

INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN
CITY OF MILWAUKEE AND THE MILWAUKEE METROPOLITAN
SEWERAGE DISTRICT CONCERNING THE ARMY CORP OF
ENGINEERS SECTION 14 STREAMBANK PROTECTION PROJECT FOR
THE KINNICKINNIC RIVER FROM SOUTH 43RD STREET TO SOUTH 60TH
STREET

The City of Milwaukee, a general purpose municipal corporation, organized and operating pursuant to a special legislative charter, hereafter "City" and the Milwaukee Metropolitan Sewerage District, a municipal body corporate, organized and operating pursuant to Wis. Stat. §§ 200.21 through 200.65, hereafter "District," enter into this Intergovernmental Cooperation Agreement, pursuant to Wis. Stat. § 66.0301, effective the latest date appearing below, for the purpose of setting forth their respective roles in the design and construction of the "Section 14 Streambank Protection Project" by the United States Army Corps of Engineers, hereafter "COE."

WHEREAS, the Kinnickinnic River and storm sewer discharges have eroded streambanks that threaten additional damage to storm sewer outlet pipes along the Kinnickinnic River Parkway between South 43rd Street and South 60th Street; and

WHEREAS, the District has jurisdiction of the Kinnickinnic River for the purpose of projecting, planning, designing, and constructing improvements to the drainage of lands tributary to the Kinnickinnic River so as to ameliorate or eliminate erosion damage to surrounding properties and infrastructure; and

WHEREAS, the District has requested the COE to design and construct erosion protection for the Kinnickinnic River streambanks at storm sewer outlet pipes to provide protection to the threatened properties and public infrastructure; and

WHEREAS, the District has a fully executed Intergovernmental Cooperation Agreement with Milwaukee County, signed July 28, 2003, to

easements on County lands and the Right-of-Entry for the COE to enter upon County lands to perform the work proposed; and

WHEREAS, the City owns and is responsible for the storm sewer outlet pipes that have been damaged by storm water sewer discharges and the eroding banks along the Kinnickinnic River; and

WHEREAS, the Metropolitan Sewerage Commission approved and authorized negotiations by the Executive Director of intergovernmental cooperation agreements needed for completion of this project on February 25, 2002, File No. 02-C31-2; and

WHEREAS, the District is the local sponsor of Kinnickinnic River Section 14 Streambank Protection Project; and

WHEREAS, the District has acquired temporary and permanent easements for the construction and maintenance of the Kinnickinnic River Section 14 Streambank Protection Project work from Milwaukee County, the property owner, under a separate Intergovernmental Cooperation Agreement; and

WHEREAS, the City and the District agree that COE will design and construct the Section 14 Streambank Protection Project; and

WHEREAS, the City is willing to contribute Fifty Thousand (\$50,000) Dollars toward the construction of the Section 14 Streambank Protection Project by COE;

NOW, THEREFORE, in light of the above and foregoing declarations, the City and the District enter into this Intergovernmental Cooperation Agreement, setting forth their respective roles in the design and construction of the Kinnickinnic River Section 14 Streambank Protection Project by COE:

1. **Respective Responsibilities Of The City And The District For The Kinnickinnic River Section 14 Streambank Protection Project.** A) The District. The District will finance the local sponsor's share of the costs for design and construction of the Kinnickinnic River Section 14 Streambank Protection Project as required of the local sponsor and defined in the Project Cooperation Agreement with the COE. Attached hereto as an exhibit is a map that illustrates the project work.

B) The City. The City will pay the District Fifty Thousand (\$50,000) Dollars toward design and construction of the Kinnickinnic River Section 14 Streambank Protection Project upon substantial completion of the project.
2. **Maintenance Costs of the Storm Sewer Outfall Pipes.** The maintenance of storm sewer outfall pipes constructed or re-constructed under this project shall be the responsibility of the City.
3. **Maintenance of Streambank Improvements.** The City and the District agree and understand that the maintenance of the Stream Bank Improvements will be the responsibility of the District as defined by Metropolitan Sewerage Commission's Watercourse Policy; *provided, however,* that in the event the need for maintenance of the stream bank is due to City failure to maintain the storm sewer outfall pipes, including structures and soils upon which such outfall pipes are established, the City shall have the responsibility for maintenance of the Stream Bank Improvements.

(Remainder of Page Intentionally Left Blank)

WHEREFORE, the authorized representatives of the parties to this Intergovernmental Cooperation Agreement affix their signatures, being duly authorized to do so.


CITY OF MILWAUKEE

Executed as of the 27th day of October,
2008, pursuant to approval granted
the 7th day of October, 2008,
City of Milwaukee #080734

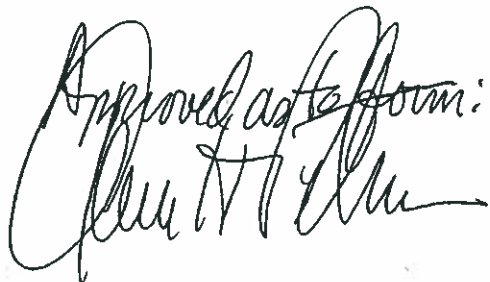
MILWAUKEE METROPOLITAN
SEWERAGE DISTRICT

BY: 
Kevin L. Shafer, H.E.


Date: 2/25/2008 nunc pro tunc

By: , 2008
Tom Barrett, Mayor (Date)

By:  12/02/08
Ronald Leonhardt, City Clerk (Date)

Approved as to form:


Countersigned: Comptroller Office

By:  2008 12/09/08
Name Printed: MICHAEL DAVIS (Date)

Title: DEPUTY

OFFICE OF THE CITY ATTORNEY

BY: , 2008

Exhibit 1: Kinnickinnic River Section 14 Army Corps of Engineers Stream Stabilization Project 43rd Street to 60th Street

