

**AMENDED COST SHARING AGREEMENT  
BETWEEN  
THE CITY OF MILWAUKEE  
AND THE VILLAGE OF MENOMONEE FALLS**

DATE: August 26, 2013

HIGHWAY: North 124<sup>th</sup> Street

LIMITS: West Brown Deer Road to West County Line Road

This agreement is made and entered into and by the City of Milwaukee and the Village of Menomonee Falls.

The contents of this agreement will address cost sharing for all phases of the subject project including but not limited to preliminary engineering, real estate acquisition, utility relocation, construction and construction engineering, as necessary.

The City of Milwaukee has budgeted funds for the improvement of North 124<sup>th</sup> Street from West Brown Deer Road to West County Line Road with plans scheduled to be completed in March 2013 to be scheduled for let in spring of 2013 and construction in the summer/fall of 2013.

The City of Milwaukee through its undersigned duly authorized officers or officials, hereby requests the Village of Menomonee Falls to participate in the improvements hereinafter described.

The bids for the construction were opened in July 2013 and were higher than estimated. This agreement revises the costs.

**NEEDS AND ESTIMATE SUMMARY:**

**Existing Facility – Describe and give reason for request:**

The existing roadway was constructed prior to 1956 and has been resurfaced a couple of times and is in very poor condition.

**Proposed Improvement – Nature of work:**

The roadway will be reconstructed, and gravel shoulders will be added.

**Estimated Cost Summary\***

Item	Total	City of Milwaukee	%	Village of Menomonee Falls	%
Preliminary Design	\$ 50,000	\$ 25,000	50	\$ 25,000	50
Roadway Construction	\$1,000,000	\$ 500,000	50	\$ 500,000	50
Subtotal	\$ 1,050,000	\$ 525,000		\$ 525,000	
15% Construction Engineering and Contingencies	\$ 150,000	\$ 75,000	50	\$ 75,000	50
<b>Total Cost</b>	<b>\$ 1,200,000</b>	<b>\$ 600,000</b>		<b>\$ 600,000</b>	

\* The above costs are estimates at this time and are subject to change during the Design process. The Roadway Funding percentages are based upon a jurisdictional line which approximately splits the project in half equally and the roadway culvert that is located entirely within the City of Milwaukee jurisdiction.

1) The Village of Menomonee Falls will pay its share of the preliminary design costs, defined as all engineering work of the roadway performed prior to the actual commencement of construction, for the subject project within 30 days of being billed by the City of Milwaukee. The City of Milwaukee will bill the Village as the project progresses and supply the Village with any background information to support the billing. Each community's share of the preliminary design is calculated as the ratio of the roadway area under the jurisdiction of each community over the total roadway area. (Using this method the Village of Menomonee Falls' share is 50%.)

2) The City of Milwaukee shall be responsible for 100 percent (100%) of the cost for any work on the culverts over the navigable waterway located approximately 700 feet north of Main Street within the City of Milwaukee Jurisdiction. This shall include all design, permitting and construction necessary to complete the roadwork.

3) With the exception of the culverts under Section (2) above, for any outside consulting services necessary for the project, the consultant services costs for each municipality will be calculated by prorating the actual consultant services expenditures. Each community's share for consulting services is calculated as detailed in the Cost Summary above.

4) The Village of Menomonee Falls will pay its share of roadway construction costs for the subject project within 30 days of being billed by the City of Milwaukee. The City of Milwaukee will bill the Village beginning in 2014 and supply the Village with any background information to support the billing.



## TERMS AND CONDITIONS

1. The initiation and accomplishment of the improvement will be subject to all applicable Federal, State, and local regulations.
2. Subject to Section 5 of this Agreement, the Village of Menomonee Falls will pay to the City of Milwaukee such project related costs as outlined and listed in the Estimated Cost Summary itemized in the Cost Sharing Agreement.
3. Each Municipality shall ensure that all necessary funding of each project phase (preliminary design, storm water design, roadway construction, storm water construction and construction engineering) is in place for their portion of the project costs. The City of Milwaukee financing will be limited to participation in the costs of the following items as specified in the Estimate Cost Summary:
  - a. Preliminary Design (50%).
  - b. Storm water Design (100% City of Milwaukee)
  - b. Real estate for the improvement, if required (Based upon Jurisdiction).
  - c. Roadway construction (50%).
  - e. Storm water construction (100% City of Milwaukee)
  - d. Grading, base, and pavement for adjacent roadway approaches (50%).
  - e. Roadway surface water drainage for the improvement, if required (50%).
  - f. All construction costs including change orders (Per Estimated Cost Summary).
  - g. Construction engineering incidental to inspection and supervision of actual construction work (50%).
  - h. Signing and pavement marking, including detour routes, if applicable (50%).
4. Work necessary to complete the improvement to be financed entirely by the Municipality (or responsible party) where the work lies includes, but may not be limited to, the following items:
  - a. New installations of or alterations of sanitary sewers or connections, water, gas, electric, telephone, telegraph, fiber optic, fire or police alarm facilities, pipelines, and similar utilities.
  - b. Repair of damages to roads and streets caused by reason of their use in hauling materials incidental to the improvement.
5. The Village of Menomonee Falls will pay the City of Milwaukee within 30 days of being billed by the City of Milwaukee. The City of Milwaukee will bill the Village as the project progresses and supply the Village with any background information to support the billing. If the Village of Menomonee Falls objects to any portion of the bills submitted by the City of Milwaukee, the Village shall notify the City of Milwaukee in writing within twenty days of the invoice's receipt. The Village will pay any undisputed portions of a bill. Upon completion of the project, a final audit will be made to determine the final division of costs and reconciliation will be conducted as necessary.

6. If the Village of Menomonee Falls should withdraw from the project, it will reimburse the City of Milwaukee its proportionate share of all costs incurred by the City of Milwaukee as of the date of withdrawal.
  
7. The work will be administered by the City of Milwaukee or its designee(s). The City of Milwaukee shall notify the Village of Menomonee Falls of any design or construction changes that may occur during the process in excess of 10% of the budgeted amount and get written authorization prior to their inclusion and cost participation by the Village of Menomonee Falls.
  
8. The respective municipalities will at their own expense:
  - a. Maintain all portions that lie within its boundaries.
  - b. Assume general responsibility of all public information to its residents.

(End of Document)