whereas, As part of the preliminary engineering process, construction costs have been refined and increased since the original agreement was drafted three years ago; and

Whereas, The WISDOT has submitted a Revised Project Agreement that includes additional monies for the construction associated with the bridge rehabilitation for City execution; and

Whereas, This project is scheduled for construction in 2010 and construction funds for this project will be requested in a separate resolution; 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 updating and revising the construction costs associated with the rehabilitation of the West Hampton Avenue Bridge over Lincoln Creek with 80 percent Federal and/or State aid under the Local Bridge Rehabilitation Program., a copy of which is attached to Common Council File Number 090778 and incorporated in this resolution as though set forth therein in full.

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

CSL: ns

October 6, 2009

October 6, 2008

To the Honorable, the Common Council

Subject: West Hampton Avenue Bridge over
Lincoln Creek

Dear Council Members:

Common Council Resolution File Number 060882, adopted on November 14, 2006, authorized the Commissioner of Public Works to execute a project agreement with the Wisconsin Department of Transportation (WISDOT) for rehabilitation of the West Hampton Avenue Bridge over Lincoln Creek. The project agreement provided funding participation of 80 percent Federal and/or State aid with 20 percent City participation, under the Local Bridge Replacement program.

Since the time of executing the original project agreement, preliminary engineering work has been completed and construction estimates have been further refined and increased. Consequently, we have requested, and the WISDOT has authorized, additional funds for construction associated with the bridge rehabilitation. The amounts are reflected in the attached revised project agreement.

We have prepared and recommend adoption of the attached resolution authorizing the Commissioner of Public Works to execute the revised project agreement. The construction funds for this project will be requested in a future resolution.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

CSL: ns

Attachment

c: Alderman Ashanti Hamilton
bc: Ms. Lois Gresl
Ms. Cynthia Wisneski
Ms. Lila Gorney

LRB – RESEARCH AND ANALYSIS SECTION

PUBLIC WORK COMMITTEE
ITEM 5, FILE #090778

OCTOBER 21, 2009

File #090778 authorizes the execution of a Revised Project Agreement between the City and the Wisconsin Department of Transportation (“WisDOT”) for rehabilitation of the West Hampton Avenue Bridge over Lincoln Creek in the 1st Aldermanic District. This project is part of the state’s Local Bridge Program, and, as such, is eligible for 80% grantor aid. Construction costs have been refined since the original Agreement was drafted in 2006, necessitating the Revised Project Agreement. This file approves execution of the Revised Agreement only, with construction funding requested in a future resolution.

BACKGROUND & DISCUSSION

The Local Bridge Program was established to rehabilitate and replace, on a cost-shared basis, the most seriously deficient existing bridges on Wisconsin’s local highway and road systems. Under the program, federal and state funds cover 80% of specific individual project costs and are matched by 20% local funding. The West Hampton Avenue Bridge over Lincoln Creek has a sufficiency rating of 79.3 and is on the ‘2007-2009 Local Bridge Program Approved Project List’ issued by WisDOT. The rehabilitation project has a scheduled let date of December 8, 2009 and an expected completion date of October 2010.

File #060882 authorized the execution of the original Project Agreement along with the expenditure of \$232,000 for preliminary engineering/design work, with the City being responsible for \$46,400 of this amount. Construction funding, with costs based on conceptual plans and preliminary numbers, would be requested in a future resolution.

PROJECT AGREEMENT DATED MAY 2, 2006

	Total Estimated Cost	Federal Funds	Municipal Funds
Design	\$ 193,000	\$ 154,400	\$ 38,600
State Design Review	39,000	31,200	7,800
Construction	1,265,000	1,012,000	253,000
Total Cost Distribution	\$1,497,000	\$1,197,600	\$299,400

Preliminary engineering work produces detailed construction plans, which has resulted in refined and increased construction costs for the bridge rehabilitation project. The Revised Agreement reflects an increase in total project costs of \$328,690, and an increase in ultimate City participation of \$66,538. The Revised Agreement caps federal participation in this project at \$1,459,752.

REVISED PROJECT AGREEMENT DATED SEPTEMBER 30, 2009

	Total Estimated Cost	Federal Funds	Municipal Funds
Design	\$ 193,000	\$ 154,400	\$ 38,600
State Design Review	39,000	31,200	7,800
Construction	1,592,690	1,274,152	318,538
Non-participating	1,000	0	1,000
Total Cost Distribution	\$1,825,690	\$1,459,752	\$365,938

FISCAL IMPACT

This resolution has no immediate fiscal impact as construction funds will be requested in a future resolution. Under the Revised Project Agreement, federal participation is capped at \$1,459,752 and city participation totals \$365,938.

cc: Marianne Walsh
W. Martin Morics
Clark Wantoch
Jeffery Dellemann
Craig Liberto

Prepared by:
Michael Talarczyk
Legislative Fiscal Analyst
286-8661
October 19, 2009

**REVISED
STATE/MUNICIPAL AGREEMENT
FOR A
HIGHWAY IMPROVEMENT PROJECT**

Date: Revised September 30, 2009
 ID: 2545-12-00/70
 Highway: West Hampton Avenue (LOC BRIDGE)
 Bridge over Lincoln Creek
 Bridge ID: P-40-0801
 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:

*Deteriorated Structure.
 SR=79.3*

Proposed Improvement - Nature of work:

Bridge Rehabilitation

The apportionment of costs for work necessary to finish the project (including non-participating work and work which will be undertaken by the Municipality) is as follows:

Estimated Cost					
	Total Estimated Cost	Federal Funds **	%	Municipal Funds	%
Design	\$193,000.00	\$154,400.00	80%	\$38,600.00	20%
State Design Review	\$39,000.00	\$31,200.00	80%	\$7,800.00	20%
Construction **	\$1,592,690.00	\$1,274,152.00	80%	\$318,538.00	20%
Non-participating	\$1,000.00	\$0.00	0%	\$1,000.00	100%
Total Cost Distribution	\$1,825,690.00	\$1,459,752.00		\$365,938.00	

Federal funding for all phases combined is capped at \$1,459,752.

This request is subject to the terms and conditions that follow (pages 2 and 3) 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 on behalf of City of Milwaukee:	
Signature	Title
Name (Written Clearly)	Date
Signature (Comptroller)	Title
Name (Written Clearly)	Date

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 exceed Federal/State financing commitments or are ineligible for Federal/State financing. The Municipality's concurrence is required before award of the contracts 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 and 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. Preliminary engineering and State review services.
 - b. The grading, base, pavement, and curb and gutter.
 - c. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
 - d. Construction engineering incidental to inspection and supervision of actual construction work.
 - e. Signing and pavement marking, including detour routes.
 - f. Storm sewer mains necessary for the surface water drainage.
 - g. Construction or replacement of sidewalks and surfacing of private driveways.
 - h. New installations or alteration of street lighting and traffic signals or devices.
 - i. Real Estate for the improvement, if required
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner or other responsible party (not including the State) 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 incidental to the improvement.
 - e. Bridge width in excess of standards.
5. As the work progresses, the Municipality will be billed for and agrees to pay 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 and the Municipality agrees to pay any required reimbursement to the State.
6. If the Municipality should withdraw from the project, it will reimburse the State for any costs incurred by the State on 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 will 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 will make ample provision for such maintenance each year.
 - b. Prohibit angle parking.
 - c. 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.
 - d. Regulate and prohibit parking at all times in the vicinity of the proposed improvements during their construction.
 - e. Assume general responsibility for all public information and public relations for the project and to make fitting announcements 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 and around the project.
 - f. Provide complete plans, specifications, relocation order, real estate plat, and estimates, *except as provided in Paragraph 3 above.*
 - g. Use the WisDOT Utility Accommodation Policy unless it adopts a policy which has equal or more restrictive controls.
9. Basis for local participation: 80% Federal; balance by Municipality, as specified in Surface Transportation Program—Local Bridge Program regulations.

(End of Document)



Legislation Details (With Text)

File #: 090796 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution authorizing the Commissioner of Public Works to execute a Revised Project Agreement titled "State/Municipal Agreement for a Highway Improvement Project" between the City of Milwaukee and Wisconsin Department of Transportation associated with the North 45th Street Bridge over Menomonee River with 80 percent Federal and State aid under the Local Bridge Rehabilitation Program and to fund the revised design estimate with a City of Milwaukee share of \$12,000 and a grantor share of \$48,000.

Sponsors: THE CHAIR

Indexes: AGREEMENTS, BRIDGES, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Cover Letter, Fiscal Note, Revised Contract, Comptroller's Certificate

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090796

Version

ORIGINAL

Reference

060882

Sponsor

THE CHAIR

Title

Resolution authorizing the Commissioner of Public Works to execute a Revised Project Agreement titled "State/Municipal Agreement for a Highway Improvement Project" between the City of Milwaukee and Wisconsin Department of Transportation associated with the North 45th Street Bridge over Menomonee River with 80 percent Federal and State aid under the Local Bridge Rehabilitation Program and to fund the revised design estimate with a City of Milwaukee share of \$12,000 and a grantor share of \$48,000.

Analysis

This resolution authorizes the Commissioner of Public Works to execute a Revised Project Agreement with the Wisconsin Department of Transportation (WISDOT) associated with the North 45th Street Bridge over Menomonee River and to fund the revised design estimate with a City of Milwaukee share of \$12,000 and a grantor share of \$48,000. The Revised Project Agreement provides for 80 percent Federal/State aid and 20 percent local cost sharing for engineering and construction costs for the project. The total estimated costs for the project are \$769,340 of which \$154,060 is the City of Milwaukee's share and \$615,280 is the grantor share. Construction funds will be requested in a future Common Council resolution.

Body

Whereas, The Common Council of the City of Milwaukee adopted Resolution File Number 060882 authorizing and directing the Commissioner of Public Works to execute an agreement with the Wisconsin Department of Transportation (WISDOT) for rehabilitation of the North 45th Street Bridge over Menomonee River with 80 percent Federal and/or State aid under the Local Bridge Rehabilitation Program; and

Whereas, As part of the preliminary engineering process, engineering and construction costs have been refined and increased since the original agreement was drafted three years ago; and

Whereas, The WISDOT has submitted a Revised Project Agreement that includes additional funding for the engineering and construction costs associated with the bridge project for City execution; and

Whereas, This project is scheduled for construction in 2010 and construction funds for this project will be requested in a separate resolution; 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 updating and revising the engineering and construction costs associated with the North 45th Street Bridge over Menomonee River with 80 percent Federal and/or State aid under the Local Bridge Rehabilitation Program, a copy of which is attached to Common Council File Number 090796 and incorporated in this resolution as though set forth therein in full; 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 preliminary engineering for the projects (Expenditure) 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 Accounts

North 45th Street Bridge over Menomonee River

State Project I.D. 2984-39-02/72

BR320062201
City Share Non-Assessable Fund, Structure
BR300090000
Fund 0303
\$9,000

Grantor Reimbursable Fund, Structure
SP032090100
Fund 0306
\$30,000

Grantor Non-Reimbursable Cash Fund, Structure
SP032090100
Fund 0306
\$6,000

ST320062201
City Share Non-Assessable Fund, Paving
ST320090000
Fund 0333
\$3,000

Grantor Reimbursable Fund, Paving
SP032090100
Fund 0306
\$10,000

Grantor Non-Reimbursable Cash Fund, Paving
SP032090100
Fund 0306
\$2,000

Total Estimated Additional Engineering: \$60,000.00
Previously Authorized for Preliminary Engineering: \$79,340.00
Current Estimated Cost of Total Project including this resolution: \$769,340.00
Original Estimated Cost of Total Project (Res. No. 060882): \$478,000.00

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's share of the costs to the project.

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

CSL: ns

October 7, 2009

LRB – RESEARCH AND ANALYSIS SECTION

PUBLIC WORK COMMITTEE
ITEM 6, FILE #090796

OCTOBER 21, 2009

File #090796 authorizes the execution of a Revised Project Agreement between the City and the Wisconsin Department of Transportation (“WisDOT”) for rehabilitation of the North 45th Street Bridge over the Menomonee River in the 10th Aldermanic District. This project is part of the state’s Local Bridge Program, and, as such, is eligible for 80% grantor aid. The Revised Agreement reflects federal/state participation in construction funding, increased preliminary engineering/design costs and increased construction costs. This file approves the expenditure of \$60,000 in additional preliminary engineering costs, of which the City is responsible for \$12,000. Construction funding will be requested in a future resolution.

BACKGROUND & DISCUSSION

The Local Bridge Program was established to rehabilitate and replace, on a cost-shared basis, the most seriously deficient existing bridges on Wisconsin’s local highway and road systems. Under the program, federal and state funds cover 80% of specific individual project costs and are matched by 20% local funding. The North 45th Street Bridge over the Menomonee River has a sufficiency rating of 60.7 and is on the ‘2007-2009 Local Bridge Program Approved Project List’ issued by WisDOT. The rehabilitation project has a scheduled let date of March 2011.

File #060882 authorized the execution of the original Project Agreement along with the expenditure of \$73,000 for preliminary engineering/design work. Though the Agreement reflected 100% City financing of project construction costs, the intent was to request grantor participation in these costs prior to construction authorization.

PROJECT AGREEMENT DATED MAY 2, 2006

	Total Estimated Cost	Federal Funds	Municipal Funds
Design	\$ 61,000	\$48,800	\$ 12,200
State Design Review	12,000	9,600	2,400
Construction	405,000	0	405,000
Total Cost Distribution	\$478,000	\$58,400	\$419,600

Since the execution of the original Agreement, preliminary engineering work has started and construction estimates have been further refined. WisDOT has authorized participation in the increased preliminary engineering work along with participation in project construction, as reflected in the table below. The Revised Agreement limits federal participation in project construction costs to \$504,000.

REVISED PROJECT AGREEMENT DATED APRIL 3, 2009

	Total Estimated Cost	Federal Funds	Municipal Funds
Design	\$111,000	\$ 88,800	\$ 22,200
State Design Review	22,000	17,600	4,400
Construction	630,000	504,000	126,000
Total Cost Distribution	\$763,000	\$610,400	\$152,600

FISCAL IMPACT

This resolution authorizes the expenditure of an additional \$60,000 in preliminary engineering/design costs, of which the City is responsible for \$12,000. Construction funds will be requested in a future resolution. Federal participation in construction costs is limited to \$504,000, with the City responsible for any costs in excess of this amount.

cc: Marianne Walsh
W. Martin Morics
Clark Wantoch
Jeffery Dellemann
Craig Liberto

Prepared by:
Michael Talarczyk
Legislative Fiscal Analyst
286-8661
October 19, 2009

October 7, 2009

To the Honorable, the Common Council

Subject: North 45th Street Bridge over
Menomonee River

Dear Council Members:

Common Council Resolution File Number 060882, adopted on November 14, 2006, authorized the Commissioner of Public Works to execute a project agreement with the Wisconsin Department of Transportation (WISDOT) for rehabilitation of the North 45th Street Bridge over Menomonee River. The project agreement provided funding participation of 80 percent Federal and/or State aid with 20 percent City participation, under the Local Bridge Replacement Program.

Since the time of executing the original project agreement, preliminary engineering work has started and construction estimates have been further refined. Consequently, we have requested, and the WISDOT has authorized, revised funding for preliminary engineering and construction associated with the bridge project. The amounts are reflected in the attached revised project agreement.

We have prepared and recommend adoption of the attached resolution authorizing the Commissioner of Public Works to execute the revised project agreement. The construction funds for this project will be requested in a future resolution.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

CSL: ns

Attachment

c: Alderman Michael J. Murphy
bc: Ms. Lois Gresl
Ms. Cynthia Wisneski
Ms. Lila Gorney

**STATE/MUNICIPAL AGREEMENT
FOR A
HIGHWAY IMPROVEMENT PROJECT
REVISED AGREEMENT REPLACES PREVIOUS AGREEMENT DATED May 2, 2006**

Date: April 3, 2009
 REVISED STP-Local Bridge Agreement
 ID 2984-39-02/72
 N. 45th Street Bridge (Bridge #P-40-0501)
 Over Menomonee River
 Milwaukee County

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:

Deteriorated Structure. SR = 60.7

Proposed Improvement - Nature of work:

Bridge Rehabilitation

The apportionment of costs for work necessary to finish the project (including non-participating work and work which will be undertaken by the Municipality) is as follows:

Estimated Cost					
	Total Estimated Cost	Federal Funds	%	Municipal Funds	%
Design	\$111,000	\$88,800	80%	\$22,200	20%
State Design Review	\$22,000	\$17,600	80%	\$4,400	20%
Construction	\$630,000	\$504,000	80%	\$126,000	20%
Total Cost Distribution	\$763,000	\$610,400		\$152,600	

* Federal participation on the construction of this project is limited to \$504,000. Costs in excess of this amount will be the responsibility of the Municipality.

This request is subject to the terms and conditions that follow (pages 3 through 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 on behalf of City of Milwaukee:	
Signature	Title
Name (Written Clearly)	Date

Signed for and on behalf of City of Milwaukee:	
Signature	Title
Name (Written Clearly)	Date

-Terms and Conditions Begin on the Next Page-

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 (Construction) 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 incidental 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 or replacement of sidewalks and surfacing of private driveways.
 - g. New installations or alteration of street lighting and traffic signals or devices.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner or other responsible party (not including the State) 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 incidental to the improvement.
 - e. Bridge width in excess of standards.
 - f. Real Estate for the improvement, if required

5. As the work progresses, the Municipality will be billed for and agrees to pay 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 and the Municipality agrees to pay any required reimbursement to the State.
6. If the Municipality should withdraw from the project, it will reimburse the State for any costs incurred by the State on 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 will 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 will make ample provision for such maintenance each year.
 - b. Prohibit angle parking.
 - c. 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.
 - d. Regulate and prohibit parking at all times in the vicinity of the proposed improvements during their construction.
 - e. Assume general responsibility for all public information and public relations for the project and to make fitting announcements 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 and around the project.
 - f. Provide complete plans, specifications, relocation order, real estate plat, and estimates, *except as provided in Paragraph 3 above.*
 - g. Use the WisDOT Utility Accommodation Policy unless it adopts a policy which has equal or more restrictive controls.
9. Basis for local participation: 80% Federal; balance by Municipality, as specified in Surface Transportation Program—Local Bridge Program regulations. **Federal Participation for the construction of this project is limited to \$504,000.**

(End of Document)

**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. 090796 for North 45th Street bridge over Menomonee River revised design estimates (City Share \$12,000 Grantor Share \$48,000) and approved the resolution as to:

- Sufficiency of funds
- Funding sources (per estimated **grant funding agreement**)
- Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: C. W. Winkler

Date: 10/07/09



Legislation Details (With Text)

File #: 090795 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution relative to the cost participation and installation of traffic control devices in conjunction with four American Reinvestment and Recovery Act paving projects in various Aldermanic Districts at a total estimated cost of \$590,131.13, with an estimated grantor share of \$472,104.91, and an estimated City share of \$118,026.22.

Sponsors: THE CHAIR

Indexes: AGREEMENTS, AMERICAN RECOVERY AND REINVESTMENT ACT, TRAFFIC CONTROL SIGNALS, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Cover Letter, Fiscal Note, Contract for Keefe Avenue, Contract for North Avenue, Contract for S. 1st Street, Contract for S. 1st Street, Comptroller's Certificate

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number
090795
Version
ORIGINAL
Reference

Sponsor
THE CHAIR
Title

Resolution relative to the cost participation and installation of traffic control devices in conjunction with four American Reinvestment and Recovery Act paving projects in various Aldermanic Districts at a total estimated cost of \$590,131.13, with an estimated grantor share of \$472,104.91, and an estimated City share of \$118,026.22.

Analysis

This resolution authorizes the Commissioner of Public Works and Comptroller to enter into a funding agreement with the Wisconsin Department of Transportation for installation of traffic control improvements in conjunction with four American Reinvestment and Recovery Act (ARRA) paving projects in various Aldermanic Districts at a total estimated cost of \$590,131.13, with an estimated grantor share of \$472,104.91, and an estimated City share of \$118,026.22, and to install these improvements upon execution of the agreement. This resolution also authorizes the Comptroller to establish and transfer funds to the appropriate accounts for the four projects. The total estimated cost of the four projects is \$7,836,916.31, with a grantor share of \$6,269,065.05 and a City share of \$1,567,851.26.

Body

Whereas, The Project Agreements for South 1st Street from East Lincoln Avenue to South Kinnickinnic Avenue and East/West Keefe Avenue from North 7th Street to North Humboldt Boulevard were approved by the Common Council under File Number 040400; and

Whereas, The Project Agreements for South 13th Street from West Cleveland Avenue to West Windlake Avenue and East/West North Avenue from North Dr. Martin Luther King Jr. Drive to North Booth Street were approved by the Common Council under File Number 081512; and

Whereas, South 1st Street, East/West Keefe Avenue, South 13th Street, and East/West North Avenue are being improved with funding under the American Recovery and Reinvestment Act (ARRA); and

Whereas, The Surface Transportation Program provides cost participation for traffic control improvements in conjunction with the paving of highways located on the Federal/State Aid Highway System; and

Whereas, The total estimated cost of the four projects is \$590,131.13 for the alteration and upgrade of traffic control signals and the upgrade of traffic control signs; and

Whereas, Twenty percent of the participating costs, or \$118,026.22, is not reimbursable and is included in the Division's 2010 Capital Purpose Project/Grant Number ST320100000; and

Whereas, Eighty percent of the participating project cost, or \$472,104.91, is reimbursable from the Wisconsin Department of Transportation (WISDOT), and should be earmarked for this project in the 2010 Capital Grant and Aids Projects Fund Project/Grant Number SP032100100; and

Whereas, The State cannot proceed with any project cost overruns and/or changes in scope of more than 5% without prior Department of Public Works approval; and

Whereas, The Department of Public Works shall notify the Common Council of the City of Milwaukee at the next scheduled meeting of any such project cost overruns and/or changes in scope approved by the Department of Public Works; and

Whereas, The Common Council of the City of Milwaukee recognizes that the City may be 100% liable for any such project cost overruns and/or changes in scope as approved by the Department of Public Works; and

Whereas, The Common Council of the City of Milwaukee recognizes that the City may be liable for any costs incurred by the State should the City decide to withdraw from the project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works and the Comptroller are authorized to enter into a funding agreement and are directed to execute four contracts with WISDOT for the installation of traffic control facilities in conjunction with four ARRA paving projects with unit prices based on a predetermined estimate prepared under the Federal/State aided highway program, copies of which is attached to this resolution, and is incorporated into this resolution as though set forth in full; and, be it

Further Resolved, That upon approval of this contract, that the Commissioner of Public Works is directed to install and modify traffic control facilities in conjunction with the four ARRA paving projects; and, be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to create within the Capital Grant and Aid Projects Fund the appropriate Project/Grant Chartfield Value for these projects; and transfer to these accounts the amount required under the agreement and City accounting policy, but not to exceed a ten percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater as follows:

Location:

Project I.D.-2505-08-90

South 13th Street - West Cleveland Avenue to West Windlake Avenue

City of Milwaukee Share

Fund Number-0333

Project/Grant Number-ST320100000

\$26,766.67

Grantor Reimbursable Cash - Traffic Control

Fund Number-0306

Project/Grant Number-SP032100100

\$107,066.70

Previously Authorized for Traffic Control Improvements-\$0.00

Current Estimated Cost of the Total Project Including this Resolution-\$2,280,500.00

Original Estimated Cost of the Total Project (C.C. Resolution File Number 081512)-\$2,280,500.00.

Project I.D.-2219-00-90

South 1st Street - East Lincoln Avenue to South Kinnickinnic Avenue

City of Milwaukee Share

Fund Number-0333

Project/Grant Number-ST320100000

\$25,488.31

Grantor Reimbursable Cash - Traffic Control

Fund Number-0306

Project/Grant Number-SP032100100

\$101,953.26

Previously Authorized for Traffic Control Improvements-\$0.00

Current Estimated Cost of the Total Project Including this Resolution-\$1,639,441.57.

Original Estimated Cost of the Total Project (C.C. Resolution File Number 040400)-\$1,562,000.00.

Project I.D.-2059-00-91

East/West Keefe Avenue - North 7th Street to North Humboldt Boulevard

City of Milwaukee Share

Fund Number-0333
Project/Grant Number-ST320100000
\$44,542.95

Grantor Reimbursable Cash - Traffic Control
Fund Number-0306
Project/Grant Number-SP032100100
\$178,171.79

Previously Authorized for Traffic Control Improvements-\$0.00
Current Estimated Cost of the Total Project Including this Resolution-\$1,987,774.74.
Original Estimated Cost of the Total Project (C.C. Resolution File Number 040400)-\$1,844,000.00.

Project I.D.-2445-07-90
East/West North Avenue - North Dr. Martin Luther King Jr. Drive to North Booth Street

City of Milwaukee Share
Fund Number-0333
Project/Grant Number-ST320100000
\$21,228.29

Grantor Reimbursable Cash - Traffic Control
Fund Number-0306
Project/Grant Number-SP032100100
\$84,913.16

Total-\$590,131.13

Previously Authorized for Traffic Control Improvements-\$0.00
Current Estimated Cost of the Total Project Including this Resolution-\$1,929,200.00.
Original Estimated Cost of the Total Project (C.C. Resolution File Number 081512)-\$1,929,200.

Resolution Total-\$590,131.13
Requestor
Department of Public Works
Drafter
Infrastructure Services Division
RWB: ns
October 7, 2009
Four ARRA LFA Projects

October 7, 2009

To The Honorable, the Common Council

Subject: 2010 Capital Improvements Program
Four Local Force Account Projects

Dear Council Members:

The 2010 Capital Improvement Program includes the improvement of traffic control devices under the Surface Transportation Program in conjunction with the American Reinvestment and Recovery Act (ARRA) improvements to South 13th Street from West Cleveland Avenue to West Windlake Avenue, South 1st Street from East Lincoln Avenue to South Kinnickinnic Avenue, East/West Keefe Avenue from North 7th Street to North Humboldt Boulevard, and East/West North Avenue from North Dr. Martin Luther King Jr. Drive to North Booth Street. The Federal Program provides cost participation for the improvement of traffic control devices in conjunction with the highway paving projects.

The total estimated cost of the four projects is \$590,131.13. Eighty percent of the total cost, or \$472,104.91, will be funded by the Wisconsin Department of Transportation (WISDOT). The local share, or \$118,026.22, will be provided through the Division's existing Capital Improvement Program.

We have, therefore, prepared the attached resolution, which authorizes the Commissioner of Public Works to execute four Local Force Account (LFA) – Local contracts with WISDOT that allows City forces to install and/or modify traffic control facilities in conjunction with the four improvement projects in various Aldermanic Districts.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

RWB: ns
Attachment

c: Honorable Nik Kovac, Alderman, 3rd District
Honorable Milele A. Coggs, Alderwoman, 6th District
Honorable James N. Witkowiak, Alderman, 12th District
Honorable Tony Zielinski, Alderman, 14th District

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)
Ref: GEN\FISCALNT.MST

A) DATE: October 7, 2009

FILE NUMBER:
Original Fiscal Note Substitute

SUBJECT: Resolution relative to the cost participation and installation of traffic control devices in conjunction with four American Reinvestment and Recovery Act paving projects in various Aldermanic Districts at a total estimated cost of \$590,131.13, with an estimated grantor share of \$472,104.91, and an estimated City share of \$118,026.22.

B) SUBMITTED BY (NAME/TITLE/DEPT./EXT.): Jeffrey S. Polenske, City Engineer, DPW, ext. 2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Grantor Reimbursable Cash Traffic Control	SP032100100	\$472,104.91	\$472,104.91	
	Capitol Project Funds	ST320100000	\$118,026.22	\$0.00	
TOTALS:			\$590,131.13	\$472,104.91	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditures \$590,131.13	Revenue \$472,104.91
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR C1OMPLETION:

None

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

Unit Prices

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

CONTRACT FOR CONSTRUCTION

Local Force Account

Wisconsin Department of Transportation
DT2056 7/2005

Project ID 2059-00-91	Contract Amount \$222,714.74	Contract between WDOT and Local Governmental Unit <input checked="" type="checkbox"/> Municipality <input checked="" type="checkbox"/> City of Milwaukee <input type="checkbox"/> Village of <input type="checkbox"/> Town of <input type="checkbox"/> County – Who is doing the work
Road Name E/W Keefe Ave. - N. 7 th St. to N. Humboldt Blvd.		
Highway	County – Where Work Performed Milwaukee	<input type="checkbox"/> Work on STH System - SHR Funded (CEF to BHO, Contract to BHO) <input type="checkbox"/> Work on STH System – Non-SHR Funded (CEF to BHO, Contract to BHO)
Type of Work Traffic Signal and Sign Modifications		
Approximate Start Work Date May 1, 2010		Approximate Stop Work Date December 31, 2011

This contract is made and entered into by and between the Wisconsin Department of Transportation, designated the "Department", and the above-identified county or municipality, designated the "Local Governmental Unit", represented by its designees for constructing the above-specified project. The Department finds and determines that it is more feasible and advantageous for highway purposes to construct the identified project with the Local Governmental Unit's organization, forces, and equipment. The Department and Local Governmental Unit mutually agree to the provisions on the attached pages, which are made a part of this contract.

