

February 28, 2012

Jeff Polenske
City of Milwaukee
841 N. Broadway, Rm. 701
Milwaukee, WI 53202

Mike Simmons
City of Oak Creek
8640 S. Howell Ave.
PO Box 27
Oak Creek, WI 53154

Subject: **Street Lighting Addition Municipal Agreement**
WISDOT Project I.D. 2355-05-75
E. College Ave. (CTH ZZ)
S. Howell Ave. to S. Pennsylvania Ave.
Milwaukee County

Milwaukee County Department of Transportation (MCDOT) has found it essential to add street lighting on the subject project to provide increased safety for the pedestrians, bicyclist and motorist along the project corridor.

MCDOT received approval from the Wisconsin Department of Transportation (WISDOT) on December 5, 2011 to include the addition of street lighting as a participating item (eligible for 80% Federal funding) in the subject project and has also agreed to execute a Contract Modification for installation of this safety measure.

MCDOT obtained Surface Transportation Program (STP) funding which provides 80% participation for the improvement of the subject project. WISDOT has confirmed that MCDOT has additional STP funds available in the subject project to complete the street lighting addition.

The signatory Cities through its undersigned duly authorized officers or officials, hereby requests MCDOT to initiate the installation of the street lighting and mutually agree to participate and comply as follows:

➤ **Design of Street Lighting-**

1. MCDOT will not be responsible for the design of the street lighting for the subject project or pay any design costs. MCDOT will assist with fulfilling the necessary Federal Aviation Administration (FAA) requirements.
2. City of Milwaukee will be responsible for the design of the street lighting for the subject project from S. Howell Ave. east to the airport tunnel and will pay 100% of all design costs. The design consists of providing the required plans and specifications to install the street lighting in the median of E. College Ave. (CTH ZZ) as a Contract Modification.
3. City of Oak Creek will be responsible for the design of the street lighting for the subject project from the airport tunnel east to S. Pennsylvania Ave. and will pay 100% of all design costs. The design consists of providing the required plans and specifications to install the street lighting in the median of E. College Ave. (CTH ZZ) as a Contract Modification.

➤ **Construction of Street Lighting-**

4. MCDOT will be responsible for the construction of the street lighting for the subject project from S. Howell Ave. to S. Pennsylvania Ave., excluding the airport tunnel and will pay 100% of all construction costs, utilizing available STP project funding. The construction consists of fully executing the Contract Modification for the installation of street lighting.
5. City of Milwaukee will not be responsible for the construction of the street lighting for the subject project or pay any construction costs. City of Milwaukee will provide support as needed to ensure the street lighting is installed according to the plans and specifications designed by the City of Milwaukee.
6. City of Oak Creek will not be responsible for the construction of the street lighting for the subject project or pay any construction costs. City of Oak Creek will provide support as needed to ensure the street lighting is installed according to the plans and specifications designed by the City of Oak Creek.

➤ **Ownership, Maintenance and Liability of Street Lighting-**

7. MCDOT will not own, maintain, or assume liability for the street lighting for the subject project from S. Howell Ave. to S. Pennsylvania Ave., excluding the airport tunnel upon acceptance from the Cities of the street lighting installation.
8. City of Milwaukee will own, maintain and assume liability for the street lighting for the subject project from S. Howell Ave. east to the airport tunnel upon acceptance of the street lighting installation.
9. City of Oak Creek will own, maintain and assume liability for the street lighting for the subject project from the airport tunnel east to S. Pennsylvania Ave. upon acceptance of the street lighting installation.

➤ **Energy of Street Lighting-**

10. MCDOT will not be responsible for energizing the street lighting for the subject project or pay any energy costs.
11. City of Milwaukee will be responsible for energizing the street lighting for the subject project from S. Howell Ave. east to the airport tunnel and will pay 100% of all energy costs.
12. City of Oak Creek will be responsible for energizing the street lighting for the subject project from the airport tunnel east to S. Pennsylvania Ave. and will pay 100% of all energy costs.

➤ **Other-**

13. Upgrades, non-standard or specialty street lighting items requested by the City(s) will be considered non-participating where 100% of the additional cost to be paid by the City(s) that requested.
14. The authority for the Cities to enter into this agreement with the MCDOT is provided by Section 86.25(1), (2) and (3) of the Statutes.
15. This agreement can only be amended by mutual agreement in writing by all signatories.

**Project I.D. 2355-05-75
E. College Ave. (CTH ZZ)
STREET LIGHTING ADDITION
ESTIMATED COST SUMMARY***

PHASE	Total Estimated Cost	Federal/ State		MCDOT		City of Milw.		City of Oak Cr. %	
		Funds	%	Funds	%	Funds	%	Funds	%
Design	**	\$0	0	\$0	0	**	100	**	100
Real Estate	-	-	-	-	-	-	-	-	-
Construction	\$300,000***	\$240,000	80	\$60,000	20	\$0	0	\$12,000	20
Total Cost Distribution	\$300,000*	\$240,000	80	\$60,000	20	\$0	0	\$12,000	20

* These are preliminary estimated costs. These estimated costs do not include work not eligible (non-participating costs) for Federal or State funding assistance. If the bid amount exceeds the estimate by 10% or more, authorization from MCDOT and both Cities is required prior to execution of the contract modification for the project.

** No estimated cost provided. The Cities pay 100% of all design costs for the street lighting.

*** **The maximum construction cost of the street lighting is \$300,000.** Additional construction costs that exceed the maximum will be shared by the Cities with a 50/50 split accordingly. The construction estimated cost includes 15% engineering and contingencies.

If the above terms of agreement are acceptable, please sign the attached signatory page (3 original copies) and return. An executed copy of the above agreement will be forwarded to you for your records.

We appreciate your cooperation and coordination efforts in providing a safer highway. Please contact me if you have any questions at 414-278-4934 or andrea.weddle-henning@milwcnty.com.

Sincerely,

Andrea Weddle-Henning, P.E.
Resident Contract Manager- Design
Milwaukee County Department of Transportation

cc: Frank Busalachhi, MCDOT
Joe Wiczorek, MCDOT
Dan O'Keefe, MCDOT
Jason Roselle, WISDOT
Bob Serak, DAAR Engineering

DRAFT

This request by MCDOT for the addition of street lighting on E. College Ave. (CTH ZZ), Project I.D. 2355-05-75, is made by the undersigned under proper authority to make such request for the designated Cities and upon acceptance by the MCDOT shall constitute agreement between the Cities and MCDOT.

Signed for and on behalf of **Milwaukee County (MCDOT)**:

Signature

MCDOT Director
Title

Date

Name (Written Clearly)

Signed for and on behalf of the **City of Milwaukee**:

Signature

Commissioner of Public Works
Title

Date

Name (Written Clearly)

Signature

Comptroller
Title

Date

Name (Written Clearly)

Signed for and on behalf of the **City of Oak Creek**:

Signature

Mayor
Title

Date

Name (Written Clearly)