

CONNECTING HIGHWAY CHANGE AGREEMENT #256
PERTAINING TO USH 18
WAUKESHA BYPASS
USH 18 FROM GREENMEADOW DRIVE to MANHATTAN DRIVE
CITY OF WAUKESHA, WAUKESHA COUNTY

The Wisconsin Department of Transportation has established a project that relocates USH 18 as a bypass within Waukesha County. As a result of this project, the Wisconsin Department of Transportation has determined existing USH 18 between CTH TT and STH 164 will no longer function as a state trunk highway.

Thus in accordance with the Wisconsin State Statute 86.32(1), enables the State to designate certain marked routes of the state highway system over the streets or highways in any municipality for which the municipality will be responsible for maintenance and traffic control, the Wisconsin Department of Transportation (DEPARTMENT) and the City of Waukesha, Waukesha County, Wisconsin (CITY) hereby agree to the following terms for the rescindment of connecting highway of this agreement.

As the character of travel service provided by this route, uniformity of maintenance, the effect on the maintaining agency and the municipality's maintenance capability are considerations predicated this designation, and whereas, reimbursement for maintenance of the connecting highway shall be determined using the rates per line mile provided for under Section 86.32, Wisconsin Statutes, and whereas, the parties hereto do mutually agree to the change in connecting highway status described below under the conditions as specified below.

SECTION I
FACILITY TO BE RESCINDED TO THE CITY

The following connecting highway facility segment will be rescinded as part of, and subject to the conditions in this agreement.

Roadway Facility

USH 18-Greenmeadow Drive to Manhattan Drive

USH 18 beginning at the eastern turning radius of its intersection with Greenmeadow Drive, then proceeding generally easterly, and then northeasterly along the route marked USH 18, to its western turning radius with Manhattan Drive; which is the terminus of the Connecting Highway, a distance of approximately 3.6 miles located in Township 7 North, Range 19 East, Sections 33, 34 and 35 and Township 6 North, Range 19 East, Section 3 City of Waukesha, Waukesha County. This is referenced as Segment 1 on Attachment 1.

Structure Facilities

All structures located within the segment as identified as Segment 1 in Attachment 1.

Rights-of-Way and Access Control

All highway access control rights and easements pertaining to said right-of-way within Segment 1 in Attachment 1.

SECTION II

REHABILITATION/RECONSTRUCTION/CONSTRUCTION TREATMENTS

Roadway Construction

The DEPARTMENT will provide a lump sum payment of \$3,000,000 to the CITY for roadway improvements on USH 18 (Summit Avenue/Delafield Street) from Greenmeadow Drive to North Street.

The DEPARTMENT will provide a lump sum payment of \$3,800,000 to the CITY for roadway improvements on USH 18 (Moreland Boulevard) from North Street to Manhattan Drive.

The DEPARTMENT will provide an improvement project on USH (Moreland Boulevard) 18 from Manhattan Drive to I-94.

The CITY shall accept the remaining segments in an as is condition at the time of this transfer.

Responsible Party for Design and Construction Management

Unless otherwise expressly stated in this Agreement or in the Memorandum of Understanding identified as Attachment 3, the DEPARTMENT policy for local cost share with respect to connecting highways in effect upon the execution of this Agreement will be applicable to all aspects of the design and construction of DEPARTMENT projects in Section II.

SECTION III

WINTER MAINTENANCE, SNOW AND ICE REMOVAL

The CITY shall be responsible for snow and ice removal on USH 18 from Greenmeadow Drive to Manhattan Drive after the actual rescindment. This is referenced as Segment 1 on Attachment 1.

SECTION IV

SYSTEM ROUTING AND NAMING CONVENTIONS

The DEPARTMENT will re-designate Segment 1 in Attachment 2 as Highway TBD.

The DEPARTMENT will designate the new West Waukesha Bypass south of USH 18 identified as Segment 2 in Attachment 2 as USH 18. Travelling east from CTH TT, USH 18 will run concurrently with STH 59 to S. East Ave. USH 18, STH 59 and STH 164 will then run currently to Arcadian/Greenfield Ave. USH 18 and STH 164 will then run concurrently to East Moreland Boulevard.