Recommended for Approval

For County or Municipality

(Name) Jeffrey J. Mantes (Date)

(Title) Commissioner of Public Works

(Name) W. Martin Morics (Date)

(Title) Comptroller

(Name) (Date)

(Title)

(Name) (Date)

(Title)

For Wisconsin Department of Transportation

(Regional Director) (Date)

Approved for the State of Wisconsin

(Contract Specialist) (Date)

(Director of Project Development) (Date)

(Governor of Wisconsin) (Date)

The Local Governmental Unit agrees to construct the described project in accordance with the requirements of the Department, the approved plans when required for such project, in accordance with the Standard Specifications for Road and Bridge Construction and approved supplements as may be applicable, and in accordance with the special provisions made a part of this contract. The word "contractor" as used in the specifications and special provisions shall, when applicable, be deemed to mean the Local Governmental Unit.

The provisions of Subsection 108.11 of the Standard Specifications, Liquidated Damages, are deleted from this contract.

The Local Governmental Unit is authorized by the Department and agrees to provide for the purchase, delivery, and storing of all materials required except those excluded from this contract, the furnishing or necessary rental of all equipment and small tools, and the furnishing of all labor necessary to expeditiously complete the work, and to pay all costs incurred pursuant to this contract.

The Department agrees to reimburse the Local Governmental Unit for actual costs of equipment, labor and materials incurred in performing the work up to the contract amount or as amended by contract change orders.

The Department agrees to pay to the Local Governmental Unit and the Local Governmental Unit agrees to accept in full, settlement for the work performed under this contract:

1. The actual cost of labor, at rates currently paid by the Local Governmental Unit for similar work in the area, materials and incidental expense furnished or incurred by the Local Governmental Unit pursuant to this contract, such payment to be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures, and verified by the Local Governmental Unit.
2. The recognized costs incident to the employment of labor under this contract (such as worker's compensation insurance, unemployment and retirement contributions and time off with pay) computed and requisitioned in accordance with established policy.
3. An allowance for the use of equipment, tools and incidentals for the work under this contract. Such allowance shall be in accordance with the provisions of, and at the rates either:
 - (a) Specified in the Cost Agreement between the Department and the Local Governmental Unit in effect when the work is performed, except for the

conditions, changes or additions as listed below, or as may be otherwise provided in the Special Provisions of this contract; or,

- (b) Specified in the attached Equipment Rate schedule, or as may be otherwise provided in the special provisions of this contract.

These payments shall be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures and verified by the Local Governmental Unit.

The rates established apply on equipment in good working order. Allowance will be made only for the time during which the equipment is in actual use on the project; no allowance will be made for equipment wholly inadequate or inefficient or in excess of the requirements of the work.

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s.51.01(5) Wis. Stats., sexual orientation, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

The Local Governmental Unit agrees to furnish, on the Detailed Statement of Expenditures, an accurate distribution of the costs between the various items of work.

The estimated unit costs of materials being used on this contract are listed as attached.

April 9, 2007

ADDITIONAL PROVISIONS FOR FEDERAL-AID FORCE ACCOUNTS

I GENERAL

1. These contract provisions shall apply to all work performed as part of a Local Force Account (LFA) contract by the Local Public Agency (LPA).
2. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.
3. **Selection of Labor:** During the performance of this contract, the LPA shall not employ convict labor for any purpose within the limits of the project unless it is labor performed by convicts who are on parole, supervised release, or probation.

II NONDISCRIMINATION ASSURANCE

As required by 49 U.S.C. 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity), Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21 at 21.7, the Applicant assures that it will comply with all requirements of 49 CFR part 21; FHWA policies, and other applicable directives, so that no person in the United States, on the basis of race, color, national origin, creed, sex, or age will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity (particularly in the level and quality of transportation services and transportation-related benefits) for which the Applicant receives Federal assistance awarded by the U.S. DOT or FHWA as follows: (1) The Applicant assures that each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project. (2) The Applicant assures that it will take appropriate action to ensure that any transferee receiving property financed with Federal assistance derived from FHWA will comply with the applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21. (3) The Applicant assures that it will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination in the provision of transportation-related services or benefits may be filed with U.S. DOT or FHWA. Upon request by U.S. DOT or FHWA, the Applicant assures that it will submit the required information pertaining to its compliance with these requirements. (4) The Applicant assures that it will make any changes in its 49 U.S.C. 5332 and Title VI implementing procedures as U.S. DOT or FHWA may request. (5) As required by 49 CFR 21.7(a)(2), the Applicant will include in each third party contract or subagreement provisions to invoke the requirements of 49 U.S.C. 5332 and 49 CFR part 21, and include provisions to invoke those requirements in deeds and instruments recording the transfer of real property, structures, improvements.

III ASSURANCE OF NONDISCRIMINATION ON THE BASIS OF DISABILITY

As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," at 49 CFR part 27, implementing the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, the Applicant assures that, as a condition to the approval or extension of any Federal assistance awarded by FHWA to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research, or to participate in or obtain any benefit from any program administered by FHWA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from Federal assistance administered by the FHA or any entity within U.S. DOT. The Applicant assures that project implementation and operations so

assisted will comply with all applicable requirements of U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq. at 49 CFR parts 27, 37, and 38, and any applicable regulations and directives issued by other Federal departments or agencies.

IV SAFETY: ACCIDENT PREVENTION

1. In the performance of this contract the LPA shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The LPA shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the State Highway Agency (SHA) contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.
2. It is a condition of this contract that the LPA shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).
3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

V FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, LPA's, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented; Shall be fined not more than \$10,000 or imprisoned not more than 5 years or both."

VI BUY AMERICA

All steel and iron materials permanently incorporated in this project shall be domestic products and all manufacturing and coating processes for these materials must have occurred within the United States. Coating includes epoxy coating, galvanizing, painting and any other coating that protects or enhances

the value of a material subject to the requirements of Buy America. The exemption of this requirement is the minimal use of foreign materials if the total cost of such material permanently incorporated in the product does not exceed one-tenth of one percent (1/10 of 1%) of the total contract cost or \$2,500.00, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the subject products as they are delivered to the project.

VII Prohibition Against Convict Produced Materials (23 CFR 635.417)

No materials produced by convict labor (unless produced by convicts who are on parole, supervised release, or probation from a prison) may be incorporated into any project located on the Federal-aid highway system. This prohibition does not apply to projects on roads that are functionally classified as local or rural minor collectors.

VIII Purchase of Materials

LPA's are required to use fair and open competition in obtaining articles and materials used in this project. They may not use any requirements, preferences, or procurement methods that exclude out-of-State participation or that unfairly favor in-State sources.

IX Requirement For and Access to Records

LPA's must maintain, for at least three years following final payment, complete project records. This includes the thorough documentation of the basis for payment (actual costs of labor, equipment and materials) as well as documentation prescribed in the WisDOT Construction & Materials Manual. In addition LPA's shall make all such records fully available to WisDOT, the Federal Highway Administration, the U.S. Comptroller General, and their authorized representatives. Records must also be available for public access consistent with the Federal Freedom of Information Act (FOIA) and State and local law.

PROJECT UNIT COST ANALYSIS

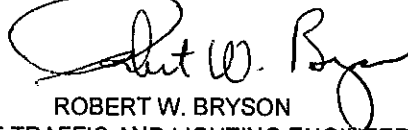
ESTIMATE OF QUANTITIES

PROJECT ID 2059-00-91
 EAW KEEFE AVE. - N. 7TH ST. TO N. HUMBOLDT BLVD.
 MILWAUKEE COUNTY

Item No.	Std. Bid Item No.	Description	Unit	Quantity	Excluded Costs	City Unit	City Total
71033	SPV.0060	Opticom 711 Detector w/ Selector Card	Each	5	\$12,311.38	\$2,637.10	\$13,185.48
71034	SPV.0060	Opticom 721 Detector w/ Selector Cards	Each	7	\$31,655.06	\$4,696.97	\$32,878.81
71035	SPV.0060	Opticom Flood Lights	Each	19	\$978.56	\$197.56	\$3,753.58
71060	658.0120	Traffic Signal Face 5-12 Inch Vertical	Each	2	\$1,123.75	\$955.22	\$1,910.44
71062	658.0110	Traffic Signal Face 3-12 Inch Vertical	Each	61	\$21,937.44	\$578.16	\$35,267.55
71065	658.0500	Pedestrian Push Buttons	Each	10	\$379.32	\$125.34	\$1,253.42
71066LC	658.0412	Pedestrian Signal Face 12-Inch	Each	50	\$8,463.21	\$300.38	\$15,019.00
71067	SPV.0060	Pedestrian Countdown Signal Face 12-Inch	Each	50	\$9,643.77	\$323.99	\$16,199.56
71081	SPV.0060	PV Traffic Signal Face 3-12 Inch	Each	7	\$8,429.87	\$1,466.50	\$10,265.49
71142	652.0605	Conduit Special 2-inch	LF	150	\$62.98	\$6.28	\$942.19
71154	SPV.0090	Opticom Cable	LF	1,345	\$731.86	\$2.73	\$3,671.05
71155	SPV.0090	Loop Detector Slots	LF	140	\$349.52	\$6.87	\$961.39
71156	SPV.0090	4 #14 LTP (Lead in Probe Cable)	LF	30	\$10.20	\$2.53	\$75.77
71161	SPV.0090	3 #4/1 #8 LTP	LF	400	\$1,246.48	\$5.01	\$2,005.12
71170	655.0250	Cable Traffic Signal 9-14 AWG	LF	460	\$417.49	\$3.09	\$1,422.72
71171	655.0260	Cable Traffic Signal 12-14 AWG	LF	315	\$353.85	\$3.31	\$1,042.21
71172	SPV.0090	Cable Traffic Signal 17-14 AWG	LF	2,500	\$3,802.11	\$3.71	\$9,265.27
71173	SPV.0090	Cable Traffic Signal 20-14 AWG	LF	2,455	\$4,458.58	\$4.00	\$9,823.39
71174	SPV.0090	Cable Traffic Signal Interconnect 9-14 AWG	LF	1,205	\$1,282.80	\$7.62	\$9,182.51
71176	674.0300	Remove Cable	LF	2,290	\$101.68	\$0.92	\$2,103.39
71177	SPV.0060	Install Secondary Riser	Each	3	\$36.97	\$99.73	\$299.20
71178	SPV.0060	Remove Secondary Riser	Each	3	\$13.32	\$91.85	\$275.55
71190	SPV.0060	Mast Arm, Fabricated	Each	1	\$69.12	\$1,476.42	\$1,476.42
71197	SPV.0060	SS 13'	Each	29	\$20,983.20	\$1,116.91	\$32,390.28
71198	SPV.0060	1' SS Extension Installed	Each	24	\$1,584.29	\$109.72	\$2,633.22
71199	SPV.0060	2' SS Extension Installed	Each	1	\$99.86	\$143.57	\$143.57
73294	SPV.0060	3' RSP Socket	Each	62	\$643.18	\$27.29	\$1,692.23
73295	SPV.0060	Socket (Concrete Install)	Each	18	\$254.65	\$39.53	\$711.50
73296	SPV.0060	2"x9'6" Pipe	Each	76	\$2,424.61	\$35.29	\$2,681.80
73298	SPV.0060	2"x11'0" Pipe	Each	4	\$128.84	\$35.59	\$142.37
73299	637.0202	Signs Reflective Type II	Sq Ft	771	\$5,485.77	\$13.02	\$10,040.26

TOTAL CITY COST \$222,714.74
TOTAL EXCLUDED COSTS \$139,463.72

APPROVED BY:



ROBERT W. BRYSON
 CHIEF TRAFFIC AND LIGHTING ENGINEER

TRANSPORTATION SECTION
 TRAFFIC AND LIGHTING DESIGN UNIT
 JOSEPH C. BLAKEMAN
 REVISED: OCTOBER 5, 2009

* Please note that the Total City Cost includes the embedded costs of mobilization and traffic control which are included in the times used for calculating City Unit Costs on the attached worksheets.

CONTRACT FOR CONSTRUCTION Local Force Account

Wisconsin Department of Transportation
DT2056 7/2005

Project ID 2445-07-90	Contract Amount \$106,141.45	Contract between WDOT and Local Governmental Unit <input checked="" type="checkbox"/> Municipality <input checked="" type="checkbox"/> City of Milwaukee <input type="checkbox"/> Village of <input type="checkbox"/> Town of <input type="checkbox"/> County – Who is doing the work
Road Name E/W North Ave. - N. Dr. Martin Luther King Jr. Dr. to N. Booth St.		
Highway	County – Where Work Performed Milwaukee	<input type="checkbox"/> Work on STH System - SHR Funded (CEF to BHO, Contract to BHO) <input type="checkbox"/> Work on STH System – Non-SHR Funded (CEF to BHO, Contract to BHO)
<input type="checkbox"/> Work on STH System - SHR Funded (CEF to BHO, Contract to BHO)		
Type of Work Traffic Signal and Sign Modifications		
Approximate Start Work Date May 1, 2010		Approximate Stop Work Date December 31, 2011

This contract is made and entered into by and between the Wisconsin Department of Transportation, designated the "Department", and the above-identified county or municipality, designated the "Local Governmental Unit", represented by its designees for constructing the above-specified project. The Department finds and determines that it is more feasible and advantageous for highway purposes to construct the identified project with the Local Governmental Unit's organization, forces, and equipment. The Department and Local Governmental Unit mutually agree to the provisions on the attached pages, which are made a part of this contract.

Recommended for Approval

For County or Municipality

For Wisconsin Department of Transportation

(Name) Jeffrey J. Mantes (Date)

(Regional Director) (Date)

(Title) Commissioner of Public Works

(Name) W. Martin Morics (Date)

(Title) Comptroller

Approved for the State of Wisconsin

(Name) (Date)

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(Title)

(Name) (Date)

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(Governor of Wisconsin) (Date)

The Local Governmental Unit agrees to construct the described project in accordance with the requirements of the Department, the approved plans when required for such project, in accordance with the Standard Specifications for Road and Bridge Construction and approved supplements as may be applicable, and in accordance with the special provisions made a part of this contract. The word "contractor" as used in the specifications and special provisions shall, when applicable, be deemed to mean the Local Governmental Unit.

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3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

V FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, LPA's, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented; Shall be fined not more than \$10,000 or imprisoned not more than 5 years or both."

VI BUY AMERICA

All steel and iron materials permanently incorporated in this project shall be domestic products and all manufacturing and coating processes for these materials must have occurred within the United States. Coating includes epoxy coating, galvanizing, painting and any other coating that protects or enhances

the value of a material subject to the requirements of Buy America. The exemption of this requirement is the minimal use of foreign materials if the total cost of such material permanently incorporated in the product does not exceed one-tenth of one percent (1/10 of 1%) of the total contract cost or \$2,500.00, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the subject products as they are delivered to the project.

VII Prohibition Against Convict Produced Materials (23 CFR 635.417)

No materials produced by convict labor (unless produced by convicts who are on parole, supervised release, or probation from a prison) may be incorporated into any project located on the Federal-aid highway system. This prohibition does not apply to projects on roads that are functionally classified as local or rural minor collectors.

VIII Purchase of Materials

LPA's are required to use fair and open competition in obtaining articles and materials used in this project. They may not use any requirements, preferences, or procurement methods that exclude out-of-State participation or that unfairly favor in-State sources.

IX Requirement For and Access to Records

LPA's must maintain, for at least three years following final payment, complete project records. This includes the thorough documentation of the basis for payment (actual costs of labor, equipment and materials) as well as documentation prescribed in the WisDOT Construction & Materials Manual. In addition LPA's shall make all such records fully available to WisDOT, the Federal Highway Administration, the U.S. Comptroller General, and their authorized representatives. Records must also be available for public access consistent with the Federal Freedom of Information Act (FOIA) and State and local law.

PROJECT UNIT COST ANALYSIS

ESTIMATE OF QUANTITIES

PROJECT ID 2445-07-90

E/W NORTH AVE. - N. DR. MARTIN LUTHER KING JR. DR. TO N. BOOTH ST.
MILWAUKEE COUNTY

Item No.	Std. Bid Item No.	Description	Unit	Quantity	Excluded Costs.	City Unit	City Total
71034	SPV.0060	Opticom 721 Detector w/ Selector Cards	Each	3	\$13,566.46	\$4,696.97	\$14,090.92
71035	SPV.0060	Opticom Flood Lights	Each	6	\$309.02	\$197.56	\$1,185.34
71057	658.0215	Backplates Signal Face 3 Section 12-inch	Each	8	\$335.96	\$63.85	\$510.78
71062	658.0110	Traffic Signal Face 3-12 inch Vertical	Each	35	\$12,587.06	\$578.16	\$20,235.49
71065	658.0500	Pedestrian Push Buttons	Each	4	\$151.73	\$125.34	\$501.37
71066LC	658.0412	Pedestrian Signal Face 12-Inch	Each	24	\$4,062.34	\$300.38	\$7,209.12
71067	SPV.0060	Pedestrian Countdown Signal Face 12-Inch	Each	24	\$4,629.01	\$323.99	\$7,775.79
71154	SPV.0090	Opticom Cable	LF	100	\$54.42	\$2.73	\$272.96
71155	SPV.0090	Loop Detector Slots	LF	280	\$699.03	\$6.87	\$1,922.78
71156	SPV.0090	4 #14 LTP (Lead in Probe Cable)	LF	200	\$67.94	\$2.52	\$504.99
71161	SPV.0090	3 #4/1 #8 LTP	LF	725	\$2,259.26	\$5.01	\$3,635.04
71171	655.0260	Cable Traffic Signal 12-14 AWG	LF	175	\$196.59	\$3.31	\$579.00
71172	SPV.0090	Cable Traffic Signal 17-14 AWG	LF	450	\$684.37	\$3.71	\$1,667.74
71173	SPV.0090	Cable Traffic Signal 20-14 AWG	LF	795	\$1,443.81	\$4.00	\$3,181.09
71174	SPV.0090	Cable Traffic Signal Interconnect 9-14 AWG	LF	510	\$542.92	\$7.62	\$3,886.38
71176	674.0300	Remove Cable	LF	1,115	\$49.51	\$0.92	\$1,024.14
71177	SPV.0060	Install Secondary Riser	Each	1	\$12.32	\$99.73	\$99.73
71178	SPV.0060	Remove Secondary Riser	Each	1	\$4.44	\$91.85	\$91.85
71190	SPV.0060	Mast Arm, Fabricated	Each	6	\$414.71	\$1,476.42	\$8,858.49
71191	SPV.0060	Mast Arm Pole, Installed	Each	6	\$10,976.58	\$2,294.70	\$13,768.22
71197B	SPV.0060	SS 13' Painted Black	Each	5	\$3,617.79	\$1,204.30	\$6,021.50
71198B	SPV.0060	1' SS Extension Installed Painted Black	Each	5	\$330.06	\$153.42	\$767.08
73294	SPV.0060	3' RSP Socket	Each	21	\$217.85	\$27.29	\$573.18
73295	SPV.0060	Socket (Concrete install)	Each	16	\$226.35	\$39.53	\$632.44
73296	SPV.0060	2"x9'6" Pipe	Each	32	\$1,020.89	\$35.29	\$1,129.18
73298	SPV.0060	2"x11'0" Pipe	Each	5	\$161.05	\$35.60	\$177.98
73299	637.0202	Signs Reflective Type II	Sq Ft	444	\$3,159.11	\$13.02	\$5,781.93

TOTAL CITY COST \$106,141.45
TOTAL EXCLUDED COSTS \$61,820.62

APPROVED BY:



ROBERT W. BRYSON
CHIEF TRAFFIC AND LIGHTING ENGINEER

TRANSPORTATION SECTION
TRAFFIC AND LIGHTING DESIGN UNIT
JOSEPH C. BLAKEMAN
REVISED: OCTOBER 5, 2009

* Please note that the Total City Cost includes the embedded costs of mobilization and traffic control which are included in the times used for calculating City Unit Costs on the attached worksheets.

CONTRACT FOR CONSTRUCTION

Local Force Account

Wisconsin Department of Transportation

DT2056 7/2005

Project ID 2219-00-90	Contract Amount \$127,441.57	Contract between WDOT and Local Governmental Unit <input checked="" type="checkbox"/> Municipality
Road Name S. 1 st St. - E/W Lincoln Ave. to S. Kinnickinnic Ave.		<input checked="" type="checkbox"/> City of Milwaukee <input type="checkbox"/> Village of <input type="checkbox"/> Town of
Highway	County - Where Work Performed Milwaukee	<input type="checkbox"/> County - Who is doing the work
<input type="checkbox"/> Work on STH System - SHR Funded (CEF to BHO, Contract to BHO)		<input checked="" type="checkbox"/> Work on Local Units System (CEF to DTSD Region, Contract to BPD)
<input type="checkbox"/> Work on STH System - Non-SHR Funded (CEF to BHO, Contract to BHO)		<input type="checkbox"/> Work on Another Local Units System (CEF to DTSD Region, Contract to BPD)
Type of Work Traffic Signal and Sign Modifications		
Approximate Start Work Date May 1, 2010	Approximate Stop Work Date December 31, 2011	

This contract is made and entered into by and between the Wisconsin Department of Transportation, designated the "Department", and the above-identified county or municipality, designated the "Local Governmental Unit", represented by its designees for constructing the above-specified project. The Department finds and determines that it is more feasible and advantageous for highway purposes to construct the identified project with the Local Governmental Unit's organization, forces, and equipment. The Department and Local Governmental Unit mutually agree to the provisions on the attached pages, which are made a part of this contract.

Recommended for Approval

For County or Municipality

For Wisconsin Department of Transportation

(Name) _____ (Date) _____
Jeffrey J. Mantes

(Regional Director) _____ (Date) _____

(Title) Commissioner of Public Works

(Name) _____ (Date) _____
W. Martin Morics

(Title) Comptroller

Approved for the State of Wisconsin

(Name) _____ (Date) _____

(Contract Specialist) _____ (Date) _____

(Title) _____

(Name) _____ (Date) _____

(Director of Project Development) _____ (Date) _____

(Title) _____

(Governor of Wisconsin) _____ (Date) _____

The Local Governmental Unit agrees to construct the described project in accordance with the requirements of the Department, the approved plans when required for such project, in accordance with the Standard Specifications for Road and Bridge Construction and approved supplements as may be applicable, and in accordance with the special provisions made a part of this contract. The word "contractor" as used in the specifications and special provisions shall, when applicable, be deemed to mean the Local Governmental Unit.

The provisions of Subsection 108.11 of the Standard Specifications, Liquidated Damages, are deleted from this contract.

The Local Governmental Unit is authorized by the Department and agrees to provide for the purchase, delivery, and storing of all materials required except those excluded from this contract, the furnishing or necessary rental of all equipment and small tools, and the furnishing of all labor necessary to expeditiously complete the work, and to pay all costs incurred pursuant to this contract.

The Department agrees to reimburse the Local Governmental Unit for actual costs of equipment, labor and materials incurred in performing the work up to the contract amount or as amended by contract change orders.

The Department agrees to pay to the Local Governmental Unit and the Local Governmental Unit agrees to accept in full, settlement for the work performed under this contract:

1. The actual cost of labor, at rates currently paid by the Local Governmental Unit for similar work in the area, materials and incidental expense furnished or incurred by the Local Governmental Unit pursuant to this contract, such payment to be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures, and verified by the Local Governmental Unit.
2. The recognized costs incident to the employment of labor under this contract (such as worker's compensation insurance, unemployment and retirement contributions and time off with pay) computed and requisitioned in accordance with established policy.
3. An allowance for the use of equipment, tools and incidentals for the work under this contract. Such allowance shall be in accordance with the provisions of, and at the rates either:
 - (a) Specified in the Cost Agreement between the Department and the Local Governmental Unit in effect when the work is performed, except for the

conditions, changes or additions as listed below, or as may be otherwise provided in the Special Provisions of this contract; or,

- (b) Specified in the attached Equipment Rate schedule, or as may be otherwise provided in the special provisions of this contract.

These payments shall be based on a Detailed Statement of Expenditures, submitted monthly with the Monthly Report of Expenditures and verified by the Local Governmental Unit.

The rates established apply on equipment in good working order. Allowance will be made only for the time during which the equipment is in actual use on the project; no allowance will be made for equipment wholly inadequate or inefficient or in excess of the requirements of the work.

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s.51.01(5) Wis. Stats., sexual orientation, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

The Local Governmental Unit agrees to furnish, on the Detailed Statement of Expenditures, an accurate distribution of the costs between the various items of work.

The estimated unit costs of materials being used on this contract are listed as attached.

April 9, 2007

ADDITIONAL PROVISIONS FOR FEDERAL-AID FORCE ACCOUNTS

I GENERAL

1. These contract provisions shall apply to all work performed as part of a Local Force Account (LFA) contract by the Local Public Agency (LPA).
2. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.
3. **Selection of Labor:** During the performance of this contract, the LPA shall not employ convict labor for any purpose within the limits of the project unless it is labor performed by convicts who are on parole, supervised release, or probation.

II NONDISCRIMINATION ASSURANCE

As required by 49 U.S.C. 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity), Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21 at 21.7, the Applicant assures that it will comply with all requirements of 49 CFR part 21; FHWA policies, and other applicable directives, so that no person in the United States, on the basis of race, color, national origin, creed, sex, or age will be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity (particularly in the level and quality of transportation services and transportation-related benefits) for which the Applicant receives Federal assistance awarded by the U.S. DOT or FHWA as follows: (1) The Applicant assures that each project will be conducted, property acquisitions will be undertaken, and project facilities will be operated in accordance with all applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21, and understands that this assurance extends to its entire facility and to facilities operated in connection with the project. (2) The Applicant assures that it will take appropriate action to ensure that any transferee receiving property financed with Federal assistance derived from FHWA will comply with the applicable requirements of 49 U.S.C. 5332 and 49 CFR part 21. (3) The Applicant assures that it will promptly take the necessary actions to effectuate this assurance, including notifying the public that complaints of discrimination in the provision of transportation-related services or benefits may be filed with U.S. DOT or FHWA. Upon request by U.S. DOT or FHWA, the Applicant assures that it will submit the required information pertaining to its compliance with these requirements. (4) The Applicant assures that it will make any changes in its 49 U.S.C. 5332 and Title VI implementing procedures as U.S. DOT or FHWA may request. (5) As required by 49 CFR 21.7(a)(2), the Applicant will include in each third party contract or subagreement provisions to invoke the requirements of 49 U.S.C. 5332 and 49 CFR part 21, and include provisions to invoke those requirements in deeds and instruments recording the transfer of real property, structures, improvements.

III ASSURANCE OF NONDISCRIMINATION ON THE BASIS OF DISABILITY

As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," at 49 CFR part 27, implementing the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, the Applicant assures that, as a condition to the approval or extension of any Federal assistance awarded by FHWA to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research, or to participate in or obtain any benefit from any program administered by FHWA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from Federal assistance administered by the FHA or any entity within U.S. DOT. The Applicant assures that project implementation and operations so

assisted will comply with all applicable requirements of U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq. at 49 CFR parts 27, 37, and 38, and any applicable regulations and directives issued by other Federal departments or agencies.

