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Title: Substitute resolution authorizing the proper City Officials to execute Utility Agreements with the State of Wisconsin, Department of Transportation for work on City of Milwaukee facilities in conjunction with the Marquette Interchange Clybourn Avenue contract.

Sponsors: THE CHAIR

Indexes: EXPRESSWAYS, INTERGOVERNMENTAL AGREEMENTS, PUBLIC IMPROVEMENTS, WISCONSIN DEPARTMENT OF TRANSPORTATION

Attachments: 1. Agreement.PDF, 2. Sub 1 Cover Letter.pdf, 3. Fiscal Note.pdf

Date	Ver.	Action By	Action	Result	Tally
12/19/2003	0	COMMON COUNCIL	ASSIGNED TO		
12/22/2003		PUBLIC WORKS COMMITTEE	REFERRED TO		
12/26/2003	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/7/2004	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
1/21/2004	1	COMMON COUNCIL	ADOPTED	Pass	14:0
9/17/2013	1	JUDICIARY & LEGISLATION COMMITTEE	DRAFT SUBMITTED		
9/24/2013	0	COMMON COUNCIL	HEARING NOTICES SENT		
11/1/2013	1	COMMON COUNCIL	SIGNED		

031204

SUBSTITUTE

020556, 021298, 030470

THE CHAIR

Substitute resolution authorizing the proper City Officials to execute Utility Agreements with the State of Wisconsin, Department of Transportation for work on City of Milwaukee facilities in conjunction with the Marquette Interchange Clybourn Avenue contract.

This resolution approves the three (3) agreements entitled, "AGREEMENT FOR PAYMENT FOR RELOCATION OR REPLACEMENT OF MUNICIPAL UTILITY FACILITIES LOCATED ON PUBLIC HELD LAND REQUIRED BY FREEWAY CONSTRUCTION" one each for Milwaukee Water Works, Environmental Engineering, and Communications and Electrical Services and authorizes the Commissioner of Public Works to execute same on behalf of the City of Milwaukee. This resolution also approves and authorizes execution by the Commissioner of Public Works of three (3) documents entitled "CONVEYANCE OF RIGHTS IN LANDS" and three (3) accompanying agreements entitled, "AUDIT AGREEMENT FOR PAYMENT FOR LANDS OR INTERESTS IN LANDS ACQUIRED FROM PUBLIC UTILITY" one each for Milwaukee Water Works, Environmental Engineering, and Communications and Electrical Services. These agreements all relate to Utility work on City Facilities necessitated by the rehabilitation of the Marquette Interchange project being undertaken by the Wisconsin Department of Transportation in the 2004 through 2008

timeframe. These agreements provide generally for payment of 90% of the costs of all work on City facilities necessitated by the Freeway rehabilitation project in accord with Wisconsin State Statute §84.295(4m). This resolution also authorizes the Commissioner of Public Works to prepare and/or review plans and estimates for the Marquette Interchange utility work as necessary to accomplish this project. This resolution also authorizes the Comptroller to establish accounts as necessary to track the work and to make periodic payments to the State for work undertaken on this project as approved by the City Engineer.

Whereas, The State of Wisconsin Department of Transportation (WISDOT) has scheduled the rehabilitation of the Marquette Interchange (MQI) in the Central Business District of the City of Milwaukee (CBD); and

Whereas, The Department of Public Works (DPW) has worked with the WISDOT over the past 3 years in planning the design and construction phasing of the project to best meet the needs of the citizens of the City of Milwaukee (CITY) and of the region as a whole; and

Whereas, Work on the MQI has been phased in 5 major contracts, being the Clybourn Advance Contract (CLAC), North Leg Contract (NL), West Leg Contract (WL), South Leg Contract, (SL) and the Core Contract (CORE); and

Whereas, There will be substantial work required on CITY utilities as a result of the design and construction associated with these MQI contracts; and

