

NPS BOARD MINUTES

[ITEM 11]

REPORT AND ACTION ON THE EMERGENCY AUTHORIZATION OF AN AGREEMENT RELATING TO REPAIRS OF DAMAGE TO THE FACILITIES AND MAINTENANCE SERVICES BUILDING AND THE GRANTING OF TEMPORARY AND PERMANENT EASEMENTS TO FACILITATE THE REPAIRS

This item initiated by the Administration

Attachments, under separate cover

BACKGROUND

MAY 25, 2006 Meeting

1. In June 2004, the Board approved a sale of property and the granting of temporary limited easements to the State Department of Transportation for work associated with the reconstruction of the Marquette Interchange Project adjacent to the Division of Facilities and Maintenance Services (DFMS) building.
2. During construction of a secant wall directly in front of the DFMS Building on Eleventh Street, the contractor over-excavated, causing soil instability which resulted in damage to the secant wall and to the DFMS building. Damage was to both the exterior and interior of the building, including, but not limited to, structural and foundation damage; cracks on both the outside and inside of the building; shifting of windows and creation of gaps around their frames; shifting of the foundation; and damage to the sidewalk adjacent to the building.

ADMINISTRATION'S ANALYSIS

3. Due to the instability of the soils, the contractor has undertaken temporary stabilization efforts. Design efforts needed to begin immediately. Certain commitments on the part of the District were required in determining the best method of repair.
4. The office of the City Attorney worked with the State Department of Transportation to draft the attached agreement for the repairs and associated easements. All repairs will be made by the state's contractor and paid for by the Marquette Interchange's general liability insurance carrier.
5. Any and all costs incurred by the District – including but not limited to, staff time, independent consultants, security personnel, and repairs to the interior and exterior of the building – will be totally paid by the Marquette Interchange's general liability insurance carrier.
6. The DFMS will approve any plans for repairs to the District's building prior to work commencing. The State and its

contractor are responsible for all work associated with the repairs and will indemnify and hold MPS harmless.

7. The temporary easement is required for the contractor to be able to work on our property to make the necessary repairs to the building. The permanent easement is required for the tie-back system that will be used for the repair of the secant wall. These tie-backs will extend under the foundations of the existing building.
8. The temporary right of entry is required to access DFMS building's main parking lot and receiving dock from 10th street so that the current entrance on Highland can be closed due to safety concerns. The Administration anticipates a permanent relocation of the entrance due to the anticipated increased traffic patterns that will develop on Highland Avenue as a result of the opening of the entrance ramp on Highland Avenue at 11th street.

STRATEGIC PLAN COMPATIBILITY STATEMENT

9. The agreed-upon activities are consistent with the practice of fiscal responsibility to aid in informed decisions about allocation of resources for district programs, functions and operations.
10. The Board's approval is required to execute third-party easements.

STATUTE, ADMINISTRATIVE POLICY, OR BOARD RULES STATEMENT

11. In accordance with Wis. Statute 119.60 (1) and Administrative Policy 5.01, Facilities, proceeds from the easements are to be placed in the construction fund.

FISCAL IMPACT STATEMENT

12. This item does not authorize expenditures. The temporary limited easement will generate \$3,000 of unanticipated revenue, and the permanent easement will generate \$15,000. These proceeds will be placed in the construction fund. There is no cost associated with the right of entry.
13. All work by the contractor for the repair of the building will be paid by the Marquette Interchange's general liability insurance carrier directly to the contractor.

14. Any expenses incurred by the District will be reimbursed by the Marquette Interchange's general liability insurance carrier and deposited into the accounts from which expenditures were made.
15. Upon approval of this item, the attached agreement will be executed by the proper officials. Work is scheduled to begin within the month and is anticipated to be completed by August.

ADMINISTRATION'S RECOMMENDATION

The Administration recommends that the Board:

1. grant the temporary limited easement for repairs associated with the MPS facility at 1124 North 11 Street;
2. grant the permanent easement for repairs associated with the repair of the secant wall that has been constructed as a part of the Marquette Interchange Project;
3. approve the agreement relating to repairs of damage to the MPS property located at 1124 North 11 Street, and the terms in the right of entry; and
4. authorize the appropriate officials to execute the repair agreement, right of entry, and associated easement documents.

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