IV SAFETY: ACCIDENT PREVENTION

1. In the performance of this contract the LPA shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The LPA shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the State Highway Agency (SHA) contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.
2. It is a condition of this contract that the LPA shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).
3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

V FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, LPA's, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

18 U.S.C. 1020 reads as follows:

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VI BUY AMERICA

All steel and iron materials permanently incorporated in this project shall be domestic products and all manufacturing and coating processes for these materials must have occurred within the United States. Coating includes epoxy coating, galvanizing, painting and any other coating that protects or enhances

the value of a material subject to the requirements of Buy America. The exemption of this requirement is the minimal use of foreign materials if the total cost of such material permanently incorporated in the product does not exceed one-tenth of one percent (1/10 of 1%) of the total contract cost or \$2,500.00, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the subject products as they are delivered to the project.

VII Prohibition Against Convict Produced Materials (23 CFR 635.417)

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VIII Purchase of Materials

LPA's are required to use fair and open competition in obtaining articles and materials used in this project. They may not use any requirements, preferences, or procurement methods that exclude out-of-State participation or that unfairly favor in-State sources.

IX Requirement For and Access to Records

LPA's must maintain, for at least three years following final payment, complete project records. This includes the thorough documentation of the basis for payment (actual costs of labor, equipment and materials) as well as documentation prescribed in the WisDOT Construction & Materials Manual. In addition LPA's shall make all such records fully available to WisDOT, the Federal Highway Administration, the U.S. Comptroller General, and their authorized representatives. Records must also be available for public access consistent with the Federal Freedom of Information Act (FOIA) and State and local law.

PROJECT UNIT COST ANALYSIS

ESTIMATE OF QUANTITIES
PROJECT ID 2219-00-90
S. 1ST ST. - E/W LINCOLN AVE. TO S. KINNICKINNIC AVE.
MILWAUKEE COUNTY

Item No.	Std. Bid Item No.	Description	Unit	Quantity	Excluded Costs	City Unit	City Total
71034	SPV.0060	Opticom 721 Detector w/ Selector Cards	Each	4	\$18,088.61	\$4,696.97	\$18,787.89
71035	SPV.0060	Opticom Flood Lights	Each	8	\$412.03	\$197.56	\$1,580.46
71057	658.0215	Backplates Signal Face 3 Section 12-inch	Each	3	\$125.99	\$63.85	\$191.56
71060	658.0120	Traffic Signal Face 5-12 Inch Vertical	Each	5	\$2,809.38	\$955.23	\$4,776.13
71062	658.0110	Traffic Signal Face 3-12 Inch Vertical	Each	49	\$17,621.88	\$578.16	\$28,329.67
71066LC	658.0412	Pedestrian Signal Face 12-Inch	Each	34	\$5,754.98	\$300.38	\$10,212.91
71067	SPV.0060	Pedestrian Countdown Signal Face 12-Inch	Each	34	\$6,557.76	\$323.99	\$11,015.69
71154	SPV.0090	Opticom Cable	LF	330	\$179.56	\$2.73	\$900.70
71155	SPV.0090	Loop Detector Slots	LF	130	\$324.56	\$6.87	\$892.74
71156	SPV.0090	4 #14 LTP (Lead in Probe Cable)	LF	165	\$56.06	\$2.53	\$416.63
71161	SPV.0090	3 #4/1 #8 LTP	LF	170	\$529.76	\$5.01	\$852.18
71170	655.0250	Cable Traffic Signal 9-14 AWG	LF	2,220	\$2,014.80	\$3.09	\$6,866.09
71171	655.0260	Cable Traffic Signal 12-14 AWG	LF	225	\$252.75	\$3.31	\$744.45
71172	SPV.0090	Cable Traffic Signal 17-14 AWG	LF	1,405	\$2,136.79	\$3.71	\$5,207.09
71173	SPV.0090	Cable Traffic Signal 20-14 AWG	LF	1,445	\$2,624.30	\$4.00	\$5,782.01
71176	674.0300	Remove Cable	LF	850	\$37.74	\$0.92	\$780.74
71177	SPV.0060	Install Secondary Riser	Each	1	\$12.32	\$99.73	\$99.73
71178	SPV.0060	Remove Secondary Riser	Each	1	\$4.44	\$91.85	\$91.85
71190	SPV.0060	Mast Arm, Fabricated	Each	3	\$207.35	\$1,476.41	\$4,429.24
71191	SPV.0060	Mast Arm Pole, Installed	Each	3	\$5,488.29	\$2,294.70	\$6,884.11
71197	SPV.0060	SS 13'	Each	10	\$7,235.59	\$1,116.91	\$11,169.06
71198	SPV.0060	1' SS Extension Installed	Each	19	\$1,254.23	\$109.72	\$2,084.64
71199	SPV.0060	2' SS Extension Installed	Each	2	\$199.71	\$143.56	\$287.12
73294	SPV.0060	3' RSP Socket	Each	3	\$31.12	\$27.30	\$81.89
73295	SPV.0060	Socket (Concrete Install)	Each	13	\$183.91	\$39.53	\$513.86
73296	SPV.0060	2"x9'6" Pipe	Each	16	\$510.45	\$35.29	\$564.60
73299	637.0202	Signs Reflective Type II	Sq Ft	295	\$2,098.96	\$13.02	\$3,841.59

TOTAL CITY COST \$127,441.57
TOTAL EXCLUDED COSTS \$76,793.36

APPROVED BY:



ROBERT W. BRYSON
CHIEF TRAFFIC AND LIGHTING ENGINEER

TRANSPORTATION SECTION
TRAFFIC AND LIGHTING DESIGN UNIT

JOSEPH C. BLAKEMAN
REVISED: OCTOBER 5, 2009

* Please note that the Total City Cost includes the embedded costs of mobilization and traffic control which are included in the times used for calculating City Unit Costs on the attached worksheets.

**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. 090795 for traffic control devices in conjunction with four ARRA paving projects (S 1st fro E Lincoln Ave to S KK Ave; and E/W Keefe Ave fr N 7th to N Humboldt Blvd.; and S 13th St fr W Cleveland Ave to W Windlake Ave; and E/W North Ave fr N Dr King Dr to N Booth St) (City Share \$118,026.22 Grantor Share \$472,104.91) and approved the resolution as to:

- Sufficiency of funds
 Funding sources (per estimated **grant funding agreement**)
 Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: C. Wianicki

Date: 10/7/09



Legislation Details (With Text)

File #: 090797 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution authorizing the Commissioner of Public Works to execute a cost sharing agreement with Milwaukee County for the planned improvement from a rural to urban roadway, of South 13th Street between West Rawson Avenue and West College Avenue and authorizing the City Comptroller to establish the necessary accounts to fund the City of Milwaukee's share of the right-of-way costs of \$300,000, of which the Federal/State share is \$240,000 and the City's share is \$60,000.

Sponsors: THE CHAIR

Indexes: AGREEMENTS, HIGHWAYS, MILWAUKEE COUNTY, STREET IMPROVEMENTS, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Cover Letter, Fiscal Note, Agreement, Comptroller's Certificate

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090797

Version

ORIGINAL

Reference

030469

Sponsor

THE CHAIR

Title

Resolution authorizing the Commissioner of Public Works to execute a cost sharing agreement with Milwaukee County for the planned improvement from a rural to urban roadway, of South 13th Street between West Rawson Avenue and West College Avenue and authorizing the City Comptroller to establish the necessary accounts to fund the City of Milwaukee's share of the right-of-way costs of \$300,000, of which the Federal/State share is \$240,000 and the City's share is \$60,000.

Analysis

This resolution authorizes the Commissioner of Public Works to execute an agreement with Milwaukee County for the City of Milwaukee's real estate and construction costs associated with the improvement of South 13th Street between West Rawson Avenue and West College Avenue. Milwaukee County has agreed to include those portions of South 13th Street within the City of Milwaukee in their programmed improvement. The estimated real estate cost for those areas within the City of Milwaukee is \$300,000, of which the City's share is \$60,000. Total project costs equal \$9,264,330 with the City of Milwaukee responsible for approximately 20 percent of \$2,160,330 and other governmental agencies responsible for \$6,949,000. This resolution also authorizes the City Engineer to sign the relocation order, right-of-way plat, and any other document required by the right-of-way acquisition process for the subject project; and authorizes the City Comptroller to establish the necessary accounts to fund the City of Milwaukee's share of the right-of-way costs.

Body

Whereas, The Milwaukee County Department of Public Works, in conjunction with the Wisconsin Department of Transportation (WISDOT), has programmed the improvement of South 13th Street between West Rawson Avenue and West College Avenue; and

Whereas, Portions of South 13th Street are under the jurisdiction of the City of Milwaukee; and

Whereas, Common Council file number 030469 authorized engineering for the project; and

Whereas, Going from a rural to urban roadway requires right-of-way acquisition; and

Whereas, The City of Milwaukee has requested and Milwaukee County has agreed to incorporate these portions of roadway that lie within the City of Milwaukee into their paving project; and

Whereas, The City of Milwaukee has requested and received permission from the WISDOT to utilize Federal STP entitlement funds to cover 80 percent of the City of Milwaukee's share of the engineering, real estate acquisition and construction costs; and

Whereas, Milwaukee County has forwarded an agreement for City of Milwaukee execution which details cost sharing responsibilities for the City of Milwaukee's real estate acquisition and construction costs associated with the project; and

Whereas, Construction costs will be addressed in a future assessable construction resolution; and

Whereas, Final project costs will be based on actual measured quantities of materials placed within the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is authorized to execute an agreement with Milwaukee County for the City of Milwaukee's real estate and construction costs associated with the improvement of South 13th Street between West Rawson Avenue and West College Avenue, a copy of which is attached to Common Council File No. 090797, and is incorporated by reference as though set forth in full; and, be it

Further Resolved, That the City Engineer is authorized to sign the relocation order, right-of-way plat, and any other document required by the right-of-way process for the South 13th Street between West Rawson Avenue and West College Avenue improvement project, whereby the improvement project requires land acquisition from parcels that lie within the City of Milwaukee, and, be it

Further Resolved, That the City Comptroller is authorized to create within the Capital Improvement Fund, Grant and Aid Projects, the necessary accounts for real estate acquisition for the project (Expenditure) and transfer to 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 Accounts

State Project ID 2505-06-20
South 13th Street
West Rawson Avenue to
West College Avenue

City Share Non-Assessable Fund Paving
ST320090000
Fund 0333
\$60,000

Grantor Non-Reimbursable Cash Fund Paving
SP032090100
Fund 0306
\$240,000

Estimated Total
\$300,000

The project will be completed during the 2010 construction season.

Previously authorized for real estate acquisition: \$0.00

Current estimated cost of total project including this resolution: \$9,264,330

Original estimated cost of total project (Milwaukee County lead agent): \$9,264,330

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

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

LCG:amh

October 6, 2009

Reso S 13th W Rawson - W College 091609

LRB – RESEARCH AND ANALYSIS SECTION

PUBLIC WORKS COMMITTEE
ITEM 8, FILE #090797

OCTOBER 21, 2009

File #090797 authorizes the execution of a Local/County Agreement dated July 6, 2009 for real estate and construction costs associated with Milwaukee County plans to reconstruct S. 13th Street (aka C.T.H. V) from W. College Ave. to W. Rawson Ave. The west one-half of S. 13th St. from W. College Ave. to the south City limits lie within the City of Milwaukee, and Milwaukee County has agreed to include this portion of the roadway into their roadway improvement project. The City intends to utilize the federal Surface Transportation Program (“STP”) to fund 80% of its portion of this work. This file approves the expenditure of \$300,000 for project right-of-way acquisition, of which the City shall be responsible for \$60,000. Construction funding of \$1,860,330 (City share of \$372,066) will be requested in a future resolution.

BACKGROUND

Currently, South 13th Street is a two-lane “rural” type road with gravel shoulders and grass ditches. The pavement has failed and shoulders are in poor condition. A tributary to the North Branch of the Oak Creek overtops its banks and causes flooding in adjacent areas and overtops the roadway during the 10-year storm. In addition, development and traffic volume in the area have both increased significantly, requiring additional roadway capacity. Finally, changes to regulations regarding stormwater management have created a situation that requires additional stormwater management facilities.

The roadway improvement project will involve reconstruction of S. 13th Street to an “urban” cross-section. The new roadway will include curb and gutter and storm sewers, along with street lighting as determined by the City. Landscaping and sidewalks will also be determined by the City. Total project costs are projected to be \$9,264,330, with \$2,160,330 funding work on S. 13th St. that lie within the City of Milwaukee. Utilizing the STP program, the City will be responsible for 20%, or roughly \$432,000, of the \$2.2 million.

DISCUSSION

File #30469 authorized the execution a Local/County Agreement dated July 1, 2003 associated with preliminary engineering work on the project. The Agreement estimated the City’s share of preliminary engineering work at \$155,000. The federal STP program paid for 80% of these costs, with the City responsible for the remaining \$31,000.

The current Local/County Agreement details estimated right-of-way (\$300,000) and construction (\$1,860,330) associated with that portion of the project that lie within the jurisdiction of the City of Milwaukee. The City intends to utilize the STP program to fund 80% of these costs.

FISCAL IMPACT

Approval of this file authorizes expenditure of \$300,000 for project right-of-way acquisition, of which the City is responsible for \$60,000. Construction costs, with an estimated City share of \$372,066, will be requested in a future resolution.

cc: Marianne Walsh
W. Martin Morics
Jeffrey Polenske
Lois Gresl
Clark Wantoch

Prepared by:
Michael Talarczyk
Legislative Fiscal Analyst
286-8661
October 19, 2009

October 6, 2009

To the Honorable, the Common Council

Subject: South 13th Street – West Rawson Avenue
to West College Avenue

Dear Council Members:

The Milwaukee County Department of Public Works, in conjunction with the Wisconsin Department of Transportation (WISDOT), is planning the improvement of South 13th Street between West Rawson Avenue and West College Avenue in 2010. The proposed improvement reconstructs the existing rural cross section as an urban roadway. Portions of South 13th Street lie within the City of Milwaukee. Milwaukee County has agreed to include those portions of the project that lie within the City of Milwaukee in their improvement project at the City of Milwaukee's cost. Common Council file number 030469 authorized the engineering for this project. The County has forwarded an agreement for the City's execution, which details the funding responsibilities for right-of-way acquisition and construction of the subject project. South 13th Street, within the City of Milwaukee, is eligible for 80 percent Federal cost participation under the Surface Transportation Program (STP) and it is our intention to utilize the City's STP entitlement for the City portion of the project work. The estimated real estate cost for those areas within the City of Milwaukee is \$300,000, of which the City's share is \$60,000. Total project costs equal \$9,264,330 with the City of Milwaukee responsible for approximately 20% of \$2,315,330 and other governmental agencies responsible for \$6,949,000.

We have prepared the attached resolution authorizing the Commissioner of Public Works to execute the agreement with Milwaukee County for the City of Milwaukee's real estate and construction costs associated with the improvement of South 13th Street between West Rawson Avenue and West College Avenue. The resolution also authorizes the City Engineer to sign the relocation order, right-of-way plat, and any other document required by the right-of-way acquisition process for the subject project; and authorizes the City Comptroller to establish the necessary accounts to fund the City of Milwaukee's share of the right-of-way costs. Construction costs will be addressed in a future assessable construction resolution.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

LCG:amh
Attachment
c: Mr. W. Martin Morics

CITY OF MILWAUKEE FISCAL NOTE

A) DATE October 6, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: **Resolution authorizing the Commissioner of Public Works to execute a cost sharing agreement with Milwaukee County for the planned improvement of South 13th Street between West Rawson Avenue and West College Avenue and authorizing the City Comptroller to establish the necessary accounts to fund the City of Milwaukee's share of the right-of-way costs of \$300,000, of which the Federal/State share is \$240,000 and the City's share is \$60,000. Total project costs equal \$9,264,330 with the City of Milwaukee responsible for approximately 20% of \$2,160,330 and other governmental agencies responsible for \$6,949,000.**

B) SUBMITTED BY (Name/title/dept./ext.): Jeffrey S. Polenske, PE / City Engineer / Infrastructure Services Division / extension 2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Capital Projects Fund	ST320090000 Fund 0333	\$60,000.00		
	Non-Reimbursable Grantor Paving		\$240,000.00	\$240,000.00	
TOTALS			\$300,000.00	\$240,000.00	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Expenditure: \$60,000.00	Revenue: \$240,00.00
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS		

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:
Construction costs will be included in a future resolution. Total construction costs are estimated to be \$7,305,230 of which \$1,860,330 will be the responsibility of the City of Milwaukee, a federal share of \$1,474,648 and a city share of \$385,682.

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

Federal funds account for \$20,000 of the utility relocation costs for this project.

DRAFT

LOCAL/COUNTY AGREEMENT FOR A HIGHWAY IMPROVEMENT PROJECT

DATE: July 6, 2009

ID: 2505-06-20, 70

HIGHWAY: South 13th Street (CTH "V")

LIMITS: West Rawson Avenue to West College Avenue

THIS AGREEMENT is made and entered into and by between Milwaukee County, a body corporate and the City of Milwaukee, a municipal corporation.

The east half of South 13th Street between West College Avenue to a point approximately 3400 feet south has been designated County Trunk Highway "V" pursuant to Section 83.025 of the Wisconsin Statutes.

Milwaukee County has budgeted funds for the reconstruction of CTH "V" between West Rawson Avenue to West College Avenue to complete plans to advance to the construction contract bidding process scheduled for March 2010, and construction to begin in April 2010.

Whereas the west half of South 13th Street from West College Avenue to a point approximately 3400 feet south is under the jurisdiction of the City of Milwaukee. Therefore, the City of Milwaukee has requested that Milwaukee County design and build the west half of South 13th Street in the City of Milwaukee as part of the proposed CTH "V" improvement.

The signatory city hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the Milwaukee County Department of Transportation and Public Works, hereinafter called the County, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the County 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:

South 13th Street is a two-lane rural type road with gravel shoulders and grass ditches. The pavement has failed and shoulders are in poor condition. A tributary to the north branch of the Oak Creek overtops its banks and causes flooding in adjacent areas and overtops the roadway during the 10-year storm. Development in the area has increased and traffic volumes have increased to a level that requires additional roadway capacity. Changes to regulations regarding stormwater management and increased development in the project area have created a situation that requires additional stormwater management facilities.

Proposed Improvement- Nature of work: Reconstruction of the road to an urban cross-section. The new roadway will include curb and gutter and storm sewers, street lighting as determined by the Municipality, landscaping and sidewalks as determined by the Municipality.

DRAFT

Estimated Cost Summary¹ Real Estate and Construction Costs

<u>Phase</u>	<u>Total</u>	<u>County</u>	<u>Milwaukee</u>
	<u>Estimated Cost</u>	<u>Funds</u>	<u>Funds</u>
Real Estate			
-Roadway (Non Part) ²	\$ 300,000	\$ 0	\$ 300,000
Construction			
-Roadway (Non Part) ²	\$1,860,330	\$ 0	\$1,860,330
Total	\$2,160,330	\$ 0	\$2,160,330

- 1 These are preliminary estimated costs that will be refined at the conclusion of the design phase. These estimated costs include sidewalk and other items that are not eligible (non-participating costs) for Milwaukee County funding assistance. Street light costs are not included.
- 2 The costs presented above are for roadway items and storm sewer items related solely to the roadway improvement.

This request is subject to the terms and conditions that follow and is made by the undersigned under proper authority to make such request for the designated Municipality and upon acceptance by the County shall constitute agreement between the Municipality and the County.

DRAFT

Signed for and on behalf of Milwaukee County:

Signature

Interim Director of Transportation
and Public Works
Title

Date

Jack H. Takerian
Name (Print Clearly)

Signed for and on behalf of the City of Milwaukee:

Signature

Commissioner of Public Works
Title

Date

Name (Written Clearly)

Signature

City Comptroller
Title

Date

-Terms and Conditions Begin on the Next Page-

DRAFT

TERMS AND CONDITIONS

1. The Municipality will pay to the County all costs that are under the jurisdiction of the City of Milwaukee. The County agrees to involve the Municipality in the planning and preliminary engineering activities on the project and to seek and obtain the Municipality's approval on the design concept prior to beginning any final design work.
2. As the work progresses, the Municipality will be billed quarterly for work completed which is under the jurisdiction of the City of Milwaukee. Upon completion of the project, a final audit will be made to determine the final costs.
3. The work will be administered by the County or its designee and may include items as proposed by the Municipality that are 100% Municipality costs.
4. Basis for Participation: 100% Municipality (Milwaukee), for the portion of roadway under the jurisdiction of the City of Milwaukee. Municipality may use their STP-U entitlements and other Federal/State funds.
5. Additional Agreements: It is anticipated that additional separate agreements detailing cost participation for maintenance, and ownership of certain facilities shall be prepared during the preliminary engineering phase. These agreements shall include, but not be limited to stormwater detention facilities, traffic signals, etc.
6. If the Municipality should withdraw from the roadway project, it will reimburse the County for all costs incurred by the County to the withdrawal date plus associated costs to the County to make necessary revisions to the plans due to the withdrawal (i.e. real estate, construction).

(End of Document)

**Capital Grant Resolution Certification from the
Comptroller's Office**

The Comptroller's Office has reviewed Common Council Resolution File No. 090797 for cost sharing agreement with Milwaukee County for right-of-way costs on planned improvement of South 13th between W Rawson Ave and W College Ave (City Share \$60,000 Grantor Share \$240,000) and approved the resolution as to:

- Sufficiency of funds
- Funding sources (per estimated **grant funding agreement**)
- Sufficiency of reporting for purposes of internal auditing

The following deficiencies were noted:

The resolution should be corrected and returned to the Comptroller's Office for review.

Signature: *C. Wisniewski*

Date: 10/2/09



Legislation Details (With Text)

File #: 090811 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution accepting a sewer easement document SE-2791A & SE-2791B from the Redevelopment Authority of the City of Milwaukee, located 178 feet north to 450 feet north of the centerline of West North Avenue between North 24th Street and North 25th Street.

Sponsors: THE CHAIR

Indexes: SEWER EASEMENTS

Attachments: Cover Letter, Sewer Easements, Plat Maps

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090811

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution accepting a sewer easement document SE-2791A & SE-2791B from the Redevelopment Authority of the City of Milwaukee, located 178 feet north to 450 feet north of the centerline of West North Avenue between North 24th Street and North 25th Street.

Analysis

This resolution accepts Sewer Easement SE-2791A & SE 2791B. The easement is located 178 feet north to 450 feet north of the centerline of West North Avenue between North 24th Street and North 25th Street.

Body

Whereas, The City of Milwaukee has submitted a request for an easement required to maintain an existing 36-inch combined sewer and an existing 42-inch combined sewer located 178 feet north to 450 feet north of the centerline of West North Avenue between North 24th Street and North 25th Street; and

Whereas, The easement area is located in lands owned by the Redevelopment Authority of the City of Milwaukee; and

Whereas, Sewer Easement SE-2791A & SE-2791B, granting permission to the City of Milwaukee or future assigns to maintain the 36-inch and 42-inch diameter combined sewers has been approved as to contents by the City Engineer; and

Whereas, Sewer Easement SE-2971A & SE-2791B will also grant the City of Milwaukee or future assigns the right of entry in and across the property with the right to inspect, enlarge, reconstruct and relocate said 36-inch and 42-inch diameter combined sewers as may become applicable; now, therefore, be it

Resolved, By The Common Council of the City of Milwaukee, that the City of Milwaukee hereby accepts Sewer Easement SE-2791A & SE-2791B, said Easement document being attached to this Common Council File Number 090811 and incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, that after said Sewer Easement document has been accepted, it shall be forwarded to the City Attorney for approval as to form and execution and then to the Department of Public Works for recording and distribution.

Requestor

Department of Public Works
Infrastructure Services Division

Drafter

Environmental Section
TJT/RTP
October 1, 2009

October 1, 2009

To the Honorable, the Common Council

Dear Council Members:

Attached is a resolution accepting Sewer Easement SE-2791A & SE-2791B. The sewer easement is located at 178± feet north to 450± feet north of the centerline of West North Avenue between North 24th Street and North 25th Street. An easement is necessary between the City of Milwaukee and the Redevelopment Authority of the City of Milwaukee to allow the City of Milwaukee to maintain the existing 36-inch diameter and 42-inch diameter combined sewers located within the subject property.

We recommend adoption of the attached resolution.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes, P.E.
Commissioner of Public Works

TJT: rtp

Attachment

RTP: 3-5

Sewer Easements
SE-2791A &
SE-2791B

Document Number

Please return Document to:

City of Milwaukee
Infrastructure Services Division
Environmental Engineering Section
841 North Broadway – Room 820
Milwaukee, WI 53202

Sewer Easements between the City of Milwaukee and the Redevelopment Authority of the City of Milwaukee in the area located at 178± feet north to 450± feet north of the centerline of West North Avenue between North 24th Street and North 25th Street.

Recording Area

325-0200-111-5, 325-0195-100-4, 325-0204-110-9, 325-0166-111-1

Tax Key Number

EASEMENT

THIS INDENTURE, Made this _____ day of _____, A.D. 20____ by and between the CITY OF MILWAUKEE, a municipal corporation of the State of Wisconsin, hereinafter referred to as “City”, and the Redevelopment Authority of the City of Milwaukee, a body politic and corporate organized and existing under the laws of the State of Wisconsin (including heirs, personal representatives, successors or assigns, of above owner, as may be or may become applicable) hereinafter called “Grantor.”

WITNESSETH

That, WHEREAS, The City desires to acquire permanent EASEMENTS as shown on the attached Exhibit “A”, File Number 198-6-47, with the right of entry in and across the property hereinafter described and with the right to construct, operate, maintain, inspect, repair, enlarge, reconstruct and relocate, as may be or may become applicable, the following facilities and appurtenances thereto, hereinafter called “FACILITIES”, in said property, namely sewers;

NOW, THEREFORE, in consideration of the grant of the EASEMENTS for aforementioned FACILITIES hereinafter described and the payment of One Dollar (\$1.00) and other valuable consideration to the Grantor, receipt whereof is hereby acknowledged, said Grantor, being the owner interested in the land hereinafter described, does hereby grant unto the City permanent EASEMENTS for aforementioned FACILITIES with the right of entry in and across the property hereinafter described and with the right to construct, operate, maintain, inspect, repair, enlarge, reconstruct and relocate, as may be or may become applicable, the FACILITIES in and across the following described property in that part of Southwest ¼ (SW ¼) of Section 18, Township 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows, to-wit:

SE-2791A

Commencing at the southeasterly corner of Lot 8 in Block 246 of Dahlman and Kilian's Subd., a recorded subdivision in said Southwest ¼ (SW ¼) Section;
Thence North 0° 8' 00" West 98.00 feet to the point of beginning of the land to be described;
Thence South 89° 51' 26" West 135.99 feet to a point;
Thence North 59° 37' 58" West 148.36 feet to a point;
Thence North 0° 8' 00" West 34.80 feet to a point;
Thence South 59° 37' 58" East 157.63 feet to a point;
Thence North 89° 53' 57" East 128.00 feet to a point;
Thence South 0° 8' 00" East 30.00 feet to the point of beginning.

SE-2791B

Commencing at the southeasterly corner of Lot 7 in Block 245 of Dahlman and Kilian's Subd., a recorded subdivision in said Southwest ¼ (SW ¼) Section;
Thence North 0° 8' 00" West 30.00 feet to the point of beginning of the land to be described;
Thence North 60° 23' 53" West 304.00 feet to a point;
Thence North 0° 8' 00" West 34.50 feet to a point;
Thence South 60° 23' 53" East 304.00 feet to a point;
Thence South 0° 8' 00" East 34.50 feet to the point of beginning.

The above described permanent EASEMENTS are a part of Tax Key Numbers 325-0200-111-5, 325-0195-100-4, 325-0204-110-9, and 325-0166-111-1 and are shown on the drawing attached hereto as Exhibit "A".

UPON CONDITION:

1. That said FACILITIES shall be maintained and kept in good order and condition by the City.

2. That no structures may be constructed within the limits of the EASEMENTS by the Grantor excepting improvements such as lawns, concrete walks, roadways, driveways and parking lot surfacing. The City will replace such damaged or removed lawns, concrete walks, roadways, driveways and parking lot surfacing, at its own cost, after making any necessary repairs, reconstruction, or enlargement of the FACILITIES in the EASEMENTS.