Whereas, Wisconsin State Statutes, §84.295(4m) indicates that the WISDOT will pay 90% of the cost of alteration, rehabilitation and relocation of Municipal utilities with the responsible jurisdiction liable for the remaining 10% of the cost; and

Whereas, It has been estimated that for the MQI project, a total of approximately \$12 to \$14 million dollars in City utility alterations will be necessary over the 4 plus year long construction time frame; and

Whereas, It has been estimated that for the CLAC, the cost of utility alterations for Water, Sewer, and Communications facilities will be \$724,250.00 (1060-05-48) \$201,800.00, (1060-05-49), and \$335,410.00 (1060-05-47); respectively, with the City 10% share being \$72,425.00 for Water (1060-05-48), \$20,180.00 for Sewer (1060-05-49) and \$33,541.00 for Communications facilities (1060-05-47); and

Whereas, In order for the CITY to be reimbursed for the 90% share of the cost, the WISDOT requires the entering into of Utility Agreements, Audit Agreements and Conveyance documents in accord with relocation assistance policy; and

Whereas, The WISDOT has provided the City with the necessary Agreements to facilitate reimbursement of City costs in the alteration of City Water, Sewer, and Communication facilities for the CLAC; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the three (3) agreements entitled, "AGREEMENT FOR PAYMENT OF RELOCATION OR REPLACEMENT OF MUNICIPAL UTILITY FACILITIES LOCATED ON PUBLIC HELD LAND REQUIRED BY FREEWAY CONSTRUCTION" one each for Milwaukee Water Works, Environmental Engineering, and Communications and Electrical Services, attached to this file by reference as though set forth in full, are hereby approved; and, be it

Further Resolved, That the three (3) documents entitled "CONVEYANCE OF RIGHTS IN LANDS" and three (3) accompanying agreements entitled "AUDIT AGREEMENT FOR PAYMENT FOR LANDS OR INTERESTS IN LANDS ACQUIRED FROM PUBLIC UTILITY" one each for Milwaukee Water Works,

Environmental Engineering, and Communications and Electrical Services, all attached to this file by reference as though set forth in full, are hereby approved; and, be it

Further Resolved, That the Commissioner of Public Works and the City Engineer are hereby authorized to execute the aforementioned Agreements and Documents pursuant to utility alterations for the MQI CLAC on behalf of the City; and, be it

Further Resolved, That the Commissioner of Public Works is hereby authorized and directed to review and/or prepare plans as necessary to accomplish the required utility alterations associated with the MQI CLAC and is authorized to allow the WISDOT to include City utility work in the CLAC and/or award contracts for CITY utility work associated with the CLAC and/or have the necessary utility work associated with the CLAC accomplished by City forces whichever is deemed to be in the best interest of the City and the MQI project; and, be it

Further Resolved, That the funding to cover the 10% CITY cost of the MQI CLAC utility alterations for Water, Sewer, and Communications facilities estimated to be \$72,425.00 (1060-05-48), \$20,180.00 (1060-05-49) and \$33,541.00 (1060-05-47); respectively, is and/or will be placed in DPW Departmental Accounts as part of the City Budget process in budget years as necessary to accommodate the project scheduling and the Local Accounts Receivable (LAR) billings; and, be it

Further Resolved, That the Comptroller is hereby authorized and directed to establish appropriate accounts to facilitate and track the work required for the MQI CLAC utility alterations as directed by the Commissioner of Public Works under the City of Milwaukee Grant and Aid Guidelines to be billed as a part of the Local Accounts Receivable procedures with the WISDOT; and, be it

Further Resolved, That the Comptroller is authorized to transfer 10% or \$5,000.00, whichever is greater, in excess of the estimated amounts in the event of deviations from the estimates; and, be it

Further Resolved, That the City Engineer is hereby authorized and directed to make periodic payments as necessary to accommodate the work required for the MQI CLAC utility alterations as required under the aforementioned utility Agreements and Documents.

Department of Public Works

Infrastructure Services Division

JJM:cjt

January 5, 2004

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