3. That in and during whatever construction, operation, maintenance, inspection, repair, enlargement, reconstruction or relocation is or becomes necessary with respect to said FACILITIES, so much of the surface or subsurface of the property as may be disturbed will, at the expense of the City, be replaced in substantially the same condition as it was prior to such disturbance: except that the City will in no case be responsible for replacing or paying for replacing any improvements other than lawns, concrete walks, roadways, driveways, or parking lot surfacing which were required to be removed in the course of doing the above work. However, the City shall save the Grantor harmless from any loss, damage, injury or liability resulting from negligence on the part of the City in connection with said work with respect to said FACILITIES; provided, however, that if above loss, damage, injury or liability results from the joint negligence of the parties hereto, then the liability therefore shall be borne by them in proportion to their respective degree of negligence; provided further, however, that these provisions are subject to the legal defenses which, under law, the City is entitled to raise.

4. That, in connection with the construction by the Grantor of any structure or building adjacent to said EASEMENTS, the Grantor will assume all liability for any damage to the FACILITIES in the above described property. The Grantor will also save and keep the City clear and harmless from any claims for personal injuries or property damage caused by any negligence of the Grantor or person other than the City, arising out of the construction by the Grantor of any structure or building adjacent to said EASEMENTS, and shall reimburse the City for the full amount of such loss or damage.

5. That no additional charges will be made against said lands for the cost of construction, operation, maintenance, inspection, repair, enlargement, reconstruction or relocation of said FACILITIES in the aforescribed property. Excepting that 1) When the Grantor makes application for a permit to connect to said FACILITIES in the aforescribed EASEMENTS, the regular and customary connection permit fee in effect at the time of application shall be paid, and 2) The sewer maintenance, user fees or other sewer fees in effect for all City of Milwaukee serviced properties, that appear as charges to Grantor's herein described property, shall be paid.

6. That the FACILITIES shall be accessible for maintenance at all times. The Grantor shall submit plans for approval by the Commissioner of Public Works of the City for any underground installation within the EASEMENTS.

7. That the Grantor shall submit plans for all surface grade alterations which would raise or lower the surface elevation by 1 foot or more within the limits of said EASEMENTS. Said alterations shall be made only with the approval of the Commissioner of Public Works of the City.

8. That the Grantor shall be responsible for adjusting the elevations of all appurtenances necessitated by alteration of surface elevations within the aforescribed property. Said adjustments shall be required to provide free access to all sewer appurtenances and shall be made only with the approval of the Commissioner of Public Works of the City.

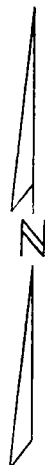
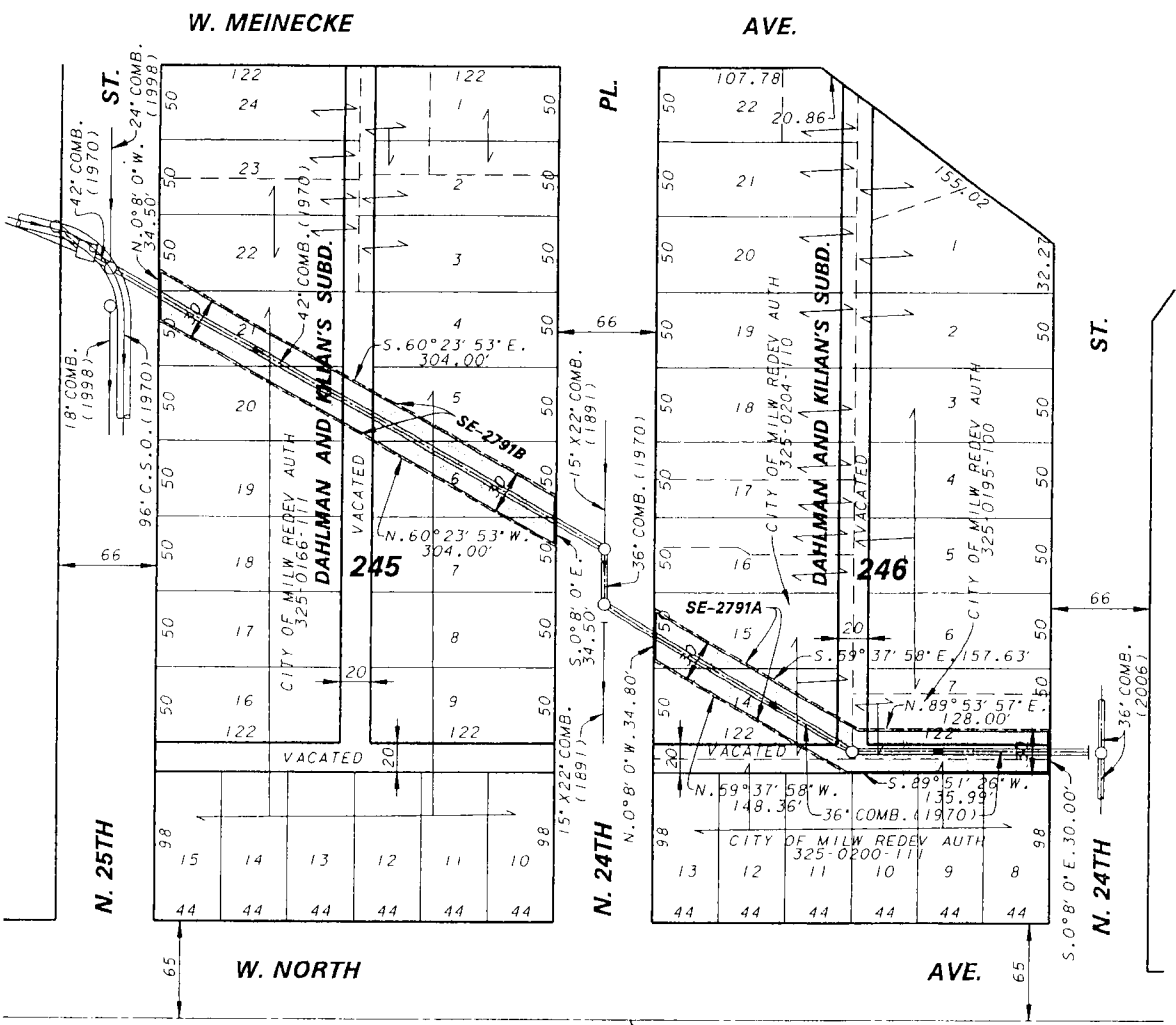


EXHIBIT "A"

ENVIRONMENTAL ENGINEERING SECTION INFRASTRUCTURE SERVICES DIVISION DEPARTMENT OF PUBLIC WORKS MILWAUKEE, WISCONSIN		
PLAN OF SEWER EASEMENT		
AREA IN S.W. 1/4 SEC. 18, T. 7 N., R. 22 E.		
EASE. N. OF W. NORTH AVE. FROM N. 24TH ST. TO N. 24TH PL. & EASE. N. OF W. NORTH AVE. FROM N. 24TH PL. TO N. 25TH ST.		
SCALE	ATLAS PAGE NO. 325	EASE. NO. SE-2791A & SE-2791B
DRAWN BY SIMPRAPHONE	CH'KD. BY RTP	W.O. NO.
APPROVED <i>Timothy J. Thun</i>		DATE 6/30/09
APPROVED <i>[Signature]</i>		FILE NO. 198-6-47



Legislation Details (With Text)

File #: 090704 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution approving a Fiber Infrastructure Partnership Agreement between the City and AT&T.

Sponsors: THE CHAIR

Indexes: AGREEMENTS, CABLE TELEVISION, COMMUNICATIONS SYSTEMS, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Agreement, Fiscal note

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090704

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution approving a Fiber Infrastructure Partnership Agreement between the City and AT&T.

Analysis

This resolution approves a Fiber Infrastructure Partnership Agreement between the City and AT&T. Under the Agreement, AT&T shall utilize City owned conduit for the purpose of providing certain uninterrupted fiber optic cable service during the reconfiguration and reconstruction of the I-94/894 Mitchell Interchange. AT&T shall install and maintain a higher count fiber cable within a specified length of this conduit, enabling usage by both AT&T and the City. Ownership and maintenance of the fiber shall reside solely with the City upon expiration of the 2-year Agreement.

Body

Whereas, AT&T maintains certain fiber optic cables, a segment of which will be temporarily unusable during the I-94/894 Mitchell Interchange reconfiguration project; and

Whereas, These fiber optic cables service multiple state and regional entities including the University of Wisconsin, Wisconsin's Research and Education Network ("WiscNET") and the Wisconsin Department of Transportation ("WisDOT"); and

Whereas, The City utilizes WiscNET for broadband Internet access and WisDOT information for the purpose of augmenting public safety and snow plowing operations; and

Whereas, The City owns underground conduit which would enable AT&T to re-route their fiber optic cables, thereby continuing service for the aforementioned entities during the reconstruction of the Mitchell Interchange; and

Whereas, It is therefore in the best interests of the City to allow AT&T, through a Fiber Infrastructure Partnership Agreement, to remove existing City cable within a specified length of this conduit and replace with a higher count cable, thereby enabling fiber optic cable usage by both the City and AT&T; and

Whereas, After completion of the Mitchell Interchange reconfiguration project, all shared fiber optic cable shall revert to the City, enhancing the capacity of the City's optical network; and

Whereas, This Agreement shall be effective for 2 years, beginning on the date signed by both parties; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Fiber Infrastructure Agreement between the City and AT&T is approved; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to execute the Agreement with AT&T, a copy of which is attached to this file.

Requestor

DPW - Infrastructure Services Division

Drafter

LRB09403-1

MST

9/21/09

Fiber Infrastructure Partnership between the City of Milwaukee
and AT&T.

The City of Milwaukee (CITY) and AT&T, Inc. (AT&T) are entering into this agreement to share fiber optic infrastructure and resources to provide each agency with a more efficient and reliable communications network. The scope of this agreement shall include installation of fiber optic cable and fiber termination as designated below.

I. RESPONSIBILITIES OF PARTIES

- AT&T will remove the City 24-fiber cable on South 20th Street between I-894 and West College Avenue. AT&T will install a 72-count fiber cable in its place. AT&T will splice 24 of these fibers to the existing City fibers at each endpoint. AT&T will splice 48 of these fibers to AT&T fiber for its own use.
- AT&T will disconnect all AT&T facilities from the 72-count fiber prior to the end of the agreement. Once the term of the agreement has passed, ownership of the fiber and all responsibility for maintenance of the fiber will reside with the City.

II. TERMS OF USAGE

- All fibers allocated by one party in this agreement for use by the other party shall be used solely by that party. Any use of the fiber by other parties shall require written approval of the fibers' owner.
- The party installing fiber under provisions of section I of this agreement shall assume responsibility for the maintenance of that fiber during the term of the agreement. This includes testing, repair of faults and any critical maintenance necessary.
- This agreement shall be effective for two (2) years beginning on the date the agreement is signed by both parties.

IN WITNESS HEREOF, the undersigned have executed this Agreement as of the day, month and year first set forth below.

FOR
City of Milwaukee

FOR
AT&T

By: _____

By: _____

Title: _____

Title: _____

Date: _____

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)

A) DATE: October 16, 2009

File # 090704

Original Fiscal Note Substitute

SUBJECT: Resolution approving a Fiber Infrastructure Agreement between the City and AT&T.

B) SUBMITTED BY (Name/Title/Dept/Ext.): Jeffrey S. Polenske, P.E./City Engineer/Infrastructure Services Division/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS:					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 090414 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution granting a special privilege to America's Auto Shop LLC to install and maintain three groundwater monitoring wells for the premises at 1058 West Windlake Avenue, in the 12th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Special Privilege Petition, Letter from Department of Public Works, Fiscal Note, Pictures, Map

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		
8/5/2009	0	CITY CLERK	REFERRED TO		
10/14/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090414
Version
SUBSTITUTE 1

Reference

Sponsor
THE CHAIR

Title
Substitute resolution granting a special privilege to America's Auto Shop LLC to install and maintain three groundwater monitoring wells for the premises at 1058 West Windlake Avenue, in the 12th Aldermanic District.

Analysis
This resolution grants a special privilege to America's Auto Shop LLC to install and maintain three groundwater monitoring wells for the premises at 1058 West Windlake Avenue.

Body
Whereas, The subject premises is undergoing an environmental remediation under the jurisdiction of the Wisconsin Department of Natural Resources; and

Whereas, As part of the remediation, the applicant is requesting permission to install and maintain monitoring wells in the public right-of-way; and

Whereas, Said monitoring wells 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 America's Auto Shop LLC, 1058 West Windlake Avenue, Milwaukee, WI 53204 is hereby granted the following special privileges:

1. To install and maintain two monitoring wells in the southerly traffic lane of West Windlake Avenue. Said monitoring wells are centered approximately 21 and 135 feet easterly of the eastline of South 11th Street and 14 feet northerly of the southerly line of West Windlake Avenue.

2. To install and maintain one monitoring well in the west traffic lane of South 11th Street. Said monitoring well is centered approximately 13 feet east of the westline of South 11th Street and 81 feet north of the northerly line of West Windlake Avenue.

Said monitoring wells shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said monitoring wells 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, America's Auto Shop LLC, 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 certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 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. The 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 \$35.00. 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 1st 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.

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

MDL: ns

October 2, 2009

090414

1 3 2009

20

\$250.00 Publication Fee
Must Accompany This Petition
SUBMIT PETITION IN DUPLICATE

To the Honorable, The Common Council of the City of Milwaukee:

The Licensee Jose Ocon
(Name of Individual, Partners, Corporation or LLC)

being the owners of the following property known by street address as 1058W Windlake Ave
(Street Address and Zip Code)

in the 12 Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

install 3 Groundwater Monitoring Wells
in ROW
(Here describe the privilege)

Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, to furnish a bond and pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to 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. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way.

Name (Please Print): Jose Ocon
(Individual, Partner, or Agent if corporation or LLC as shown above)

Signature: [Signature]
(Individual, Partner, or Agent if corporation or LLC)

Corporation or LLC Name: America's Auto Shop, LLC
(If applicable, as shown above)

Mailing Address (If different than property address above): _____

City: Milwaukee State: WI Zip: 53204

Telephone: 414 384 5851 E-Mail: _____

(OVER)

Architect/Engineer/Contractor (If Applicable)

Name: Moraine Env. Inc.

Address: 1402 7th Ave

City: Grafton State: WI Zip: 53024

Telephone: 262 377 9060 E-Mail: moraine@excpc.com

FILE WITH CITY CLERK LICENSE DIVISION ROOM 105, CITY HALL, 200 EAST WELLS STREET, 414-286-2238.
Make check payable to "City of Milwaukee".

CITY OF MILWAUKEE
2009 JUL 13 PM 1:39
RONALD D. LEONHARDT
CITY CLERK

October 2, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 090414

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 090414, granting a special privilege to America's Auto Shop LLC to install and maintain three groundwater monitoring wells for the premises at 1058 West Windlake Avenue.

The subject property is undergoing an environmental remediation under the jurisdiction of the Wisconsin Department of Natural Resources. As part of the remediation, the applicant is requesting permission to install and maintain three monitoring wells in the public right-of-way. One of the monitoring wells will be located in the west parking lane of South 11th Street. The other two monitoring wells will be located in the southerly parking lane of West Windlake Avenue.

We are not aware that the presence of said monitoring wells will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said monitoring wells to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg, Commissioner
Department of Neighborhood Services

MDL: ns

Attachment

c: Alderman James Witkowiak

CITY OF MILWAUKEE FISCAL NOTE

A) DATE October 2, 2009

FILE NUMBER: 090414

Original Fiscal Note Substitute

SUBJECT: Substitute resolution granting a special privilege to America's Auto Shop LLC to install and maintain three groundwater monitoring wells for the premises at 1058 West Windlake Avenue.

B) SUBMITTED BY (Name/title/dept./ext.): **JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400**

- C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

- D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$35.00	
TOTALS				\$35.00	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$35.00
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

Annual billing/initial Inspection

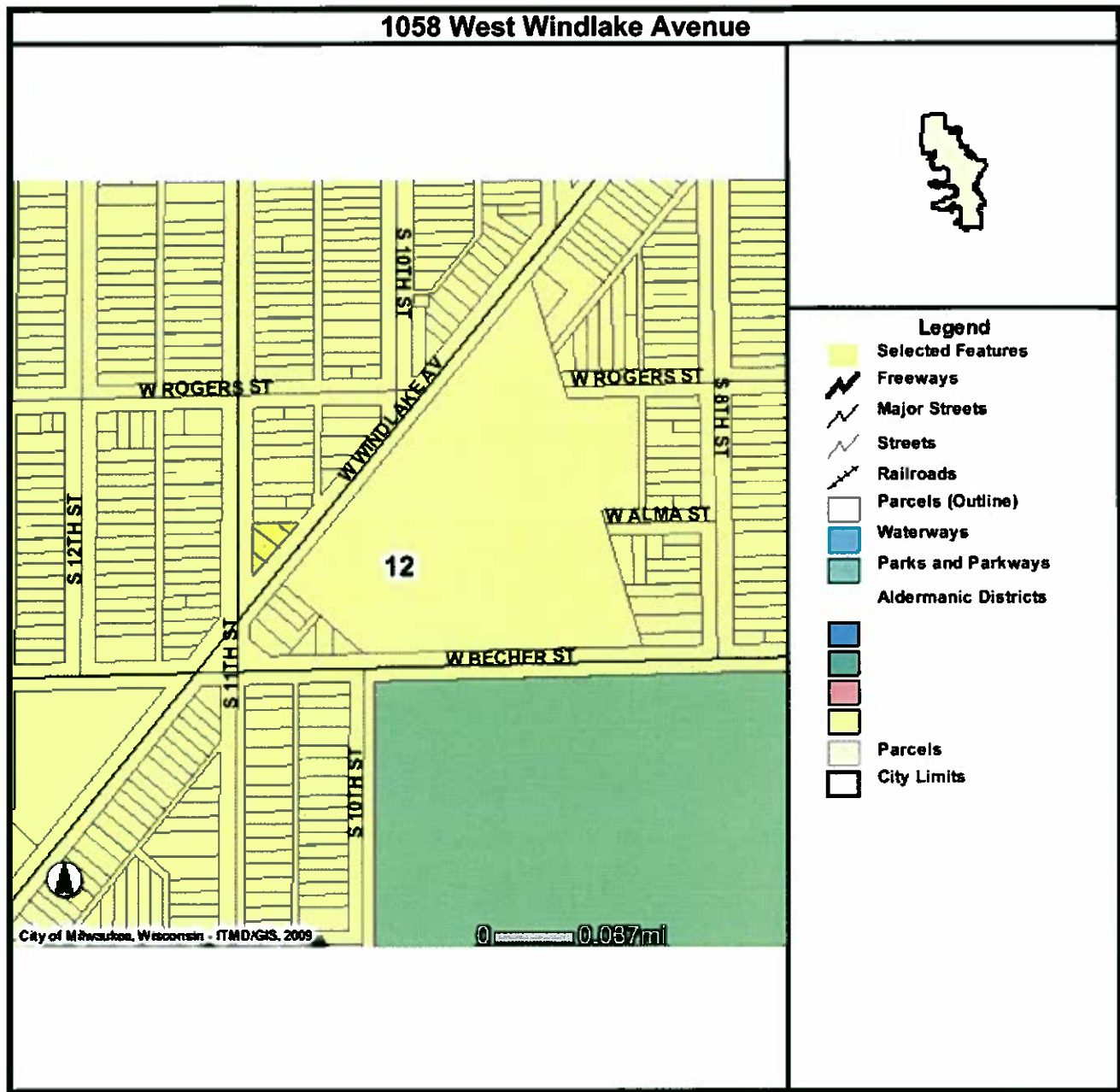
H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



CCF 090414 1058 W Windlake Ave 9-28-2009
Looking northly across Windlake Ave at
subject premises.





Legislation Details (With Text)

File #: 090263 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 6/16/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution amending a special privilege to Hurricane Hannah Corporation for addition of a permanent platform for a sidewalk café and an excess door swing for the premises at 2203 North Prospect Avenue, in the 3rd Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Special Privilege Petition, Letter from City Engineer, Fiscal Note, Pictures, Map

Date	Ver.	Action By	Action	Result	Tally
6/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
6/18/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/8/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090263
Version
SUBSTITUTE 1

Reference
990378

Sponsor
THE CHAIR

Title
Substitute resolution amending a special privilege to Hurricane Hannah Corporation for addition of a permanent platform for a sidewalk café and an excess door swing for the premises at 2203 North Prospect Avenue, in the 3rd Aldermanic District.

Analysis
This resolution amends a special privilege to Hurricane Hannah Corporation for addition of a permanent platform for a sidewalk café and an excess door swing for the premises at 2203 North Prospect Avenue.

Body
Whereas, Hurricane Hannah Corporation requested permission to install and maintain a covered walk in the public right-of-way; and

Whereas, Permission for said covered walk was granted in 1999 under Common Council Resolution File Number 990378; and

Whereas, The applicant is now requesting permission to keep and maintain a permanent platform for a sidewalk café; and

Whereas, A site visit revealed the presence of an excess door swing projection in to the public right-of-way; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 090263 is hereby rescinded; and, be it

Further Resolved, That Hurricane Hannah Corporation, 2203 North Prospect Avenue, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To keep and maintain a multi-level, permanent platform for a sidewalk café projecting 6 feet 8 inches into the 18-foot wide, west sidewalk area of North Prospect Avenue. Said platform commences at a point approximately 35 feet north of the northline of East Kenilworth Place and extends 28 feet 10 inches to the north. The wooden structure is surrounded by a wooden railing on the north and east sides of the platform.

The applicant shall procure all required permits for operation of a sidewalk café, including a “Sidewalk Area Dining Facility” permit. Any permission and licenses that are required specifically pertaining to intoxicating liquor, wine and fermented malt beverage sales shall be obtained as required.

2. To keep and maintain a 3-foot 6-inch wide door swing, that, when fully open, projects 3 feet into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said door is centered approximately 30 feet north of the northline of East Kenilworth Place.

3. To keep and maintain a 6-foot wide covered walk projecting 17 feet into the 18-foot wide, west sidewalk area of North Prospect Avenue. Said covered walk is centered approximately 25 feet north of the northline of East Kenilworth Place.

The covered walk is supported by the building and by two vertical supports near each corner closest to the curb along each side of the covered walk. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frame shall be designed to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the adjacent sidewalk grade. The covering shall be of approved material.

All fixtures and materials for illumination of the covered walk shall be approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The name, street number, or character of business may be indicated only on the vertical portion of the covered walk vertical portion of the covering and shall not exceed 8 inches in height.

The grantee will be required to keep a "Loading Zone" or have a "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

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, Hurricane Hannah Corporation, 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 certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 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 \$504.88. 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 1st 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.

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

MDL:ns

September 25, 2009

090263



PETITION FOR A SPECIAL PRIVILEGE ccl-246 (6/09)

SP 2465

- New application \$250.00 Fee
- Amendment to add items to Special Privilege # 1856 (CC 990378) (\$125.00 Fee)
- Amendment to remove items from Special Privilege # _____ (No fee)
- Amendment for change of ownership for Special Privilege # _____ (No fee)

- File petition with the City Clerk License Division, City Hall, 200 E. Wells Street, Room 105, Milwaukee, WI 53202, telephone (414) 286-2238. www.milwaukee.gov/license
- Fee must be submitted with petition. Checks should be made payable to the City of Milwaukee.
- Petition must be submitted in duplicate.

To the Honorable, The Common Council of the City of Milwaukee:

The Licensee HURRICANE HANNAH CORPORATION
(Name of Individual, Partners, Corporation or LLC)

being the owners of the following property known by street address as 2203 N Prospect Ave
(Street Address and Zip Code)

in the 3rd Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

Description of Special Privilege: Addition of a permanent platform for a sidewalk café.

Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to 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. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way.

Name (Please Print): JON M. VINCENT
(Individual, Partner, or Agent if corporation or LLC as shown above)

Signature: [Handwritten Signature]
(Individual, Partner, or Agent if corporation or LLC)

Corporation or LLC Name: HURRICANE HANNAH CORPORATION
(If applicable, as shown above)
(OVER)

Mailing Address (If different than property address above): _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-Mail: _____

Architect/Engineer/Contractor (If Applicable)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-Mail: _____

CITY OF MILWAUKEE
2009 JUN 16 AM 10:47
RONALD D. LEONHARDT
CITY CLERK

September 25, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 090263

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 090263, amending a special privilege to Hurricane Hannah Corporation for addition of a permanent platform for a sidewalk café and an excess door swing for the premises at 2203 North Prospect Avenue.

Hurricane Hannah Corporation requested permission to install and maintain a covered walk in the public right-of-way and permission for said covered walk was granted in 1999 under Common Council Resolution File Number 990378. Subsequently, the applicant constructed a wooden platform for a sidewalk café in the west, 18-foot wide sidewalk area of North Prospect Avenue.

Presently, the applicant is requesting formal permission to keep said platform in the public right-of-way on a permanent, year-round basis. It should be noted that there is a minimum 5-foot wide clear sidewalk width for pedestrian traffic adjacent to the platform. Additionally, it should be noted that the attached resolution does not eliminate any permit requirements for sidewalk dining facilities, including requirements for the "Sidewalk Area Dining Facility" permit and any permits related to the consumption of alcoholic beverages with the sidewalk café. Finally, a site visit revealed the presence of an excess door swing projection into the west sidewalk area of North Prospect Avenue.

We are not aware that the presence of said items has had an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will change the name of the grantee and will allow said items to continue to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg, Commissioner
Department of Neighborhood Services

MDL: ns
Attachment
c: Alderman Nik Kovac

CITY OF MILWAUKEE FISCAL NOTE

A) DATE September 25, 2009

FILE NUMBER: 090263

Original Fiscal Note Substitute

SUBJECT: Substitute resolution amending a special privilege to Hurricane Hannah Corporation for addition of a permanent platform for a sidewalk café and an excess door swing for the premises at 2203 North Prospect Avenue.

B) SUBMITTED BY (Name/title/dept./ext.): JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400

C) CHECK ONE:	<input checked="" type="checkbox"/>	ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
	<input type="checkbox"/>	ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
	<input type="checkbox"/>	NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:	<input checked="" type="checkbox"/>	DEPARTMENT ACCOUNT (DA)	<input type="checkbox"/>	CONTINGENT FUND (CF)
	<input type="checkbox"/>	CAPITAL PROJECTS FUND (CPF)	<input type="checkbox"/>	SPECIAL PURPOSE ACCOUNTS (SPA)
	<input type="checkbox"/>	PERM. IMPROVEMENT FUNDS (PIF)	<input type="checkbox"/>	GRANT & AID ACCOUNTS (G & AA)
	<input type="checkbox"/>	OTHER (SPECIFY)		

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$504.88	
TOTALS				\$504.88	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$504.88
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:
Annual billing/initial Inspection

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:
Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



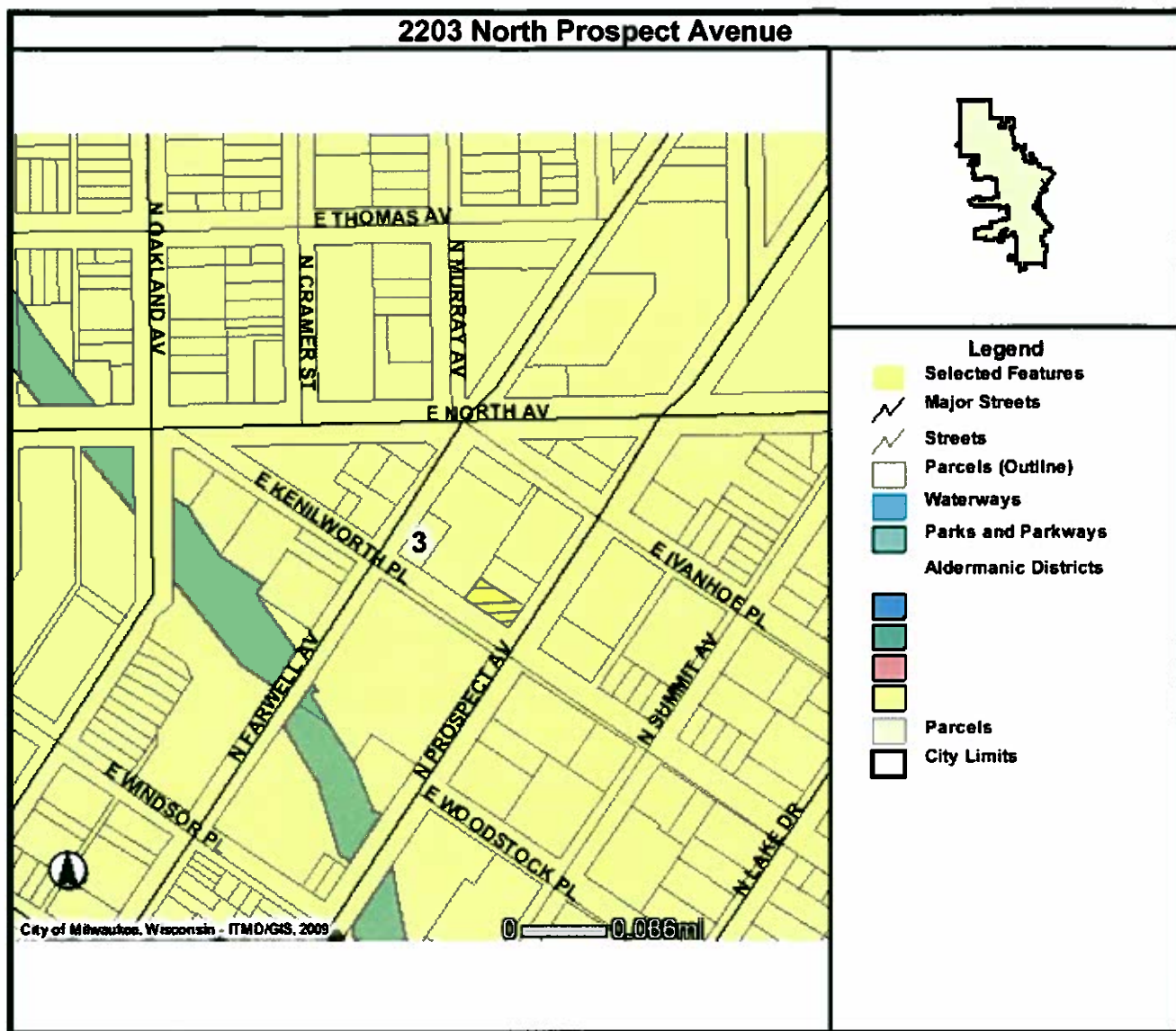
CCF 090263 2203 N Prospect Ave 9-18-2009
Looking N from Kenilworth Pl at W sidewalk
area of Prospect.

Note: There is a 5-foot minimum clearance for
pedestrian traffic adjacent to the platform.



**CCF 090263 2203 N Prospect Ave 9-18-2009
Looking NW'ly from Prospect at platform and
door in W sidewalk area.**

**Note: There is a 5-foot minimum clearance for
pedestrian traffic between the platform and the
tree boxout.**





Legislation Details (With Text)

File #: 090417 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Substitute resolution amending a special privilege for change of ownership to Lutheran Church of the Reformation ELCA for a hollow alley in the public right-of-way for the premises at 2201 North 35th Street, in the 15th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: Fiscal Note, Letter from Dept of Public Works, Special Privilege Petition, Pictures, Map

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		
8/5/2009	0	CITY CLERK	REFERRED TO		
9/30/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090417
Version
SUBSTITUTE 1

Reference
35926
62-3293

Sponsor
THE CHAIR

Title
Substitute resolution amending a special privilege for change of ownership to Lutheran Church of the Reformation ELCA for a hollow alley in the public right-of-way for the premises at 2201 North 35th Street, in the 15th Aldermanic District.

Analysis
This resolution amends a special privilege for change of ownership to Lutheran Church of the Reformation ELCA for a hollow alley in the public right-of-way for the premises at 2201 North 35th Street.

Body
Whereas, Evangelical Lutheran Church of the Reformation requested permission to install and maintain a hollow alley in the public right-of-way; and

Whereas, Permission for said hollow alley was originally granted in 1927 under Common Council Resolution File Number 35926 and amended in 1963 under Common Council Resolution File Number 62-3293; and

Whereas, The church has changed its name to Lutheran Church of the Reformation ELCA; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 62-3293 is hereby rescinded; and, be it

Further Resolved, That Lutheran Church of the Reformation ELCA, 2201 North 35th Street, Milwaukee, WI 53208 is hereby granted the following special privilege:

To keep and maintain a hollow alley projecting 9 feet into the 18-foot wide north-south alley in the block bounded by North 35th Street, North 36th Street, West Garfield Avenue and West North Avenue. Said alley commences at a point 26 feet north of the northline of West Garfield Avenue and extends 20 feet to the north.

Said above-mentioned hollow alley shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said hollow alley 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, Lutheran Church of the Reformation ELCA, 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 certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 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 \$90.00. 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 1st 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.

Requestor

Department of Public Works

Drafter

Infrastructure Services Division

MDL: ns

September 21, 2009

090417

CITY OF MILWAUKEE FISCAL NOTE

A) DATE September 21, 2009

FILE NUMBER: 090417

Original Fiscal Note Substitute

SUBJECT: Substitute resolution amending a special privilege for change of ownership to Lutheran Church of the Reformation ELCA for a hollow alley in the public right-of-way for the premises at 2201 North 35th Street.

B) SUBMITTED BY (Name/title/dept./ext.): JEFFREY S. POLENSKE, P.E./CITY ENGINEER/INFRASTRUCTURE SERVICES DIVISION/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:			\$2.77/4.04	\$90.00	
TOTALS				\$90.00	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) \$90.00
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

Annual billing/initial Inspection

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

September 21, 2009

To the Public Works Committee

Subject: Common Council Resolution File Number 090417

Dear Honorable Members:

Returned herewith is the Common Council Resolution File Number 090417, amending a special privilege for change of ownership to Lutheran Church of the Reformation ELCA for a hollow alley in the public right-of-way for the premises at 2201 North 35th Street.

Evangelical Lutheran Church of the Reformation requested permission to install and maintain a hollow alley in the public right-of-way. Permission for said hollow alley was originally granted in 1927 under Common Council Resolution File Number 35926 and amended in 1963 under Common Council Resolution File Number 62-3293.

We are not aware that the presence of said hollow alley has had an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will change the name of the grantee and will allow said hollow alley to continue to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Jeffrey J. Mantes
Commissioner of Public Works

Art Dahlberg, Commissioner
Department of Neighborhood Services

MDL: ns

Attachment

c: Alderman Willie L. Hines, Jr.



PETITION FOR A SPECIAL PRIVILEGE

cci-246 (6/09)

SP 2475

- New application \$250.00 Fee
- Amendment to add items to Special Privilege # _____ (\$125.00 Fee)
- Amendment to remove items from Special Privilege # _____ (No fee)
- Amendment for change of ownership for Special Privilege # 52 (No fee)

- File petition with the City Clerk License Division, City Hall, 200 E. Wells Street, Room 105, Milwaukee, WI 53202, telephone (414) 286-2238. www.milwaukee.gov/license
- Fee must be submitted with petition. Checks should be made payable to the City of Milwaukee.
- Petition must be submitted in duplicate.

To the Honorable, The Common Council of the City of Milwaukee:

The Licensee Lutheran church of the Reformation-ELCA
(Name of Individual, Partners, Corporation or LLC)

being the owners of the following property known by street address as 2201 N 35th St
(Street Address and Zip Code)

in the 15th Aldermanic District respectfully petition the Common Council of the City of Milwaukee according to the provisions of Section 66.0425 of the Wisconsin Statutes, that the following privilege be granted:

Description of Special Privilege: Change of ownership for a hollow alley

LUTHERAN CHURCH OF THE REFORMATION-ELCA

Of which a plan or sketch is herewith submitted. Petitioner agrees to comply with all laws and all ordinances of the City of Milwaukee, to abide by any order or resolution of the Common Council affecting this privilege, to be primarily liable for damages to person or property by reason of the granting of such privilege, pay annual compensation as provided by law in the sum to be fixed by the proper city officers, and to file and keep current throughout the existence of the privilege, a certificate of insurance indicating applicant holds a public liability policy in at least the sums of \$25,000.00/\$50,000.00 bodily injury, and \$10,000.00 property damage, insuring the city against any liability that might arise by reason of the privilege.

Petitioner further agrees to remove said privilege whenever public necessity so requires when so ordered upon resolution adopted by the Common Council or other legislative body.

Should this special privilege be discontinued for any reason whatsoever, petitioner agrees to remove all construction work executed pursuant to this special privilege, to 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. Petitioner further agrees not to contest the validity of Section 66.0425 of the Wisconsin Statutes, or the legality of this special privilege in any way.

Name (Please Print): Gus Barnes Jr. Ministry Asst.
(Individual, Partner, or Agent if corporation or LLC as shown above)

Signature: Gus Barnes Jr. Ministry Asst.
(Individual, Partner, or Agent if corporation or LLC)

Corporation or LLC Name: _____
(If applicable, as shown above)

(OVER)

Mailing Address (If different than property address above): _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-Mail: _____

Architect/Engineer/Contractor (If Applicable)

Name: _____

Address: _____

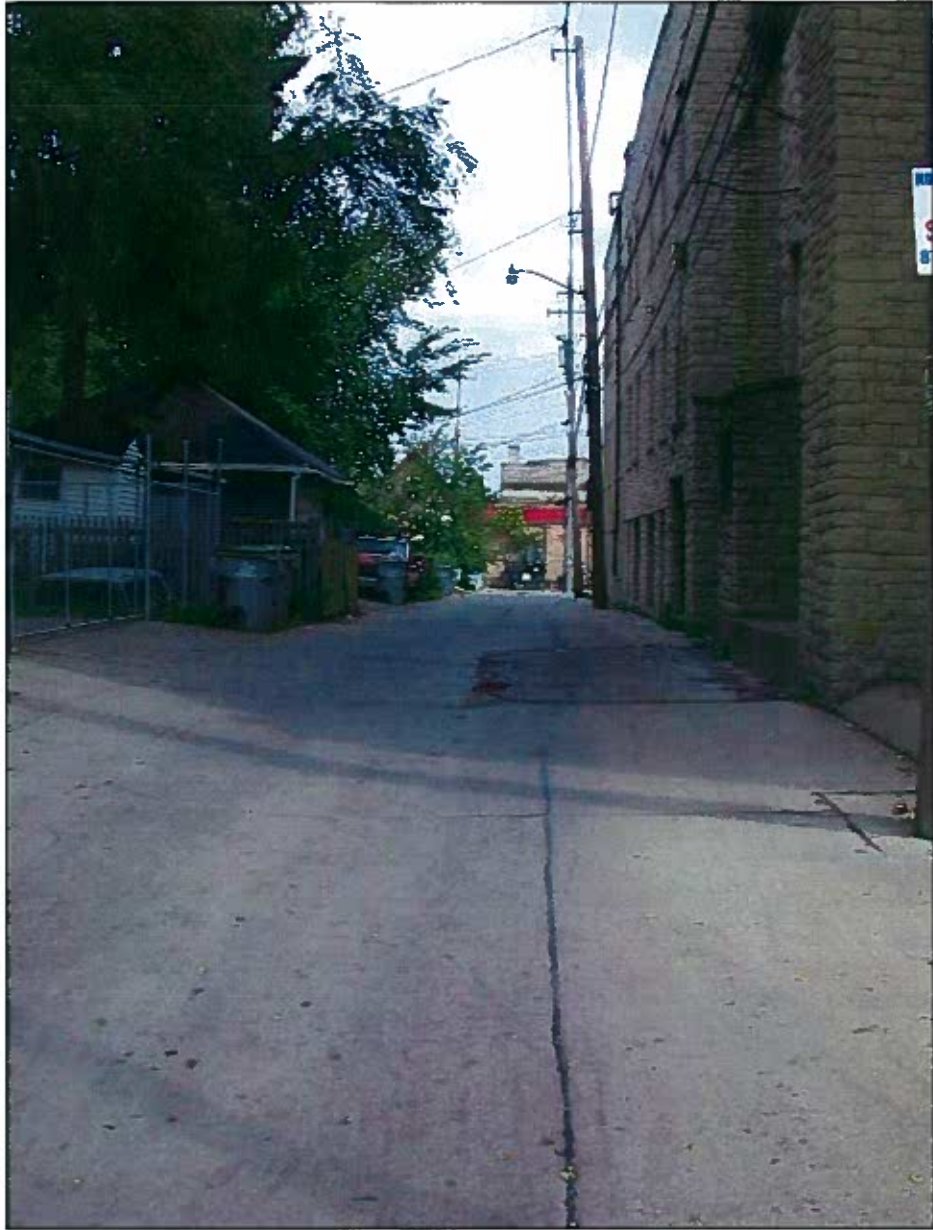
City: _____ State: _____ Zip: _____

Telephone: _____ E-Mail: _____

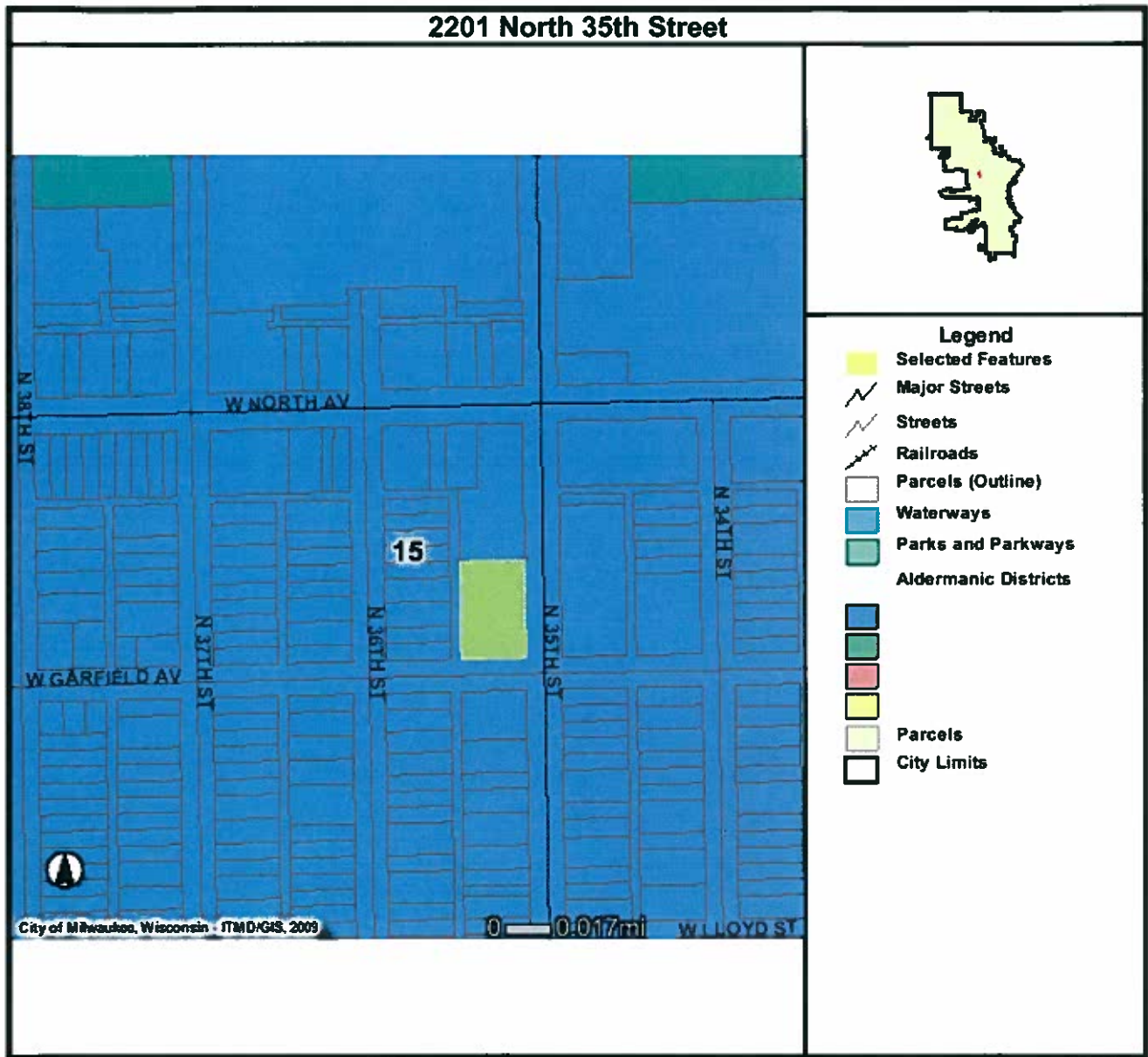
CITY OF MILWAUKEE
2009 JUL 20 AM 8:44
RONALD D. LEONHART
CITY CLERK



CCF 090417 2201 N 35th St 9-18-2009
Looking NW'ly across N 35th St at
subject premises.



CCF 090417 2201 N 35th St 9-18-2009
Looking N from Garfield Ave at alley
where hollow alley is located.





Legislation Details (With Text)

File #: 090787 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution authorizing the issuance of a street occupancy permit to FJA Christiansen Roofing Co., Inc. as construction manager for the 735 North Water Street Building re-roofing project allowing occupancy of the entire south bound roadway between Mason Street and Wisconsin Avenue.

Sponsors: THE CHAIR

Indexes: PERMITS, STREET CLOSINGS

Attachments: Cover Letter, Fiscal Note

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		

NUMBER
090788
VERSION
ORIGINAL
REFERENCE

SPONSOR
THE CHAIR
TITLE

Resolution authorizing the issuance of a street occupancy permit to FJA Christiansen Roofing Co., Inc. as construction manager for the 735 North Water Street Building re-roofing project allowing occupancy of the entire south bound roadway between Mason Street and Wisconsin Avenue.

ANALYSIS

This resolution authorizes City officials to issue an occupancy permit to FJA Christiansen Roofing Co., Inc. allowing them to close half of the roadway (30 feet of the 60-foot roadway).

BODY

Whereas, FJA Christiansen Roofing Co., Inc. is acting agent as the construction manager for Compass Properties on the 735 Building project between Mason Street and Wisconsin Avenue; and

Whereas, FJA Christiansen Roofing Co., Inc. has requested the permission to occupy 30 of the 60 feet of the roadway (all south bound lanes including parking lane); and

Whereas, FJA Christiansen Roofing Co., Inc. is installing a new roof on the 735 Building; and

Whereas, A large crane is required to perform the demolition and installation of the new roof system, the dimensions of the crane are 60 feet long and 30 feet wide, and the length of the boom of the crane is 320 feet; and

Whereas, The only location to situate the crane is on Water Street; and

Whereas, The street closure is expected to take place in early November and to last about 4 to 6 weeks; and

Whereas, Two-way traffic shall be maintained on the east side of the roadway at all times (one lane in each direction); and

Whereas, FJA Christiansen Roofing Co., Inc. shall be responsible for all required traffic control in accordance with City requirements and permits; and

Whereas, FJA Christiansen Roofing Co., Inc. will notify, in writing, all owners of affected and adjacent properties of the intended work and schedule; and

Whereas, The Commissioner of Public Works may approve temporary occupancy of up to one half of the public rights-of-way while temporarily use beyond that point must be approved by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the appropriate City officials are hereby authorized to issue a permit to FJA Christiansen Roofing Co., Inc. allowing occupancy of the section of Water Street described herein for a period of six (6) weeks from the date the permit is issued.

Drafter

DPW-ADM

GK:mra

October 6, 2009

735 North Water Building Res

October 6, 2009

To the Honorable, the Common Council

Dear Honorable Members:

We are submitting for your consideration the attached resolution authorizing the issuance of a permit to Christiansen Roofing allowing occupancy of the section of Water Street described herein for a period of six (6) weeks from the date the permit is issued.

Please have this file introduced at the October 13th Common Council meeting. If you have any questions or would like any additional information, please contact Ghassan Korban at extension 3304.

Very truly yours,

Jeffrey J. Mantes
Commissioner of Public Works

JJM:GK:mra
Attachments
c: Ald. Bauman
G. Korban
File

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** October 6, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution authorizing the issuance of a street occupancy permit to FJA Christiansen Roofing Co., Inc. as construction manager for the 735 North Water Street Building re-roofing project allowing occupancy of the entire south bound roadway between Mason Street and Wisconsin Avenue.

B) **SUBMITTED BY (Name/title/dept./ext.):** Ghassan Korban/Coordination Manager/DPW/3401

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:** DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:**

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Legislation Details (With Text)

File #: 090788 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution authorizing the Commissioner of Public Works to enter into an Out-of-Program Agreement with UWM Real Estate Foundation, Inc. for the widening and reconstruction of Cambridge Avenue from East North Avenue to a point north and authorizing acceptance of a deed to dedicate the land needed to widen the public right of way.

Sponsors: THE CHAIR

Indexes: AGREEMENTS, QUIT CLAIM DEEDS, UNIVERSITY OF WISCONSIN

Attachments: Cover Letter.pdf, Fiscal Note.pdf, Agreement.pdf, Exhibits A and B.pdf

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		

NUMBER
090788
VERSION
ORIGINAL
REFERENCE

SPONSOR
THE CHAIR
TITLE

Resolution authorizing the Commissioner of Public Works to enter into an Out-of-Program Agreement with UWM Real Estate Foundation, Inc. for the widening and reconstruction of Cambridge Avenue from East North Avenue to a point north and authorizing acceptance of a deed to dedicate the land needed to widen the public right of way.

ANALYSIS

This resolution authorizes the Commissioner of Public Works to execute an Out-of-Program Agreement on behalf of the City of Milwaukee between the UWM Real Estate Foundation, Inc. and the City of Milwaukee. This agreement pertains to the public improvement project on North Cambridge Avenue between East North Avenue and a point north. This project is a result of the construction of the new 188 residential living units, related facilities and retail space, referred to as Cambridge Commons. The resolution also authorizes the City to accept a quit claim deed to dedicate the land needed to widen the street as public right-of-way.

BODY

Whereas, The Developer is the owner of approximately 3.4 acres located at 1436 East North Avenue, Milwaukee, Wisconsin (the "Property"). This Property is more particularly described by Exhibit "A"; and

Whereas, The Developer has requested an agreement that provides for installation of public improvements to serve a residence hall and retail development planned for the site, said improvements to be known as Cambridge Commons; and

Whereas, The Project will consist of approximately 188 residential living units and related facilities and retail space; and

Whereas, The public improvements for the Development could be installed under the terms of an out-of-program agreement upon condition that title to such facilities shall vest in the City of Milwaukee subject to conditions more fully hereinafter stated; and

Whereas, Cambridge Avenue must be widened and altered to accommodate the development and the Developer has agreed to convey a strip of land approximately 24 feet wide by 350 feet length and containing 8,400 square feet as illustrated in Exhibit "B" to the City for dedication as public right of way; and

Whereas, The Developer has requested that the design and construction of the improvements be completed by the Developer because of time constraints to meet the fall 2010 student semester; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Out-of-Program Agreement attached to this file is hereby approved and the proper City officers are hereby authorized to execute said agreement on behalf of the City; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to accept funds from the UWM Real Estate Foundation, Inc. as outlined in the Out-of-Program Agreement for the purpose of preparing or reviewing design engineering plans and for the purpose of inspecting construction of the public improvements; and, be it

Further Resolved, that the Commissioner is authorized to make minor, non-substantive changes to the Out-of-Program Agreement prior to its execution; and, be it

Further Resolved, That the City is authorized to accept a quit claim deed from the Developer to dedicate approximately 8,400 square feet of land for public right of way purposes upon completion of construction of the North Cambridge Avenue improvements; and, be it

Further Resolved, That the City Engineer shall approve the final legal description and map identifying the land to be conveyed and dedicated prior to acceptance of the deed by the City.

Drafter
DPW-ADM
GK:mra

September 25, 2009
Cambridge Commons Res

September 28, 2009

To the Honorable, the Common Council

Dear Honorable Members:

We are submitting for your consideration the attached resolution authorizing the Commissioner of Public Works to execute an Out-of-Program Agreement between the City of Milwaukee and the UWM Real Estate Foundation, Inc. relative to public improvements on Cambridge Avenue.

Please have this file introduced at the October 13th Common Council meeting. If you have any questions or would like additional information, please contact Ghassan Korban at extension 3304.

Very truly yours,

Jeffrey J. Mantes
Commissioner of Public Works

JJM:GK:mra
Attachments
c: Ald. Bauman
Ald. Kovac
G. Korban
File

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** September 28, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution authorizing the Commissioner of Public Works to enter into an Out-of-Program Agreement with UWM Real Estate Foundation, Inc. for the widening and reconstruction of Cambridge Avenue from East North Avenue to a point north.

B) **SUBMITTED BY (Name/title/dept./ext.):** Ghassan Korban/DPW Coordination Manager/3304

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:** DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:**

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

THIS AGREEMENT, By and between the UWM Real Estate Foundation, Inc., hereinafter known as "Developer", and the City of Milwaukee, a municipal corporation, hereinafter known as "City";

WITNESSETH:

IN CONSIDERATION of the sum of One Dollar (\$1.00) to each party in hand paid by the other, receipt whereof is hereby acknowledged, and in further consideration of the covenants and agreements hereinafter contained.

WHEREAS, the Developer is the owner of approximately 3.4 acres located at 1436 East North Avenue, Milwaukee, Wisconsin (the "Property"). This Property is more particularly described by Exhibit "A"; and

WHEREAS, the Developer has requested an agreement that provides for installation of public improvements (the "Improvements") to serve a residence hall and retail development planned for the site, said improvements to be known as Cambridge Commons (collectively, the "Development"); and

WHEREAS, the Project will consist of approximately 188 residential living units and related facilities and retail space; and

WHEREAS, the public improvements for the Development could be installed under the terms of an out-of-program agreement upon condition that title to such facilities shall vest in the City of Milwaukee subject to conditions more fully hereinafter stated; and

WHEREAS, Cambridge Avenue must be widened and altered to accommodate the development; and

WHEREAS, the Developer has requested that the design and construction of the improvements be completed by the Developer because of time constraints to meet the fall 2010 student semester.

NOW, THEREFORE, in consideration of these premises and the mutual benefits herein accruing and for other good and valuable consideration,

IT IS AGREED, by and between the parties hereto that:

1. Funding Obligation

Developer agrees to provide all funds necessary for design and construction of the public improvements, easement preparation as may be required, water fittings, materials inspections, construction inspections and related City work necessitated by the Improvements as defined by the plans submitted by the Developer (the "Submitted Plans").

2. Developer to Design Public Improvements

The Developer shall let and administer one or more design contracts for the sewer, landscaping and paving infrastructure required to serve the Development. Submitted Plans shall be prepared to City specifications and approval by the Commissioner of all such plans shall be required prior to commencement of any improvement work. All City costs associated with review of Submitted Plans prepared by others shall be the Developer's responsibility. To expedite the City's review, Developer shall provide Submitted Plans for the Improvements as follows:

- a. Paving plans and sewer plans shall be submitted upon approval by the City Engineer of site grades established

as part of the Storm Water Management Plan. All proposed catch basins shall be submitted as part of the paving plans.

3. Construction Option

Developer may let and administer construction contracts for the Improvements covered by this Agreement. In the event Developer manages one or more public improvement construction contracts, City shall perform its normal inspections during the course of construction. In addition, Developer agrees to comply with and administer on behalf of the City, any applicable City rules and requirements pertaining to the City's Emerging Business Enterprise and local resident involvement in the public works construction contracts. Such rules and requirements, if any, shall be agreed, in writing, by Developer and City.

Developer shall not authorize any substantive changes in Submitted Plans without the prior approval of the Commissioner of Public Works.

4. Paving Improvements

Cambridge Avenue shall be constructed according to the Submitted Plans.

Per paragraph 2 above, plans for paving improvements shall be prepared by the Developer. Developer shall pay City \$1,000 for the estimated cost for the City's review of the paving plans. The estimated cost to inspect the paving improvements is as follows:

Inspection	\$10,000
------------	----------

Developer shall provide a deposit of \$10,000 for the inspection of the paving improvements. Any portion of the deposit for the inspection of the paving improvements that is not spent by City shall be refunded to Developer.

5. Utility Laterals

Any proposed laterals that are part of the Improvements shall be subject to the requirements of the Department of Neighborhood Services, including without limitation, the application and receipt of a plumbing permit.

6. Street Lights

The Improvements will have public, harp street lights on the west side of Cambridge Avenue which are not subject to Paragraph 3 of this Agreement. City shall install street lights in a timely manner and coordinate such timing with Developer's designated representative. Developer shall provide a \$30,000 deposit for the installation of the street lights upon execution of this Agreement. Any unused portion of the deposit shall be refunded to Developer.

7. Street Trees

Street trees will be planted by the Developer per the Submitted Plans approved by City. There is no additional cost for design engineering or inspections related to street trees or other landscaping that is a part of Improvements.

8. Storm Water Management Plan

A Storm Water Management Plan for the Development has been submitted by the Developer and approved by the City of

Milwaukee. A bond has been posted for the Storm Water Management Plan.

9. Other Improvements

Developer agrees that any utility and access improvements necessary to serve the site in addition to those listed above shall be its responsibility and shall be undertaken by Developer at its sole expense. Developer further agrees that the City shall review and approve plans for any work to occur in the public right-of-way. Permits necessary for any such work shall be obtained by Developer or other responsible parties.

10. Easements

Developer agrees to provide, where necessary, and at no cost to the City, all easements and other property rights required to construct, operate and maintain the public improvements described herein. It shall be the Developer's responsibility to obtain any permits and/or easements or other property rights necessary for the operation and maintenance of the storm water management system and outlets, as approved.

11. Private Utilities

Developer agrees that all private utility lines necessary to provide telephone, communications, electrical, and gas services to the development shall be installed underground, except where the City Plan Commission finds that such underground installations are not feasible.

12. Funding Guarantee for Construction

The Developer shall submit an irrevocable Letter of Credit or other funding guarantee, satisfactory in format to the City Attorney, in an amount equal to the estimated construction contract cost (\$100,000) for the Improvements described herein prior to the award of any public improvement contracts, whether privately or publicly let. It is hereby agreed that a format satisfactory to the City Attorney includes a certified letter from the Developer's lender. At the request of the Developer, the actual contract amount for the various improvements may be substituted for the estimated costs. In addition, the amount of the LOC may be reduced periodically to reflect payments made to contractors. Any such reductions shall be approved by the Commissioner of Public Works.

Any and all irrevocable Letters of Credit shall guarantee that the Developer's bank or savings and loan will provide, upon simple request by the Commissioner of Public Works and the City Treasurer and in the event of default on the part of Developer which has not been cured after sixty (60) days after written notice from City of such default, the required funds to cover the contract cost of installing the Improvements. Such funds shall be furnished interest free. The Letter of Credit or other funding guarantee shall be submitted to the City prior to the City or the Developer entering into any contracts for installation of the Improvements.

13. Payments

If Developer funded work covered under the terms of this Agreement does not proceed to the bid or contract stage, the City shall still retain a sufficient amount of the Developer's engineering fund deposit to cover expenses incurred by the City for plan review work commenced by the City at the Developer's request.

Upon completion of the Improvements and all associated City work, City shall return any unspent portions of the Developer's cash deposits (i.e. the Plan Review Deposit and the Construction Engineering Deposit) to the Developer.

14. Inspections

Both parties agree that all materials furnished and all work performed hereunder shall conform to all regulations and specifications of the City of Milwaukee and its Commissioner of Public Works and shall be subject to inspection by the Department of Public Works. All engineering and inspection costs incidental to the installation of the public improvements covered by this Agreement shall be subject to the terms of this Agreement, the cost of such service when furnished by City being established as the wages of the person or persons engaged in such work plus all costs of overhead.

15. Ownership of Public Improvements

It is understood and agreed by both parties hereto that upon completion of the Improvements, title to all public facilities installed under the terms of this Agreement shall vest in the City of Milwaukee and that the City will accept the obligation of

operation and maintenance of same in accordance with the standard practice.

16. Building Permits

It is understood and agreed by both parties hereto that building permits for the Improvements shall not be issued until (1) the required Storm Water Management Plan has been approved, (2) the Developer has provided the City with design review funds and a funding guarantee, (3) all required approvals for any sewer improvements have been granted by the appropriate agencies, (4) the dedication process for Cambridge Avenue has commenced, and (5) all easements required to construct and maintain underground improvements have been provided to the City.

17. Occupancy Permits

It is understood and agreed by both parties hereto that any applicable occupancy permits for the Development shall not be issued until all Improvements have been sufficiently completed so essential public utility services and traffic access are provided to the structure.

18. Prevailing Wages

Developer shall comply with the prevailing wages requirements set forth on the exhibit attached hereto.

19. City Ordinances and Regulations

City warrants that all work shall be undertaken in accord with City standard and customary public works contracting procedures unless such work is to be undertaken by Developer per paragraph

3. It is further understood and agreed that this Agreement is subject to all City ordinances and regulations and nothing herein shall be deemed to waive or supersede such requirements.

20. Termination

If Developer elects to terminate the Development, Developer shall pay City for the cost of work incurred prior to the date of termination and City agrees to release Developer from any and all obligations under this Agreement.

21. Indemnification

City shall indemnify, defend and hold harmless the Developer, and its officers, directors, members, partners, employees and agents, from and against all liability, claims, damages, losses, costs, and expenses (including attorney's fees) arising out of or related to City's performance of the work, provided such liability, claim, damage, loss, cost, or expense is not caused by the sole negligence of the Developer.

Developer shall indemnify, defend and hold harmless the City and its officers, directors, members, partners, employees and agents, from and against all liability, claims, damages, losses, costs, and expenses (including attorney's fees) arising out of or related to Developer's performance of the work, provided such liability, claim, damage, loss, cost, or expense is not caused by the sole negligence of the City.

THIS AGREEMENT, drafted by the City of Milwaukee, shall be binding upon the Developer, its lessees, successors and assigns, and upon the City, its successors and assigns.

DEVELOPER

IN WITNESS WHEREOF, the Developer has caused this document to be signed and sealed this ____ day of _____, 2009.

Developer

In Presence Of: _____

STATE OF WISCONSIN)
) SS.
MILWAUKEE COUNTY)

Personally came before me this ____ day of _____, 2009, who executed the foregoing instrument, and acknowledged that they executed the same.

Notary Public, State of Wisconsin
My Commission expires: _____

IN WITNESS WHEREOF, the proper City Officers have caused this document to be signed and the City's seal to be affixed this _____ day of _____, 2009.

CITY OF MILWAUKEE

In Presence Of:

Tom Barrett, Mayor

City Clerk

COUNTERSIGNED

Comptroller

STATE OF WISCONSIN)
) SS.
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 2009, Tom Barrett, Mayor of the City of Milwaukee, a municipal corporation, to me known to be the person who executed the foregoing instrument and to me known to be such Mayor of said municipal corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said municipal corporation, its authority, and pursuant to Resolution File No. _____ adopted _____, 2009.

Notary Public, State of Wisconsin

My Commission expires: _____

STATE OF WISCONSIN)
) SS.
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 2009, Ronald Leonhardt, City Clerk of the above-named municipal corporation, to me known to be the person who executed the foregoing instrument and to me known to be such City Clerk of said municipal corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said municipal corporation, its authority, and pursuant to Resolution File No. _____, adopted _____, 2009.

Notary Public, State of Wisconsin
My Commission expires: _____

STATE OF WISCONSIN)
) SS.
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 2009, W. Martin Morics, City Comptroller of the City of Milwaukee, a municipal corporation, to me known to be the person who executed the foregoing instrument and to me known to be such City Comptroller of said municipal corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said municipal corporation, its authority, and pursuant to Resolution File No. _____, adopted _____, 2009.

Notary Public, State of Wisconsin
My Commission expires: _____

**Intent to Quit Claim Property
For Public Right of Way**

UWM Real Estate Foundation, Inc., owner of the property located at 1436 East North Avenue, Milwaukee, Wisconsin ("Owner"), will transfer to the City of Milwaukee by quit claim deed, the property described on Exhibit A (the "Property") and illustrated in Exhibit B. Owner's obligation is conditioned upon the following:

- (1) use of and dedication of the Property for public street purposes only; and
- (2) no compensation shall be paid to Owner

Except for the quit claim deed, Owner shall not be required to deliver any other document, instrument or agreement, including without limitation any title commitment or policy or any survey, in connection with the transfer of the Property to the City or incur any costs or expenses in connection with the transfer of the Property to the City.

Acceptance by the City is subject to authorization by the Common Council of the City of Milwaukee.

Owner
The UWM Real Estate Foundation, Inc.

By: _____

Date: _____

Acknowledged and agreed to:
City of Milwaukee

By: _____

Date: _____

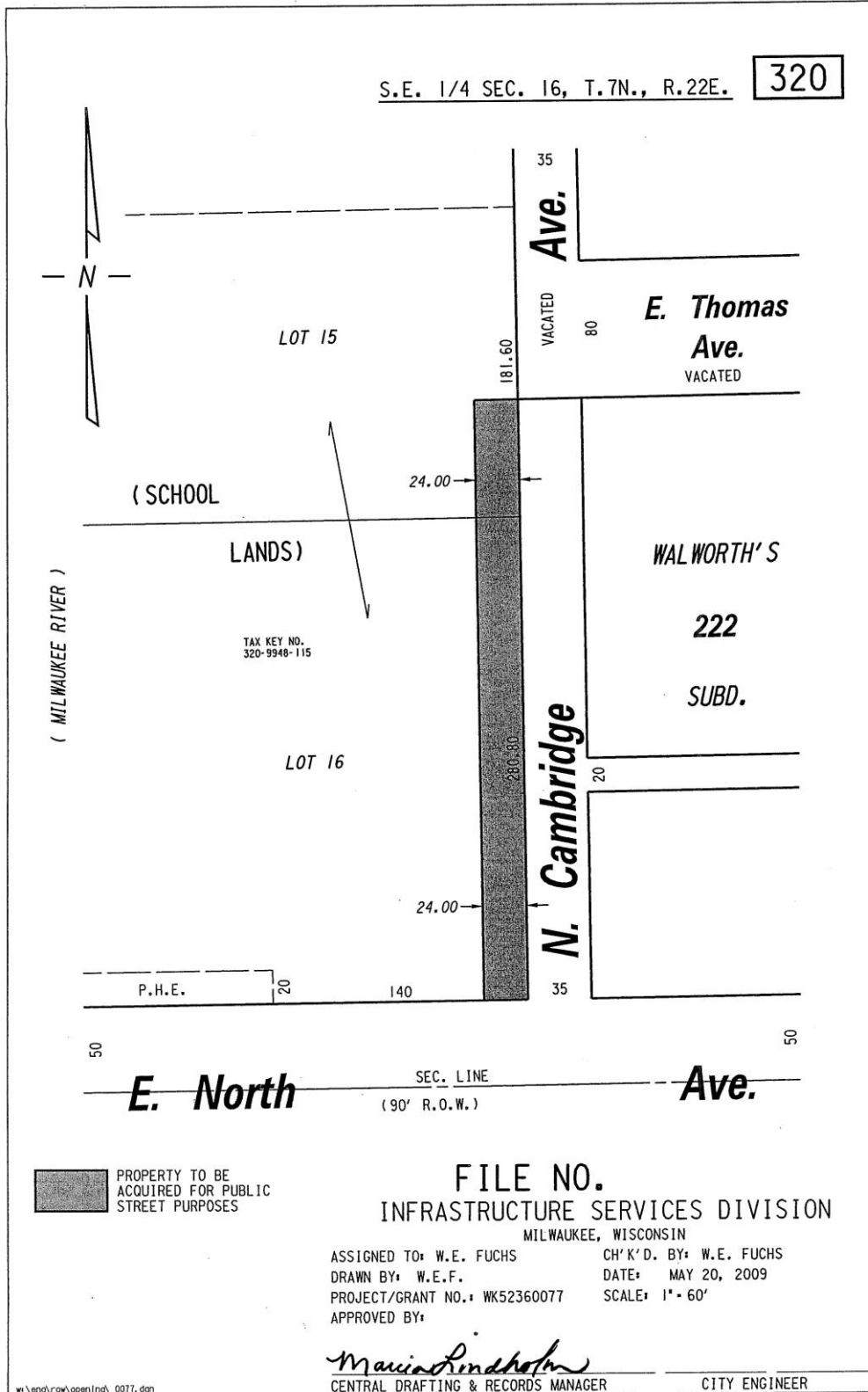
Exhibit A
Identifying Legal Description
Right of Way Acquisition

Description of property to be acquired for public street purposes for opening and widening North Cambridge Avenue (west side) between East North Avenue and vacated East Thomas Avenue, in the 3rd Aldermanic District of the City of Milwaukee.

That part of Lots 15 and 16 (School Lands) in the Southeast 1/4 of Section 16, Township 7 North, Range 22 East, described as follows: Commencing at the point of intersection of the north line of East North Avenue and the west line of North Cambridge Avenue; thence Northerly, along said west line, to a point in the westerly extension of the south line of vacated East Thomas Avenue; thence Westerly, along said westerly extension, to a point lying 24.00 feet west of, as measured normal to, the west line of North Cambridge Avenue; thence Southerly, parallel to said west line, to a point in the north line of East North Avenue; thence Easterly, along said north line, to the point of commencement

The above described parcel contains 6,739 square feet or 0.1547 acres more or less of land.

Exhibit B
Map of North Cambridge Avenue Dedication



PROPERTY TO BE ACQUIRED FOR PUBLIC STREET PURPOSES

FILE NO.
INFRASTRUCTURE SERVICES DIVISION
MILWAUKEE, WISCONSIN

ASSIGNED TO: W.E. FUCHS
DRAWN BY: W.E.F.
PROJECT/GRANT NO.: WK52360077
APPROVED BY:

CH'K'D. BY: W.E. FUCHS
DATE: MAY 20, 2009
SCALE: 1" = 60'

Marcia Lindholm
CENTRAL DRAFTING & RECORDS MANAGER

CITY ENGINEER

w:\eng\row\open\ing\ 0077.dgn



Legislation Details (With Text)

File #: 090757 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution granting an easement to the Wisconsin Electric Power Company and Wisconsin Bell Inc. on City of Milwaukee owned property at 3000 North Lincoln Memorial Drive, and authorizing the proper City officers to execute the easement document.

Sponsors: THE CHAIR

Indexes: EASEMENTS, WISCONSIN ELECTRIC POWER COMPANY

Attachments: Fiscal Note, Easement

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090757

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution granting an easement to the Wisconsin Electric Power Company and Wisconsin Bell Inc. on City of Milwaukee owned property at 3000 North Lincoln Memorial Drive, and authorizing the proper City officers to execute the easement document.

Analysis

This resolution grants an easement to the Wisconsin Electric Power Company and Wisconsin Bell Inc. for the installation, maintenance, and replacement of underground utility facilities and above ground appurtenant equipment at 3000 North Lincoln Memorial Drive (Milwaukee Water Works Linnwood Purification Plant).

Body

Whereas, The Wisconsin Electric Power Company provides electric energy, signals, television, and telecommunication services to the City of Milwaukee owned property at 3000 North Lincoln Memorial Drive (Milwaukee Water Works Linnwood Purification Plan); and

Whereas, Electrical service is currently provided by two underground cable feeds located on said property, one of which is in need of replacement; and

Whereas, Said cable cannot be replaced in the same location and a new cable facility has been proposed on a different route; and

Whereas, The Wisconsin Electric Power Company requires a permanent easement, as shown on Exhibit "A" of the attached easement document, on said property to install, maintain, and replace said proposed facilities; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that an easement is granted to the Wisconsin Electric Power Company and Wisconsin Bell Inc., and the proper City Officers are hereby authorized to execute the easement document, a copy of which is attached to and part of this resolution; and, be it

Further Resolved, That after said easement has been executed by the proper City Officers, it shall be forwarded to the Department of Public Works for transmittal to the Wisconsin Electric Power Company for approval.

Requestor

DPW
Milwaukee Water Works

Drafter

Water Engineering Section
PWP
09/29/09

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)

A) DATE: September 29, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution granting an easement to the Wisconsin Electric Power Company and Wisconsin Bell Inc. on City of Milwaukee owned property at 3000 North Lincoln Memorial Drive (Milwaukee Water Works Linnwood Purification Plant), and authorizing the proper City officers to execute the easement document.

B) SUBMITTED BY (name/title/dept./ext.): Carrie Lewis, Superintendent, Milwaukee Water Works, X-2801

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER					
TOTALS:			\$		

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

Document Number

**DISTRIBUTION EASEMENT
UNDERGROUND JOINT**

WR NO. 2705927

For good and valuable consideration which the **CITY OF MILWAUKEE**, a **municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin**, located at Milwaukee, Wisconsin, hereinafter referred to as "grantor", owner of land, acknowledges receipt of, grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY**, a **Wisconsin corporation d/b/a We Energies and Wisconsin Bell Inc., d/b/a SBC Wisconsin**, a **Wisconsin Corporation**, hereinafter referred to as "grantee", a permanent easement upon, within and beneath a part of grantor's land hereinafter referred to as "easement area".

The easement area is described as a strip of land being a part of grantor's premises located in the Northwest ¼ of the Northwest ¼ of Section 14 and the Northeast ¼ of the Northeast ¼ of Section 15, all in Town 7 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin.

The location of the easement area with respect to the grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document. The easement area is a part of Tax Key No. 317-9999-000 and located at 3000 N. Lincoln Memorial Drive in the City of Milwaukee.

RETURN TO:
WISCONSIN ELECTRIC POWER COMPANY
PROPERTY RIGHTS & INFORMATION GROUP
231 W. MICHIGAN STREET, ROOM A252
PO BOX 2046
MILWAUKEE, WI 53201-2046

317-9999-000
(Parcel Identification Number)

- 1. Purpose:** The purpose of this easement is to install, maintain and replace underground utility facilities, including conduit and cables, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by grantee, all to transmit electric energy, signals, television and telecommunication services. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
- 2. Access:** Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area. Grantee shall provide grantor a minimum of 10 days advance written notice prior to commencing any installation, repairs, maintenance or other activities within the easement area; however, in the event of the need for immediate action by grantee to prevent damage or harm to persons or property or in the event of an emergency, no such advance notice shall be required.
- 3. Buildings or Other Structures:** The grantor agrees that no structures will be erected in the easement area or in such close proximity to the electric facilities as to create a violation of the Wisconsin State Electrical Code or any amendments to it.
- 4. Elevation:** The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered by more than 4 inches without the written consent of grantee.
- 5. Restoration:** Grantee agrees to restore or cause to have restored the grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by the grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with grantee's use of the easement area.
- 6. Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
- 7. Notices:** All notices to be given to either party under this agreement shall preferably be in writing and shall be given either by personal delivery, by postage prepaid U.S. Mail, by facsimile or by e-mail to the respective recipients set forth in this paragraph. A notice shall be deemed delivered either upon actual receipt thereof or upon delivery refusal thereof; providing, however, that notices sent by e-mail or facsimile must be sent during the hours between 8:30 A.M. and 4:30 P.M. on days that City of Milwaukee, Department of Public works offices are open for business. Either party may change its address for purposes of receiving notice by delivering written notice thereof in accordance with the requirements of this paragraph.

A. To City of Milwaukee:

Commissioner Department of Public Works, City of Milwaukee
841 N. Broadway, Room 516
Milwaukee WI 53202

Telephone (414) 286-3301
Facsimile (414) 286-3953

B. To We Energies:

Property Rights and Information
231 W. Michigan Street, Rm A252
PO BOX 2046
Milwaukee, WI 53201

Telephone (414) 221-2710
Facsimile (414) 221-2713

8. **Amendments:** This agreement may be amended only by a written instrument executed by all of the parties hereto.
9. **Indemnification:** It is understood that during the time grantee's facilities are located on the land of grantor pursuant to this grant, grantee will indemnify and save the grantor harmless from any and all claims for injury or death to any person and for damage to property of any person arising out of the installation and maintenance of said facilities; excepting, however, any claims or actions arising out of negligence or willful acts on the part of grantor, its employees, agents and invitees.
10. **Recording:** This document shall be recorded in the Milwaukee County Register of Deeds' office by the grantee, at its expense. Two copies of the recorded document shall be returned to the City of Milwaukee Commissioner of Public Works who will, in turn, forward a copy to the Milwaukee Water Works for their records.
11. This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Approved as to Contents

SUPERINTENDENT, MILWAUKEE WATER WORKS

Date:

Approved as to Form and

ASSISTANT CITY ATTORNEY

Execution

Date:

GRANTEE: WISCONSIN ELECTRIC POWER COMPANY

By: _____
James T. Raabe, Manager of Property Management

STATE OF WISCONSIN)
:SS
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 2009, James T. Raabe, Manager of Property Management, of the above named corporation, **WISCONSIN ELECTRIC POWER COMPANY**, known to me to be the person who executed the foregoing instrument and to me known to be such Manager of Property Management of said corporation, and acknowledged that he executed the foregoing instrument as such Manager of Property Management, as the deed of said corporation, by its authority.

Notary Public Signature, State of Wisconsin

Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires _____

LAKE PARK ADDITION

N.E. COR. N.E. 1/4
SECTION 15, T. 7 N.-R. 22 E.

50' KENWOOD BOULEVARD

N. LINE N.E. 1/4 SECTION 15, T. 7 N.-R. 22 E.

RAW

50'

N. LINE N.W. 1/4 SECTION 14, T. 7 N.-R. 22 E.

26.19'

S 70°06'49"E
260±

S. 0°55'23"E

N 88°38'54"E

S 70°06'49"E
3.91'

LINCOLN MEMORIAL DRIVE

BEGINNING OF EASEMENT AT PROPERTY LINE

E. LINE N.E. 1/4 SECTION 15, T. 7 N.-R. 22 E.

S 17°30'06"E
61.49'

S 8°37'50"E
S 9°08'11"E

303.66'

28.04'
S 25°09'18"W

568.38'

KEY:

----- CENTERLINE OF 10 FOOT WIDE EASEMENT

END OF EASEMENT

EXHIBIT "A"

<p>REVISIONS</p>	<p>We Energies</p>	<p>DRAWN BY: D.R. PATCHETT</p>
<p>SEPTEMBER 23, 2009 SEPTEMBER 25, 2009</p>	<p>BEING A PART OF THE N.W. 1/4 OF THE N.W. 1/4 OF SECTION 14, T. 7 N.-R. 22 E. CITY OF MILWAUKEE MILWAUKEE COUNTY, WISCONSIN</p>	<p>CHECKED BY: APPROVED BY: SCALE: 1" = 100' DATE: SEPTEMBER 2, 2009 IDO #: 2705926A</p>



Legislation Details (With Text)

File #: 090781 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution authorizing the application, acceptance and funding of the American Recovery and Reinvestment Act Port Security Grant from the U. S. Department of Homeland Security through the Community Development Grants Administration.

Sponsors: THE CHAIR

Indexes: AMERICAN RECOVERY AND REINVESTMENT ACT, COMMUNITY BLOCK GRANT ADMINISTRATION, SECURITY, WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Attachments: Fiscal Note, Grant Budget Form, Port Contractors, Cover Letter, Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		
10/16/2009	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		

Number

090781

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution authorizing the application, acceptance and funding of the American Recovery and Reinvestment Act Port Security Grant from the U. S. Department of Homeland Security through the Community Development Grants Administration.

Analysis

This resolution allows the City of Milwaukee to accept the amount of \$423,773 from the U. S. Department of Homeland Security for the American Recovery and Reinvestment Act Port Security Grant (ARRA PSGP).

Body

Whereas, The City of Milwaukee appears to be eligible for American Recovery and Reinvestment Act grant funds from the U. S. Department of Homeland Security in the amount of \$423,773; and

Whereas, The following activities will be covered by this grant: Marine Domain Awareness in the amount of \$160,688; and Improvised Explosive Detection in the amount of \$263,085; and

Whereas, The operation of this grant from 09/01/2009 through 08/31/2012 would cost \$423,773 would be provided by the grantor; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Community Development Grants Administration shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue - Grant and Aid Projects, the following amounts for the project titled: "2009 American Reinvestment and Recovery Port Security Grant Program":

<u>Project/Grant</u>	<u>Fund</u>	<u>Org</u>	<u>Program</u>	<u>BY</u>	<u>Subclass</u>	<u>Account</u>
GR0000900000	0150	9990	0001	0000	R999	000600

<u>Project</u>	<u>Amount</u>
Grantor Share	\$423,773

2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels; budget against these Project/Grant values the amount required under the grant agreement; and

3. Establish the necessary City Chare Project Values; and, be it

Further Resolved, That these funds are budgeted through the Community Development Grants Administration which is authorized to:

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2009 grant budget funds for specific items of equipment;
3. Enter into subcontracts and leases as detailed in the grant budget.

Requestor

Drafter

2009CDGA-Port-ARRA

10/05/09

LEGISLATIVE REFERENCE BUREAU FISCAL ANALYSIS

PUBLIC WORKS COMMITTEE

OCTOBER 21, 2009

Item 17, File #090781

File Number 090781 is a resolution authorizing the Department of Administration-Community Development Grants Administration to accept and expend American Recovery and Reinvestment Act Port Security Grant funds from the U.S. Department of Homeland Security.

Background

1. Through the American Recovery and Reinvestment Act Port Security Grant program, the U.S. Department of Homeland Security makes funds available to local and state government agencies for enhancements to port security and for emergency preparedness and disaster response activities and equipment.
2. The City of Milwaukee (specifically, the Police and Fire departments) and other jurisdictions serving the 5-county southeastern Wisconsin “port” region -- Kenosha, Racine, Milwaukee, Ozaukee and Sheboygan counties -- appear to be eligible for a combined total of \$423,773 in Port Security Grant funding for a variety of security enhancement and emergency preparedness projects. Non-City jurisdictions (in this case, the Wisconsin DNR, Ozaukee County and the cities of Mequon and Port Washington) receive their Homeland Security funding through the City of Milwaukee.

Discussion

1. This resolution authorizes DOA-Community Development Grants Administration to accept \$423,773 in American Recovery and Reinvestment Act Port Security Grant funding from the U.S. Department of Homeland Security and to expend these funds in accordance with the grant budget. Community Development Grants Administration will, in effect, act as a conduit or pass-through agency, channeling funds to MFD, MPD, the Wisconsin DNR, Ozaukee County and the cities of Mequon and Port Washington. CDGA will disburse funds and monitor all subcontracts and purchases.
2. There is no local funding match requirement for this grant.
3. Of the \$423,773, \$136,156 (32.1%) is designated for City of Milwaukee use. The remaining grant funds will be forwarded to the DNR, Ozaukee County and the cities of Mequon and Port Washington. City of Milwaukee funding will be used as follows:

Milwaukee Police Dept.	\$40,000 to purchase 2 FLIR thermal imaging devices
Milwaukee Fire Dept.	\$34,867 to purchase a Zodiac inflatable boat, motor and trailer
	\$48,875 to purchase a sector-scan sonar device for the department’s fireboat

DOA-Community Development
Grants Administration \$12,314 for administrative overhead costs

4. The grant period for this project extends from September 1, 2009 through August 31, 2012.

Fiscal Impact

This resolution authorizes the acceptance of \$423,773 in grant funds by DOA-Community Development Grants Administration and the expenditure of these funds as follows:

Pass-through of Port Security Grant funds to Wisconsin DNR, Ozaukee Co., Mequon, Port Wash.	\$287,617
Purchase of security and emergency-related equipment by MPD and MFD	\$123,742
Management and administration (CDGA)	\$12,314

Prepared by: Jeff Osterman, X2262
LRB-Research & Analysis Section
October 20, 2009

cc: Sue Kenealy
Steven Mahan
Marianne Walsh

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** October 5, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution authorizing the application, acceptance and funding of the American Recovery and Reinvestment Act Port Security Grant from the U. S. Department of Homeland Security through the Community Development Grants Administration on behalf of the Port Authority of the City of Milwaukee.

B) **SUBMITTED BY (Name/title/dept./ext.):** Steven L. Mahan/ Director/DOA-CDGA/x3842

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:** DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	GR0000900000		423,773		
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input checked="" type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

--

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:**

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

CITY OF MILWAUKEE OPERATING GRANT BUDGET

PROJECT/PROGRAM TITLE: 2009 American Recovery and Reinvestment Act - Port Security Grant Program
 U. S. Department of Homeland Security Community Development Grants Administration
 CONTACT PERSON: Steven L. Mahan

PROJECT/PROGRAM YEAR: 2009

NUMBER OF POSITIONS		LINE DESCRIPTION	PAY RANGE NO.	GRANTOR SHARE	IN-KIND SHARE	CASH MATCH A/C #	TOTAL
NEW	EXIST						
		PERSONNEL COSTS					
		TOTAL PERSONNEL COSTS					
		FRINGE BENEFITS					
		TOTAL FRINGE BENEFITS					
		SUPPLIES AND MATERIALS					
		TOTAL SUPPLIES AND MATERIALS					
		EQUIPMENT AND FACILITY RENT					
		TOTAL EQUIPMENT AND FACILITY RENT					
		SERVICES (sub-contacts) See Attached List		\$287,617			\$287,617
		TOTAL SERVICES		\$287,617			\$287,617
		EQUIPMENT		\$123,842			\$123,842
		TOTAL EQUIPMENT		\$123,842			\$123,842
		INDIRECT COSTS		\$12,314			\$12,314
		TOTAL INDIRECT COSTS		\$12,314			\$12,314
		TOTAL COSTS		\$423,773			\$423,773

Contractors:

	<u>Federal Award</u>
Ozaukee County Patrol	20,000
State of Wisconsin - Department of Natural Resources	107,300
City of Mequon	28,341
City of Port Washington	<u>131,976</u>
	287,617

TO: The Honorable, Common Council
City of Milwaukee

FROM: Steven L. Mahan
Block Grant Director

DATE: October 6, 2009

RE: Resolution for Introduction

Attached is a resolution for the American Recovery and Reinvestment Act Port Security Grant from the U. S. Department of Homeland Security that seeks the approval from the Common Council.

If you have any questions please call Darlene Hayes at extension 3844.

Attachment



Legislation Details (With Text)

File #: 090812 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Resolution authorizing the execution of a lease for the retail space to be utilized as a restaurant located at 1118 N. 4th Street in the 4th and Highland parking structure.

Sponsors: THE CHAIR

Indexes: LEASES, PARKING STRUCTURES, RESTAURANTS

Attachments: Cover letter from Dept of Public Works Parking, Proposed Lease Terms, Lease Letter for Retail Space.pdf, Lease for Retail Space.pdf

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		

Number

090812

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution authorizing the execution of a lease for the retail space to be utilized as a restaurant located at 1118 N. 4th Street in the 4th and Highland parking structure.

Requestor

Dept. DPW-Parking

Drafter

LRB 09418-1

BJZ/sd

10/8/2009

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** Oct 20, 2009

FILE NUMBER: 090812

Original Fiscal Note Substitute

SUBJECT: Resolution authorizing execution of a lease for retail space to be utilized as a restaurant located at 1118 N 4th Street in the 4th and Highland parking garage.

B) **SUBMITTED BY (Name/title/dept./ext.):** Cindy Angelos / Parking Financial Manager / x2404

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT. Provides for increased revenues

D) **CHARGE TO:** DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY) Parking Fund

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	<u>Parking Fund Account for Retail Space Rent</u>	<u>Parking Fund</u>	-	\$682,000	
	<u>For first seven-year term</u>				
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input checked="" type="checkbox"/> 3-5 YEARS	Revenues:				
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Yr 1	Yr 2	Yr 3	Yr 4	Yr5
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	\$50K	\$82K	\$90K	\$99k	\$109K

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**
NA

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:**
Lease rent for first seven years.

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE



Department of Public Works

Jeffrey J. Mantes
Commissioner of Public Works

Preston D. Cole
Director of Operations

October 15, 2009

Honorable Alderman Robert Baumann, Chair
Honorable Members of the Public Works Committee
City Hall, Room 205

RE: Resolution File Number 090812 authorizing lease of retail space
at parking structure located at 1118 North 4th Street

The Department of Public Works (DPW) – Parking Section oversees the parking structure located at 324 West Highland Avenue as well as the retail space located within the garage on the ground level at 1118 North 4th Street. This property has been vacant since the previous tenant defaulted on the agreement in July 2008.

DPW hired a commercial real estate agent with First Weber in 2008 to market and show the property to prospective tenants. There have been several groups of interested parties over the past year, but all the deals terminated prior to presenting the terms to the Common Council, due to health or financial reasons of the partner groups.

Recently, DPW was approached by two local businessmen who have financing, and who already have submitted their application for a liquor license at our facility. They have indicated a serious interest in leasing the property as long as they can take occupancy early enough to capture most of the basketball season at the Bradley Center. As time is of the essence in finalizing this lease, DPW presents the terms of the lease on the subsequent page. When the terms have been approved by the Common Council, DPW with the assistance of the City Attorney's office will draft the lease that includes these terms and will enter into a long-term lease agreement.

If you have any questions about the lease, please contact Ms. Cindy Angelos at extension 2404. Thank you for your consideration of this file.

Very truly yours,

Jeffrey J. Mantes
Commissioner of Public Works

JJM:CA:ph
Enclosure

c: Shirley Krug
Cindy Angelos
File

**Proposed Terms of Lease for Retail Space at 1118 North 4th Street
Within City of Milwaukee Parking Garage located at 324 West Highland Avenue**

Lessee business name: CENTERCOURT 1118 LLC

Principals: Mr. Brian James and Mr. Rick Kohen

Mr. James has owned and successfully operated Rosies' Bar on Water Street for over ten years.

Mr. Kohen has been the owner of Connections Ticket Service, Inc. in the Milwaukee area for over 13 years. Mr. Kohen holds a bachelor's degree from UWM in criminology and worked as a police officer for six years prior to starting Connections Ticket Service.

Hired Bar and Restaurant Consultants: Lessees have contracted with consultants who operate six restaurants and/or bars between Milwaukee Street and the 5th Ward, one of whom is Omar Shaikh, the owner of Carnevor, Umami Moto, Charro's, etc

Liquor License: Application has been submitted. If it is not granted, restaurant will open in advance without liquor sales to familiarize clientele with new operation.

Lease Term: One seven-year lease with one seven-year extension. In the first four months of the first term of the lease, there will be a rent abatement as establishment begins to attract clientele. There will be no further rent abatement during first term or extension.

Annual Combined Base and Supplemental Rent:

First Term

Year: 1 st Term	2010	2011	2012	2013	2014	2015	2016
Annual Base Rent	\$75,000 - 4 mo = \$50,000	\$82,000	\$90,000	\$99,000	\$109,000	\$120,000	\$132,000

Second Term

Year: 2 nd Term	2017	2018	2019	2020	2021	2022	2023
Annual Base Rent	\$139,000	\$146,000	\$153,000	\$161,000	\$169,000	\$177,000	\$186,000

Percentage Rent: In addition to the payment of Base rent, Lessee shall pay to Lessor for each lease year of the term, as percentage rent: a) five percent (5%) of the amount, if any, by which the gross sales exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) and are less than Two Million (\$2,000,000); b) seven percent (7%) of the amount by which gross sales exceed Two Million (\$2,000,000).

Security Deposit: \$25,000 payable before occupation of space.

Employee Parking: Up to twenty spaces near the closest entrance to the restaurant Will strive to make them as contiguous as possible. Lessee will be pay monthly unreserved rate in existence for these spaces throughout lease.

Customer Parking: On weekdays when there are no special events, City and lessee will establish a mutually acceptable parking validation system that will allow up to two (2) hours of free parking for lessee's customers at all times that a special event parking fee is not in effect for the parking structure. During the months of September – January on Saturday and Sundays, City will attempt to develop but does not guarantee a functioning validation system to allow up to three hours free parking, as long as parkers exit the garage by 3:00 P.M. or pay full event rate upon exit after 3:00 P.M. Lessee's employees may not utilize validation system for part or full-time employee parking .Lessee may be invoiced by the City for the lost revenue for any improperly-issued validations. City reserves the right and option to cancel free parking arrangements upon sixty (60) days prior written notice to Lessee, if validation system continues to be improperly used after two notifications.

Assignment: Lease may be assigned with prior written consent of the Commissioner of Public Works

Signage: Any change in exterior signage must be approved by the City of Milwaukee Department of City Development (DCD). DPW will permit signage changes that have been approved by DCD.

Bradley Center Remodeling: If the Bradley Center is closed and rebuilt elsewhere, the lessee may terminate lease. If the entrance to the Bradley Center is moved from the east side of the facility to a west side location, the lease for the retail space may be renegotiated to reflect lower visibility for the restaurant/bar. If Bradley Center remodeling restricts access to lessee's space for extended period, the City will work cooperatively with lessee to determine effect on access to the property and to the business. If a significant negative effect is substantiated, City will negotiate a temporary reduction in lease rate during the period of substantial remodeling.



Legislation Details (With Text)

File #: 090452 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 7/28/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution to vacate the east-west alley in the block bounded by West Howard Avenue, West Tripoli Avenue, South 43rd Street and South 45th Street, in the 11th Aldermanic District.

Sponsors: ALD. DUDZIK

Indexes: ALLEY VACATIONS

Attachments: Fiscal Note.pdf, Exhibit A

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		
8/5/2009	0	CITY CLERK	REFERRED TO		
10/15/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090452
Version
SUBSTITUTE 1
Reference

Sponsor
ALD. DUDZIK

Title
Substitute resolution to vacate the east-west alley in the block bounded by West Howard Avenue, West Tripoli Avenue, South 43rd Street and South 45th Street, in the 11th Aldermanic District.

Analysis
This substitute resolution vacates the above alley in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the City of Milwaukee, since said alley will not be improved.

Body
Whereas, It is proposed that the east-west alley in the block bounded by West Howard Avenue, West Tripoli Avenue, South 43rd Street and South 45th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said alley as indicated by Exhibit A and bound and described by:

All of the portions of the east-west alley, remaining in the City of Milwaukee, as presently laid out in the block bounded by West Howard Avenue, West Tripoli Avenue, South 43rd Street and South 45th Street, in the Southeast 1/4 of Section 14, Township 6 North, Range 21 East, lying between the east line of South 45th Street extended and the westerly line of the north-south alley extended in said block is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said alley had not been vacated.

Drafter
DCD:AJF:ajf

10/15/09



Department of City Development

City Plan Commission
Historic Preservation Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

October 19, 2009

To the Honorable Common Council
Public Works Committee
City of Milwaukee

Dear Committee Members:

File No. 090452 vacates the east-west alley in the block bounded by West Howard Avenue, West Tripoli Avenue, South 43rd Street and South 45th Street, in the 11th Aldermanic District. This vacation is requested by the City of Milwaukee since this portion of alley will not be improved.

The Department of Public Works Coordinated Report contains no stated objections to the proposed vacation. No additional fees will be incurred as a result of this vacation.

Since the proposed vacation is not in conflict with City plans, the City Plan Commission at its regular meeting on October 19, 2009, recommended approval of the file.

Sincerely,

Rocky Marcoux
Executive Secretary
City Plan Commission of Milwaukee

cc: Ald. Joe Dudzik

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 07/28/09

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution to vacate the unimproved east-west alley, within the City of Milwaukee, in the block bounded by West Tripoli Avenue, South 43rd Street, West Howard Avenue and South 45th Street, in the 11th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Rocky Marcoux, Commissioner, DCD

C) CHECK ONE:

ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES

ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.

NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

DEPARTMENT ACCOUNT (DA) CONTINGENT FUND (CF)

CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)

PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)

OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

555

S.E. 1/4 SEC. 14, T.6N., R.2E.

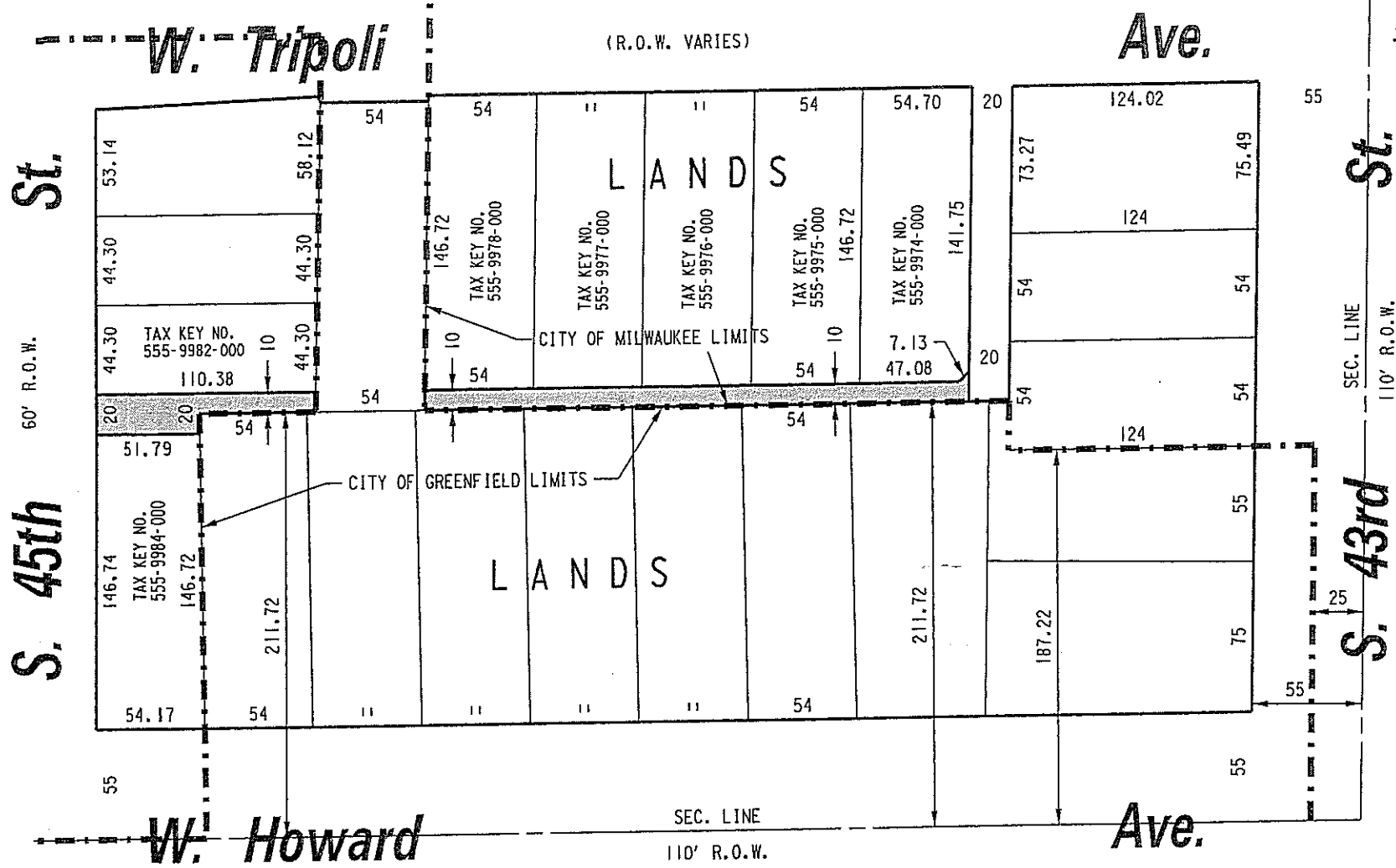
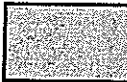


EXHIBIT "A"
 FILE NO. 090452
 INFRASTRUCTURE SERVICES DIVISION
 MILWAUKEE, WISCONSIN

ASSIGNED TO: W.E. FUCHS CH'K'D. BY: W.E. FUCHS
 DRAWN BY: W.E.F. DATE: AUG. 27, 2009
 PROJECT/GRANT NO.: WK52337279 SCALE: 1" = 80'
 APPROVED BY:

Marcia Lindholm
 CENTRAL DRAFTING & RECORDS MANAGER

[Signature]
 CITY ENGINEER

 PORTIONS OF PUBLIC ALLEY PROPOSED TO BE VACATED



Legislation Details (With Text)

File #: 090545 **Version:** 1

Type: Resolution **Status:** In Committee

File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Substitute resolution to vacate a portion of West Bolivar Avenue, north side, from South 6th Street east to a point, in the 13th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREET VACATIONS

Attachments: Fiscal Note.pdf, Exhibit A

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/10/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/15/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090545
Version
SUBSTITUTE 1
Reference

Sponsor
THE CHAIR
Title

Substitute resolution to vacate a portion of West Bolivar Avenue, north side, from South 6th Street east to a point, in the 13th Aldermanic District.

Analysis

This substitute resolution vacates the above right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the City of Milwaukee, Department of Public Works, as part of the I-94 North-South Freeway Reconstruction Project.

Body

Whereas, It is proposed that a portion of West Bolivar Avenue, north side, from South 6th Street east to a point be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said right-of-way as indicated by Exhibit A and bound and described by:

That part of West Bolivar Avenue in the Northeast 1/4 and the Southeast 1/4 of Section 20, Township 6 North, Range 22 East, described as follows: Commencing at the intersection of the east line of South 6th Street and the north line of West Bolivar Avenue; thence South 88°56'24" East, along said north line, 142.84 feet to a point on a curve; thence Southwesterly, 150.60 feet along the arc of said curve which has a radius of 1490.20 feet with its center lying to the northwest having a central angle of 05°47'25" and whose chord bears South 71°50'11" West 150.53 feet to a point in the east line of South 6th Street extended; thence North 00°32'05" East, along said east line extended and parallel to the west line of said Southeast 1/4 Section, 16.57 feet to a point in the north line of said Southeast 1/4 Section; thence North 00°06'16" East, continuing along said east line extended and parallel to the west line of said Northeast 1/4 Section, 33.00 feet to the point of commencement is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging

to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said right-of-way had not been vacated.

Drafter

DCD:AJF:ajf

10/15/09



Department of City Development

City Plan Commission
Historic Preservation Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

October 19, 2009

To the Honorable Common Council
Public Works Committee
City of Milwaukee

Dear Committee Members:

File No. 090545 vacates a portion of West Bolivar Avenue (north side) from South 6th Street east to a point, in the 13th Aldermanic District. This vacation is requested by the City of Milwaukee, Department of Public Works as part of the I-94 North-South Freeway Reconstruction project.

The Department of Public Works Coordinated Report contains no stated objections to the proposed vacation. No additional fees will be incurred as a result of this vacation.

Since the proposed vacation is not in conflict with City plans, the City Plan Commission at its regular meeting on October 19, 2009, recommended approval of the file, conditioned on obtainment of the Dept. of Public Works' coordinated report.

Sincerely,

Rocky Marcoux
Executive Secretary
City Plan Commission of Milwaukee

cc: Ald. Terry Witkowski

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 09/01/09

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution to vacate portions of West Bolivar Avenue, East of South 6th Street, in the 13th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Rocky Marcoux, Commissioner, DCD

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT A UTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT A PPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

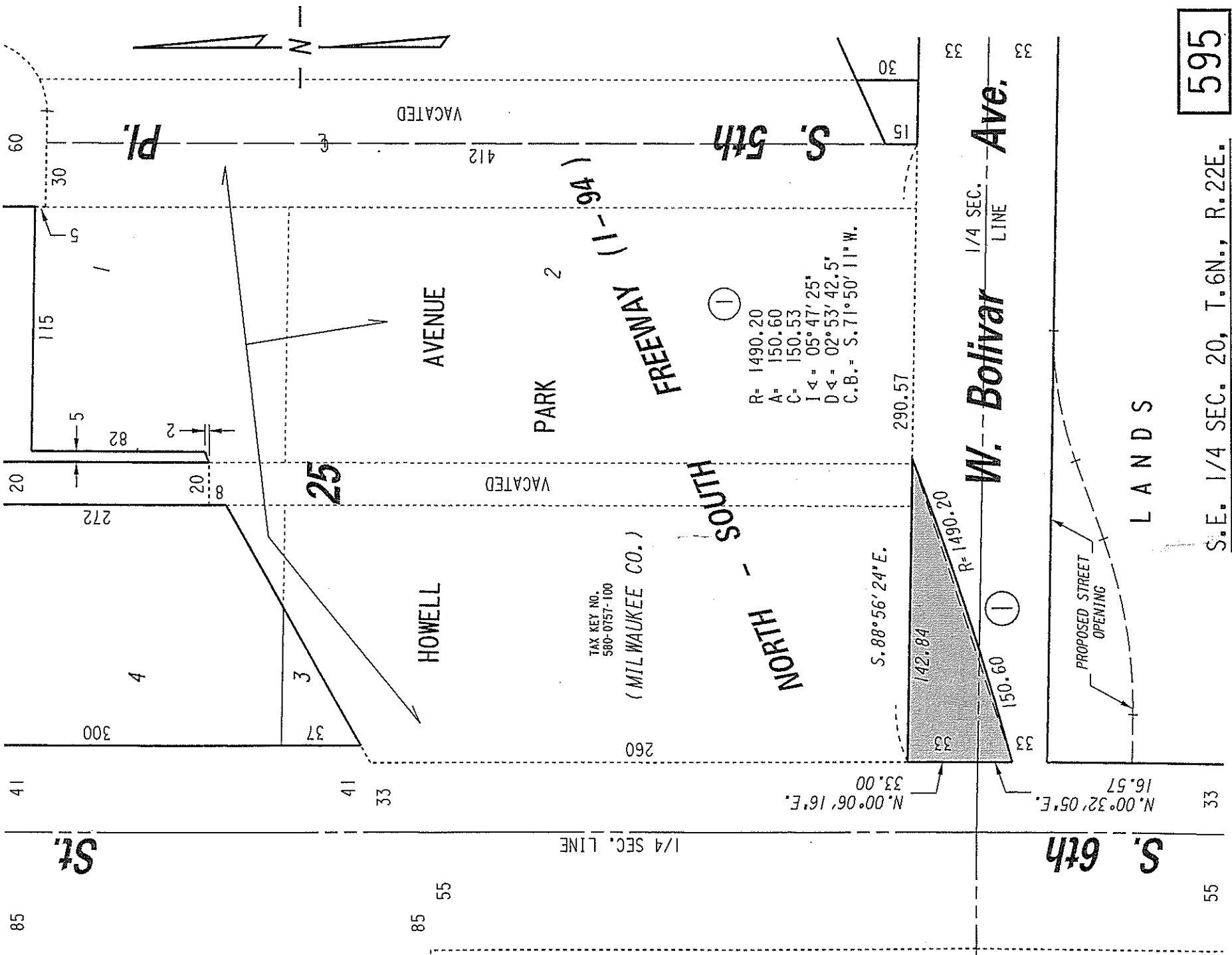
G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

580

N.E. 1/4 SEC. 20, T.6N., R.22E.



595

S.E. 1/4 SEC. 20, T.6N., R.22E.


 PORTION OF PUBLIC STREET PROPOSED TO BE VACATED

EXHIBIT "A"
FILE NO. 090545
INFRASTRUCTURE SERVICES DIVISION

MILWAUKEE, WISCONSIN
 CH'K'D. BY: W.E. FUCHS
 DATE: SEPT. 29, 2009
 SCALE: 1" = 60'
 PROJECT/GRANT NO.: WK52337282
 APPROVED BY:

Marcia Lindholm
 CENTRAL DRAFTING & RECORDS MANAGER
 CIVIL ENGINEER



Legislation Details (With Text)

File #: 090547 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:
Title: Substitute resolution to vacate a portion of West Whitaker Avenue from the westerly line of I-94 west to a point, in the 13th Aldermanic District.
Sponsors: THE CHAIR
Indexes: STREET VACATIONS
Attachments: Fiscal Note.pdf, Exhibit A

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/10/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/15/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090547
Version
SUBSTITUTE 1
Reference

Sponsor
THE CHAIR

Title
Substitute resolution to vacate a portion of West Whitaker Avenue from the westerly line of I-94 west to a point, in the 13th Aldermanic District.

Analysis
This substitute resolution vacates the above right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the City of Milwaukee, Department of Public Works, as part of the I-94 North-South Freeway Reconstruction Project.

Body
Whereas, It is proposed that a portion of West Whitaker Avenue from the westerly line of I-94 west to a point be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said right-of-way as indicated by Exhibit A and bound and described by:

That part of West Whitaker Avenue in the Southeast 1/4 of Section 19, Township 6 North, Range 22 East, described as follows: Commencing at the southeast corner of Lot 26 in Block 5 of Bolivar Manor Addition, a recorded subdivision, in said 1/4 Section; thence South 00°01'22" West 30.00 feet to a point; thence North 89°26'25" West 36.10 feet to a point; thence South 50°36'48" West 46.72 feet to a point in the south line of West Whitaker Avenue; thence North 89°26'25" West, along said south line, 61.21 feet to a point; thence North 63°35'39" East 132.31 feet to a point in the north line of West Whitaker Avenue; thence South 89°26'25" East, along said north line, 14.92 feet to the point of beginning is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of

entrance, maintenance, construction and repair with reference thereto shall continue as if said right-of-way had not been vacated.

Drafter

DCD:AJF:ajf

10/15/09



Department of City Development

City Plan Commission
Historic Preservation Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

October 19, 2009

To the Honorable Common Council
Public Works Committee
City of Milwaukee

Dear Committee Members:

File No. 090547 vacates a portion of West Whitaker Avenue from the westerly line of I-94 west to a point, in the 13th Aldermanic District. This vacation is requested by the City of Milwaukee, Department of Public Works as part of the I-94 North-South Freeway Reconstruction project.

The Department of Public Works Coordinated Report contains no stated objections to the proposed vacation. No additional fees will be incurred as a result of this vacation.

Since the proposed vacation is not in conflict with City plans, the City Plan Commission at its regular meeting on October 19, 2009, recommended approval of the file, conditioned on obtainment of the Dept. of Public Works' coordinated report.

Sincerely,

Rocky Marcoux
Executive Secretary

City Plan Commission of Milwaukee

cc: Ald. Terry Witkowski

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 09/01/09

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution to vacate a portion of West Whitaker Avenue, West of the I-94 right-of-way line, in the 13th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Rocky Marcoux, Commissioner, DCD

C) CHECK ONE:

ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES

ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.

NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)

CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)

PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)

OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

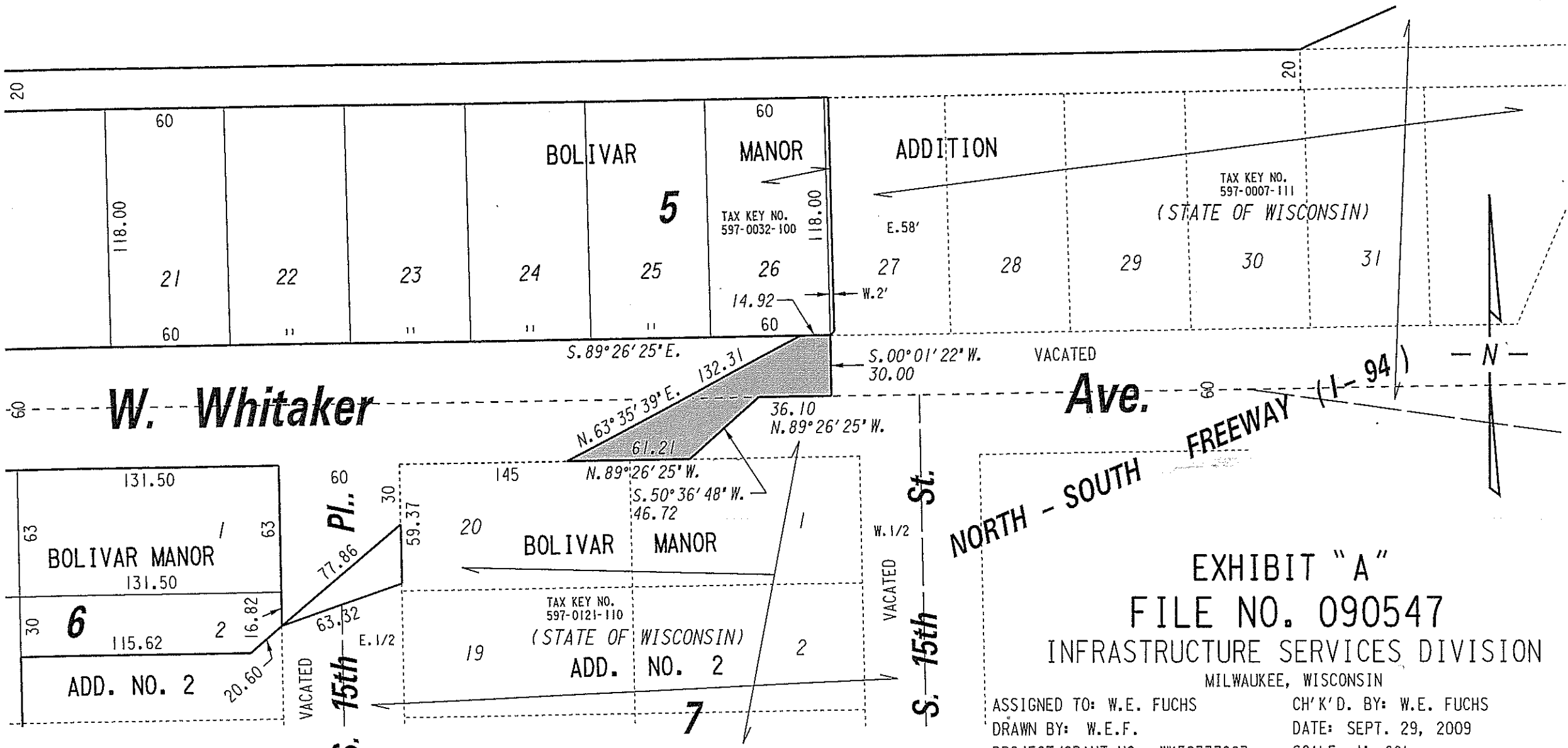


EXHIBIT "A"
 FILE NO. 090547
 INFRASTRUCTURE SERVICES DIVISION
 MILWAUKEE, WISCONSIN

ASSIGNED TO: W.E. FUCHS
 DRAWN BY: W.E.F.
 PROJECT/GRANT NO.: WK52337283
 APPROVED BY:

CH'K'D. BY: W.E. FUCHS
 DATE: SEPT. 29, 2009
 SCALE: 1" = 60'

Maureen Lindholm
 CENTRAL DRAFTING & RECORDS MANAGER

[Signature]
 CITY ENGINEER

PORTION OF PUBLIC STREET PROPOSED TO BE VACATED



Legislation Details (With Text)

File #: 090549 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:
Title: Substitute resolution to vacate a portion of South 15th Place between West Van Norman Avenue and the easterly line of I-94, in the 13th Aldermanic District.
Sponsors: THE CHAIR
Indexes: STREET VACATIONS
Attachments: Fiscal Note.pdf, Exhibit A

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/10/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/15/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090549
Version
SUBSTITUTE 1
Reference

Sponsor
THE CHAIR
Title

Substitute resolution to vacate a portion of South 15th Place between West Van Norman Avenue and the easterly line of I-94, in the 13th Aldermanic District.

Analysis

This substitute resolution vacates the above right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the City of Milwaukee, Department of Public Works, as part of the I-94 North-South Freeway Reconstruction Project.

Body

Whereas, It is proposed that a portion of South 15th Place between West Van Norman Avenue and the easterly line of I-94 be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said right-of-way as indicated by Exhibit A and bound and described by:

All that part of South 15th Place in the Southeast 1/4 of Section 19, Township 6 North, Range 22 East, described as follows: Commencing at the northwest corner of Lot 12 in Block 7 of Bolivar Manor Addition No. 2, a recorded subdivision, in said 1/4 Section; thence Westerly, along the westerly extension of the north line of Lot 12 aforesaid, 10.00 feet to a point in the easterly line of I-94 and the point of the beginning of the land to be described; thence South 89°26'25" West, continuing along said westerly extension and the easterly line of I-94 aforesaid, 20.00 feet to a point in the centerline of South 15th Place; thence South 25°52'05" West, continuing along said easterly line, 69.69 feet to a point in the west line of South 15th Place; thence North 38°52'49" East 80.30 feet to the point of beginning is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said

description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said right-of-way had not been vacated.

Drafter

DCD:AJF:ajf

10/15/09



Department of City Development

City Plan Commission
Historic Preservation Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

October 19, 2009

To the Honorable Common Council
Public Works Committee
City of Milwaukee

Dear Committee Members:

File No. 090549 vacates a portion of South 15th Place between West Van Norman Avenue and the easterly line of I-94, in the 13th Aldermanic District. This vacation is requested by the City of Milwaukee, Department of Public Works as part of the I-94 North-South Freeway Reconstruction project.

The Department of Public Works Coordinated Report contains no stated objections to the proposed vacation. No additional fees will be incurred as a result of this vacation.

Since the proposed vacation is not in conflict with City plans, the City Plan Commission at its regular meeting on October 19, 2009, recommended approval of the file, conditioned on obtainment of the Dept. of Public Works' coordinated report.

Sincerely,

Rocky Marcoux

Executive Secretary
City Plan Commission of Milwaukee

cc: Ald. Terry Witkowski

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 09/01/09

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution to vacate a portion of the Northern part of South 15th Place between West Van Norman Avenue and the East right-of-way of I-94, in the 13th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Rocky Marcoux, Commissioner, DCD

C) CHECK ONE:

ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES

ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.

NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

DEPARTMENT ACCOUNT (DA) CONTINGENT FUND (CF)

CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)

PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)

OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

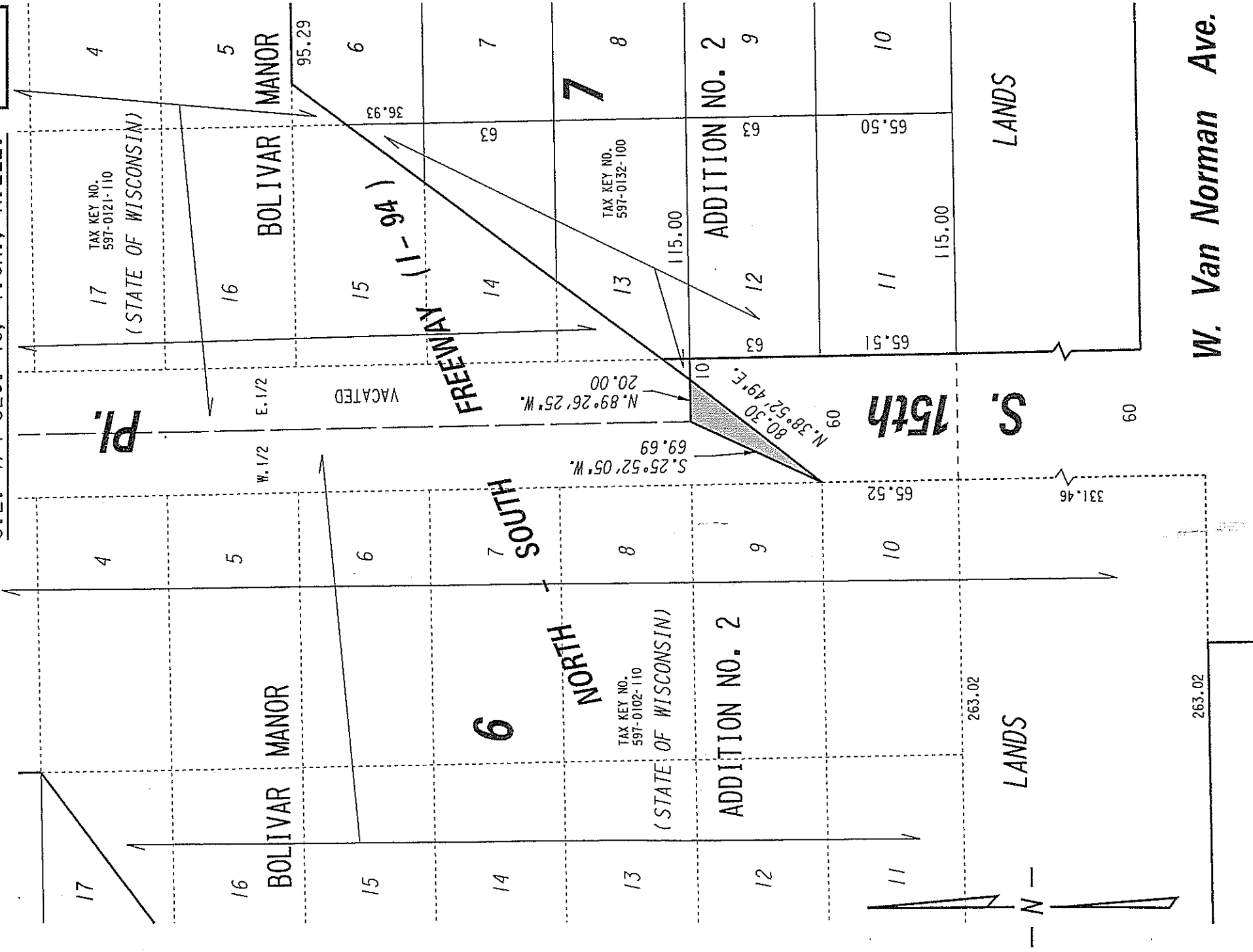
G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

S.E. 1/4 SEC. 19, T.6N., R.22E.

597



W. Van Norman Ave.



 PORTION OF PUBLIC STREET PROPOSED TO BE VACATED

EXHIBIT "A"
 FILE NO. 090549
 INFRASTRUCTURE SERVICES DIVISION
 MILWAUKEE, WISCONSIN

ASSIGNED TO: W.E. FUCHS
 DRAWN BY: W.E.F.
 PROJECT/GRANT NO.: WK52337284
 APPROVED BY:

CH'K'D. BY: W.E. FUCHS
 DATE: SEPT. 30, 2009
 SCALE: 1" = 60'

Marcia Lindholm
 CENTRAL DRAFTING & RECORDS MANAGER


 ENGINEER



Legislation Details (With Text)

File #: 090551 **Version:** 1
Type: Resolution **Status:** In Committee
File created: 9/1/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:
Title: Substitute resolution to vacate a portion of South 16th Street, west side, between West Halsey Avenue and West Vogel Avenue, in the 13th Aldermanic District.
Sponsors: THE CHAIR
Indexes: STREET VACATIONS
Attachments: Fiscal Note.pdf, Exhibit A

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/10/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/15/2009	1	CITY CLERK	DRAFT SUBMITTED		

Number
090551
Version
SUBSTITUTE 1
Reference

Sponsor
THE CHAIR

Title

Substitute resolution to vacate a portion of South 16th Street, west side, between West Halsey Avenue and West Vogel Avenue, in the 13th Aldermanic District.

Analysis

This substitute resolution vacates the above right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the City of Milwaukee, Department of Public Works, as part of the I-94 North-South Freeway Reconstruction Project.

Body

Whereas, It is proposed that a portion of South 16th Street, west side, between West Halsey Avenue and West Vogel Avenue be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said right-of-way as indicated by Exhibit A and bound and described by:

That part of South 16th Street, as presently laid out, in the Northeast 1/4 of Section 30, Township 6 North, Range 22 East, described as follows: Commencing at the northwest corner of Lot 12 in Block 4 of Rayleen Acres, a recorded subdivision, in said 1/4 Section; thence North 89°27'20" West, along the north line of said subdivision, 47.00 feet to the point of beginning of the land to be described; thence South 01°40'32" West 690.84 feet to the point of intersection of the present south line of West Vogel Avenue and the present west line of South 16th Street; thence North 00°34'00" East, along said west line, 360.58 feet to a point in the south line of said Rayleen Acres; thence North 00°37'49" East, continuing along said west line, 330.13 feet to a point in the north line of said subdivision; thence South 89°27'20" East, along said north line, 13.00 feet to the point of beginning is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground

structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said right-of-way had not been vacated.

Drafter

DCD:AJF:ajf

10/15/09



Department of City Development

City Plan Commission
Historic Preservation Commission
Neighborhood Improvement
Development Corporation
Redevelopment Authority

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

October 19, 2009

To the Honorable Common Council
Public Works Committee
City of Milwaukee

Dear Committee Members:

File No. 090551 vacates a portion of South 16th Street (west side) between West Halsey Avenue and West Vogel Avenue, in the 13th Aldermanic District. This vacation is requested by the City of Milwaukee, Department of Public Works as part of the I-94 North-South Freeway Reconstruction project.

The Department of Public Works Coordinated Report contains no stated objections to the proposed vacation. No additional fees will be incurred as a result of this vacation.

Since the proposed vacation is not in conflict with City plans, the City Plan Commission at its regular meeting on October 19, 2009, recommended approval of the file, conditioned on obtainment of the Dept. of Public Works' coordinated report.

Sincerely,

Rocky Marcoux
Executive Secretary

City Plan Commission of Milwaukee

cc: Ald. Terry Witkowski

CITY OF MILWAUKEE FISCAL NOTE

A) DATE 09/01/09

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution to vacate a portion of the West side of South 16th Street between West Vogel Avenue and West Halsey Avenue, in the 13th Aldermanic District.

B) SUBMITTED BY (Name/title/dept./ext.): Rocky Marcoux, Commissioner, DCD

C) CHECK ONE:

ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES

ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES: FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.

NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:

DEPARTMENT ACCOUNT (DA) CONTINGENT FUND (CF)

CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)

PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)

OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:					
TOTALS					

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

624

N.E. 1/4 SEC. 30, T.6N., R.22E.

W. Halsey Ave.

LANDS

C.S.M. NO. 2103 PARCEL 4

Pl.

S. 89° 27' 20" E.
13.00

NORTH - SOUTH FREEWAY (1-94)

St.

RAYLEEN

1

RAYLEEN

2

RAYLEEN

3

5

N. 00° 37' 49" E.
330.13

RAYLEEN

4

ACRES

5

(STATE OF WISCONSIN)

TAX KEY NO.
624-9994-111

LANDS

W. Holmes Ave.

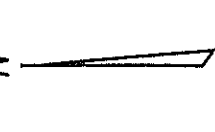
S. 01° 40' 32" W.
690.84

Ave.

St.

S. 16th

S. 15th



W. Vogel Ave.

40.89	117.11	88.96	88.96
256.29	RAYLEEN	1	
LANDS	ACRES		
256.29	8	117.11	
	ADD. NO. 2		

50.00	14	131.88	131.88
"	13	131.87	131.87
"	12	131.87	131.86
"	11	131.86	131.86
50.00	10		
	6		
	RAYLEEN ACRES ADD. NO. 1		
	7		
	RAYLEEN ACRES ADD. NO. 2		
138.69	1	50.00	50.00
	2	"	"
	3	"	"
	4	"	"
	5	"	"
50.00		50.00	50.00

169.34	50.13	118	50.115	118	50.10	1
	50	11	RAYLEEN		50	2
	=	10			=	3
	=	9	4		=	4
	=	8	ACRES		=	5
50	7	118		118	50	6

(60' R.O.W.)

PORTION OF PUBLIC STREET PROPOSED TO BE VACATED

EXHIBIT "A"
FILE NO. 090551

INFRASTRUCTURE SERVICES DIVISION

MILWAUKEE, WISCONSIN
ASSIGNED TO: W.E. FUCHS
DRAWN BY: W.E.F.
PROJECT/GRANT NO.: WK52337285
APPROVED BY:
CH'K'D. BY: W.E. FUCHS
DATE: SEPT. 30, 2009
SCALE: 1" = 100'

Marcus Lindholm
CENTRAL DRAFTING & RECORDS MANAGER

[Signature]
CITY ENGINEER



Legislation Details (With Text)

File #: 090792 **Version:** 0
Type: Resolution **Status:** In Committee
File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:**
Effective date:

Title: Resolution authorizing permanent easements at 1600 West Edgerton Avenue and at 4927 South 15th Place with the Wisconsin Department of Transportation for the I-94 reconstruction project, in the 13th Aldermanic District.

Sponsors: THE CHAIR

Indexes: EASEMENTS, EXPRESSWAY, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: Fiscal Note.pdf, Easement Map.pdf

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		
10/16/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

Number

090792

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Resolution authorizing permanent easements at 1600 West Edgerton Avenue and at 4927 South 15th Place with the Wisconsin Department of Transportation for the I-94 reconstruction project, in the 13th Aldermanic District.

Analysis

This resolution permits the City of Milwaukee to execute easements to facilitate freeway reconstruction.

Body

Whereas, The Wisconsin Department of Transportation ("WISDOT") presented the City of Milwaukee ("City") with an offer to acquire permanent limited easements at the City-owned properties at 1600 West Edgerton Avenue and at 4927 South 15th Place to maintain slopes adjacent to the I-94 right-of-way; and

Whereas, The property at 1600 West Edgerton Avenue is currently used as a tot lot, but the Department of Public Works determined that WISDOT's easement will not adversely affect the tot lot improvements or current use of the site; and

Whereas, The property at 4927 South 15th Place is adjacent to additional City-owned property and the WISDOT easement will not adversely affect future development; and

Whereas, WISDOT also has presented offers to the City for temporary easements to facilitate the highway reconstruction at five City-owned vacant lots; and

Whereas, The appraisals presented by WISDOT have been reviewed by the City Real Estate staff and the offering values have been determined to be reasonable consideration for the easements; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of the Department of City Development, or designee, is authorized to execute permanent and temporary easements with WISDOT; and, be it

Further Resolved, That the proceeds from the easements, less a 30 percent cost reimbursement to the Redevelopment Authority, shall be deposited in the Reserve For Tax Deficit Fund or the General Fund based on the method of property acquisition.

Drafter

DCD-Real Estate

EMM:bmm

10/13/09/A

CITY OF MILWAUKEE FISCAL NOTE

A) **DATE** October 13, 2009

FILE NUMBER: _____

Original Fiscal Note Substitute

SUBJECT: Resolution authorizing permanent easements at 1600 West Edgerton Avenue and at 4927 South 15th Place with the Wisconsin Department of Transportation for the I-94 reconstruction project, in the 13th Aldermanic District.

B) **SUBMITTED BY (Name/title/dept./ext.):** Rocky Marcoux, Commissioner

C) **CHECK ONE:** ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED. LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) **CHARGE TO:** DEPARTMENT ACCOUNT(DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:					
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:	Easement Offers	Reserve For Tax Deficit Fund		\$7,800	
		General Fund		1,500	
TOTALS				\$9,300 (less 30% cost reimbursement to RACM)	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN **ANNUAL** BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT **SEPARATELY**.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS

G) **LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:**

H) **COMPUTATIONS USED IN ARRIVING AT FISCAL ESTIMATE:**

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

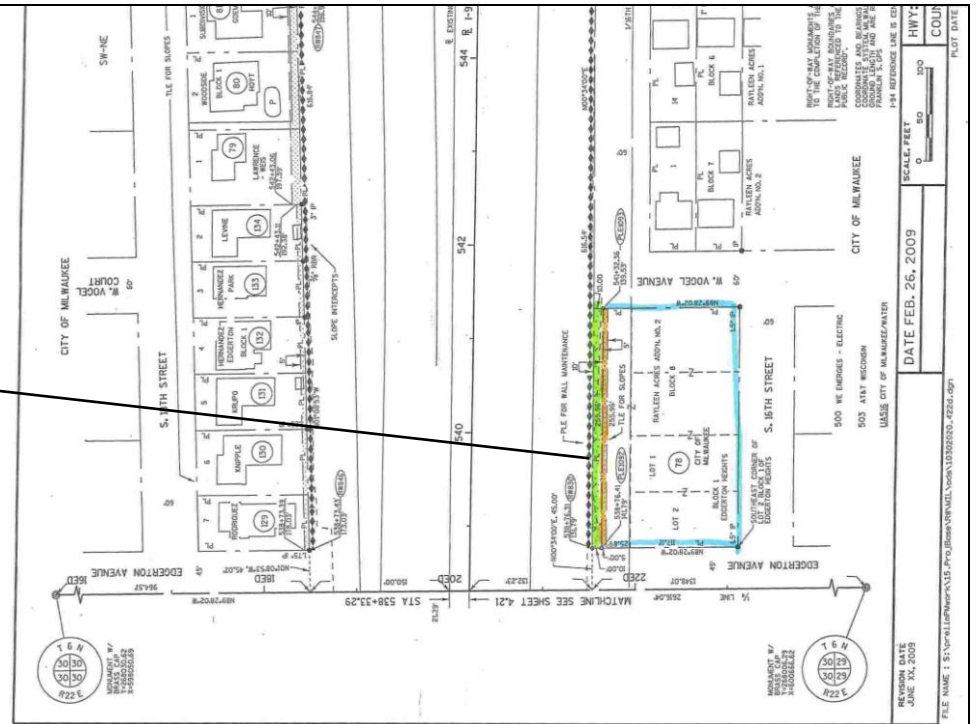
City of Milwaukee & Wisconsin Department of Transportation
Easements for I-94 Reconstruction

Permanent & Temporary Easements

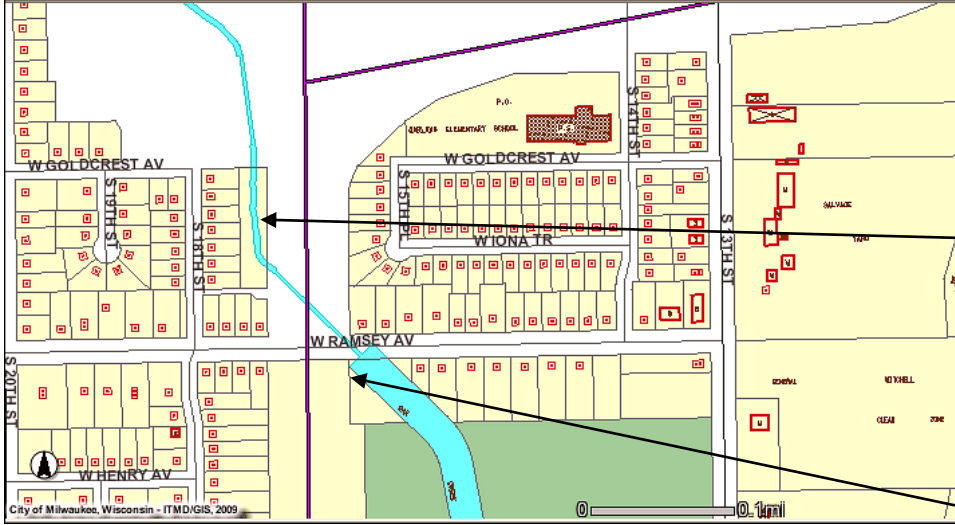


1600 West Edgerton

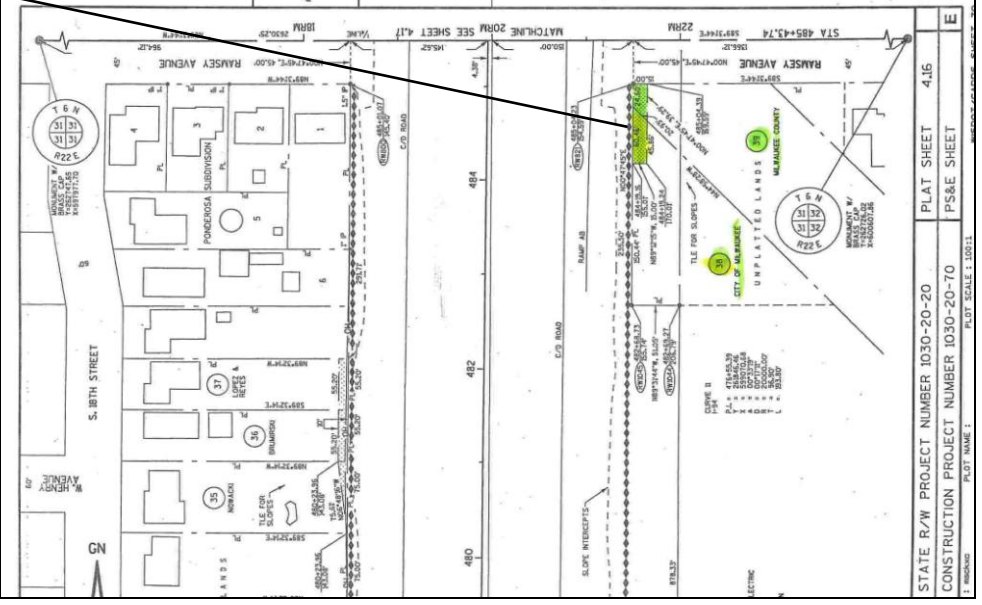
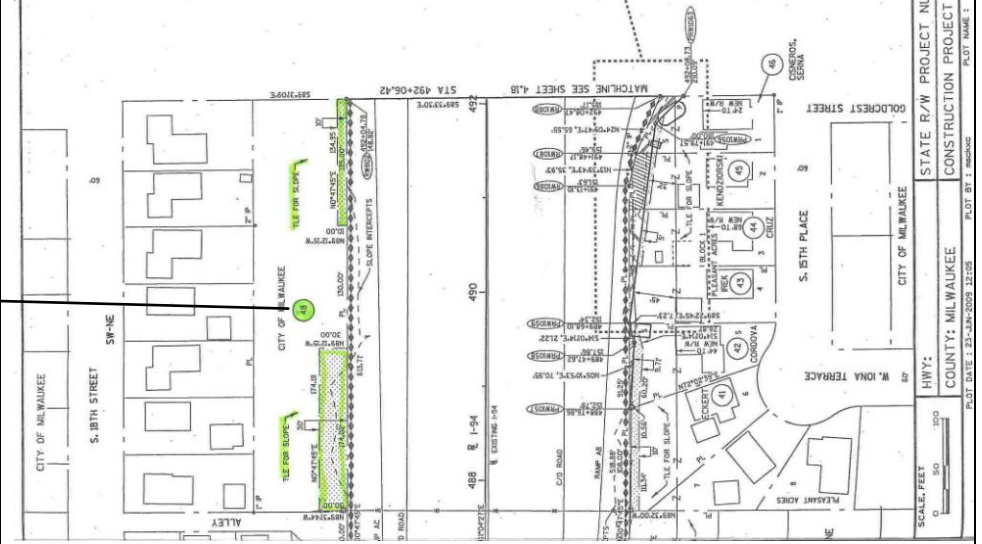
PLE - Green/TLE Orange



Temporary Easements



2810 South 18th Street
 1565 & 1565R West Ramsey



STATE R/W PROJECT NUMBER 1030-20-20	PLAT SHEET 416	STATE R/W PROJECT NUMBER 1030-20-20
CONSTRUCTION PROJECT NUMBER 1030-20-70	PS&E SHEET	CONSTRUCTION PROJECT NUMBER 1030-20-70
CITY OF MILWAUKEE		CITY OF MILWAUKEE
COUNTY: MILWAUKEE		COUNTY: MILWAUKEE
HWY: 87		HWY: 87
PLOT DATE: 1-23-JAN-2009 22:05		PLOT DATE: 1-23-JAN-2009 22:05
PLOT NAME: 1		PLOT NAME: 1



Legislation Details (With Text)

File #: 090842 **Version:** 0

Type: Appointment **Status:** In Committee

File created: 10/13/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:**

Effective date:

Title: Reappointment of Tina Chang to the Harbor Commission by the Mayor. (3rd Aldermanic District)

Sponsors: THE CHAIR

Indexes: APPOINTMENTS, HARBOR COMMISSION

Attachments: Appointment letter, Attendance Record

Date	Ver.	Action By	Action	Result	Tally
10/13/2009	0	COMMON COUNCIL	ASSIGNED TO		
10/16/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		

File #: 090842 **Version:** 0

Number

090842

Version

ORIGINAL

Reference

Sponsor

THE CHAIR

Title

Reappointment of Tina Chang to the Harbor Commission by the Mayor. (3rd Aldermanic District)

Drafter

Mayor

TB

10/13/09

October 13, 2009

To the Honorable, the Common Council
of the City of Milwaukee

Honorable Members of the Common Council:

I am pleased to reappoint Tina Chang, 1640 North Jackson Street, Milwaukee, Wisconsin 53202, to the Harbor Commission. This reappointment is pursuant to Section 30.37 of the Wisconsin Statutes and Common Council File Numbers 18129, 68-1476 and 68-1476-a. Ms. Chang's term will commence upon taking of the oath of office.

I trust this reappointment will have the approval of your Honorable Body.

Respectfully submitted,

A handwritten signature in black ink that reads "Tom Barrett". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Tom Barrett
Mayor



City Hall, Room 205
200 E. Wells Street
Milwaukee, WI 53202
(414) 286-2221



Office of the City Clerk

Re: Common Council File Number 090842

Reappointment of Reappointment of Tina Chang to the Harbor Commission by the Mayor. (3rd Aldermanic District)

Dear Sir/Madam,

In accordance with Common Council resolution File Number 65-2210, adopted November 30, 1965, all reappointments are to be referred to an appropriate standing committee.

Under this policy, the appropriate committee is to be informed in writing of the incumbent's attendance record during his/her last term of service.

Please provide the following required information and return immediately to our office for consideration at the Public Works Committee Meeting on October 21, 2009.

- Number of meetings held: 21
- Number of meetings attended: 18
- Number of excused absences: 3
- Number of unexcused absences: 0

Please return this information to Char Rodriguez, Administrative Services Specialist or Crodri@milwaukee.gov, City Clerk's Office, Room 205, City Hall.

Very truly yours,

RONALD D. LEONHARDT
City Clerk