All of the aforementioned routing designations, roadway naming conventions, and signing alterations will occur no later than the opening of the new relocated USH 18 Waukesha Bypass.

Section V
WHEN RESCINDMENT IS TO OCCUR

If a No-Build Alternative is chosen, this Connecting Highway Agreement will become null and void.

By signing this agreement, the CITY has agreed to accept the rescindment of the segment in Attachment 1. To clearly define winter maintenance responsibility, the actual rescindment shall occur by November 1st of the year the record of decision for the West Waukesha Bypass has been approved. The date of approval for the Waukesha Bypass is estimated to be July 31, 2013.

The DEPARTMENT will notify the City in writing when actual rescindment of ownership will occur at least 30 days prior to that date.

Section VI
OTHER CONDITIONS

The DEPARTMENT will be responsible for:

If a Preferred Build Alternative is in the approved Record of Decision, the DEPARTMENT will adjust the SE Region 6 Year Program to fund the construction of Segment 2 in Attachment 2 within 48 months after the approval of the Record of Decision. Currently, Segment 2 in Attachment 2 is tentatively scheduled for construction in 2014. This construction date is based on a preferred build alternative being selected and the estimated date of 2013 for the approval of the Record of Decision.


If a No-Build Alternative is chosen, this Rescindment Agreement will become null and void.

SECTION VII
SIGNATURES AND INDICATION OF FINAL ACCEPTANCE AND
AGREEMENT TO ALL TERMS

Upon agreement by both parties, written amendment(s) may be negotiated to modify this agreement.

Signatures in the places noted below, hereby constitute final agreement to, and acceptance of, all items contained in this document by the CITY and DEPARTMENT.

For the DEPARTMENT



Rory Rhinesmith, Administrator - Deputy
Division of Transportation Infrastructure Development,
Wisconsin Department of Transportation

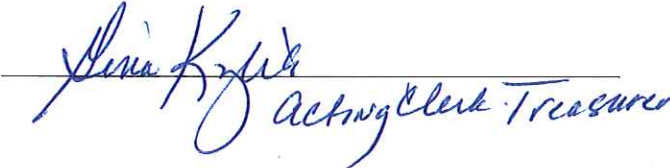
10-30-2013
Date

For the CITY:



Mayor

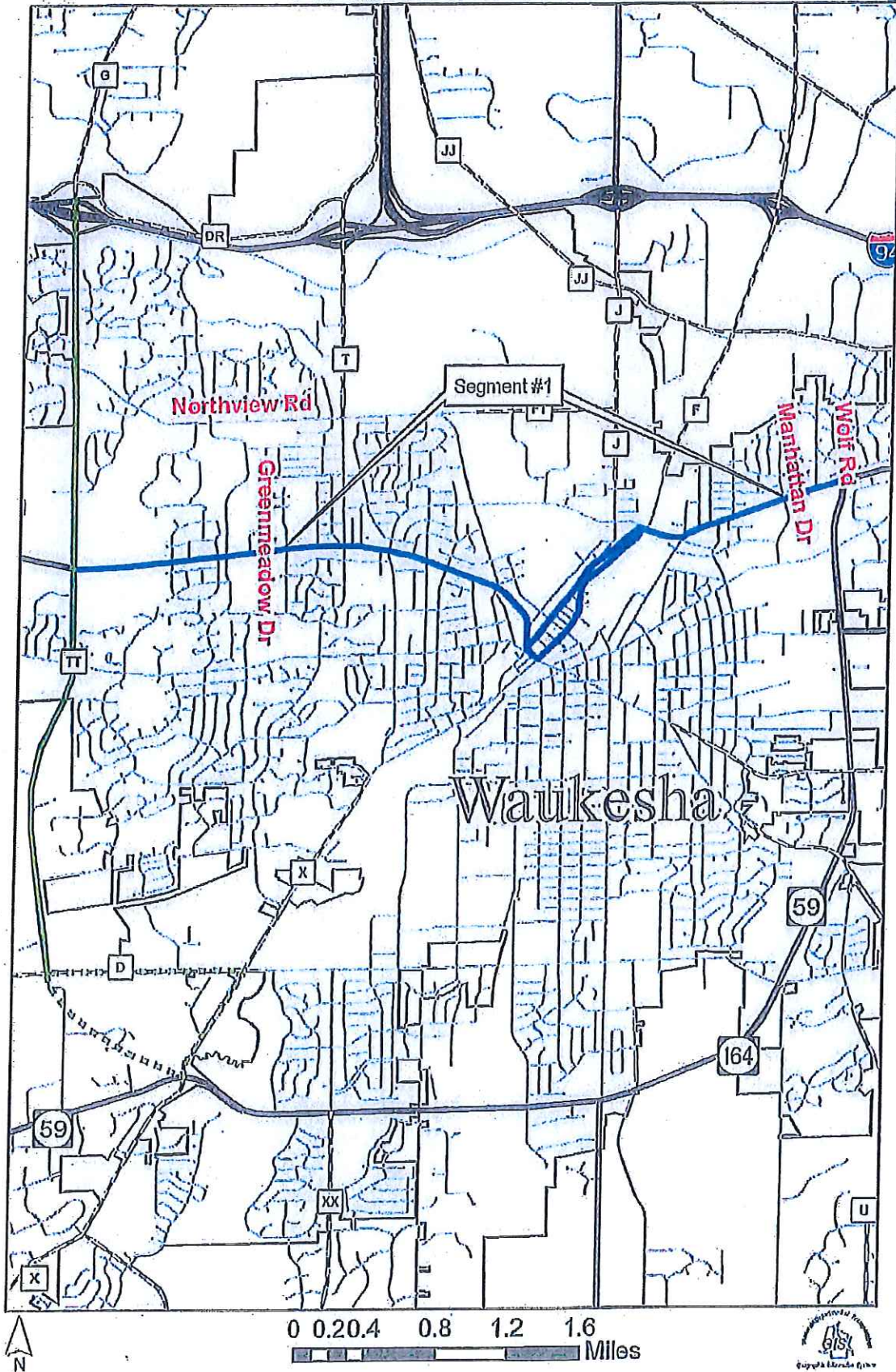
5-13-13
Date



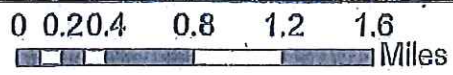
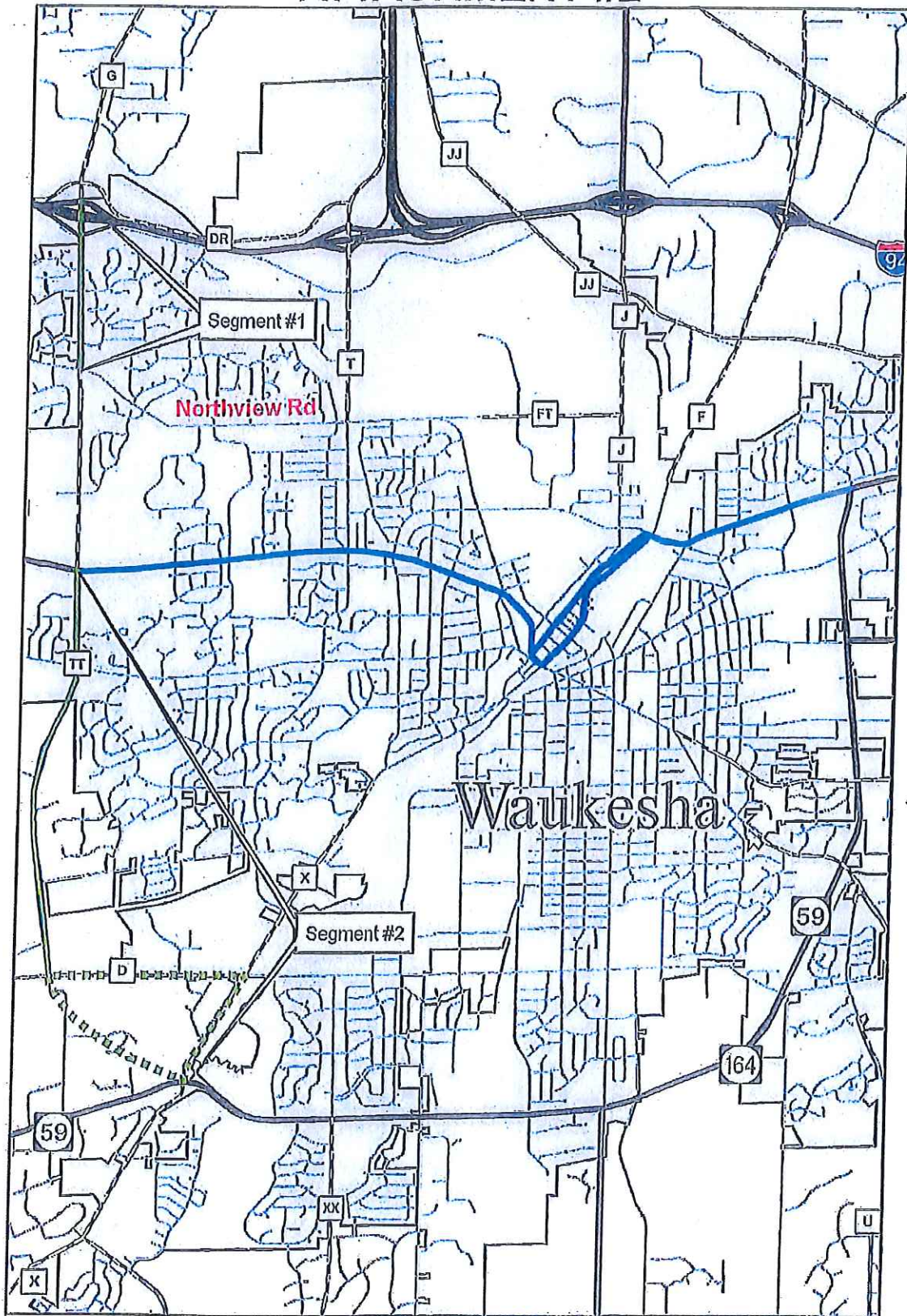
Acting Clerk Treasurer

5-13-13
Date

Connecting Highway
ATTACHMENT #1



Connecting Highway
ATTACHMENT #2



ATTACHMENT #3

Memorandum of Understanding West Waukesha Bypass April 6, 2009

This Memorandum of Understanding (MOU) identifies the local, county and state responsibilities that allows for the West Waukesha Bypass project to proceed from the Environmental Impact Statement (EIS) stage through final construction.

The proposed West Waukesha Bypass, consists of a route extending from its southern limit being the intersection of WIS 59 and County X northerly near and along the Pebble Creek area across County D (Sunset Drive), near and along sections of County TT (Merrill Hills Road), across WIS 18, and along County TT across Northview Road, and along Meadowbrook Road, to its northern limit being the I-94 interchange with County TT / G / Meadowbrook Road (see map).

Wisconsin Department of Transportation Responsibilities:

1. Final design and construct, utilizing State Highway Rehabilitation funds, the West Waukesha Bypass from its southern limit to the WIS 18 and County TT intersection in accordance with the EIS Record of Decision. Funds to be provided in State Fiscal Year 2015 and 2016. Estimated contribution is \$37.5 Million.
2. Contribute a maximum of \$2.6 million dollars to supplement Waukesha County's \$3.0 million dollars for Real Estate acquisition, as need arises.
3. Administer and oversee final design and construction activities of the West Waukesha Bypass from the southern limit to the WIS 18 and County TT intersection.
4. Participate with Waukesha County, City of Waukesha and Town of Waukesha through the EIS and preliminary design phases of the West Waukesha Bypass project.
5. Take jurisdiction of the section of the West Waukesha Bypass from the WIS 18 intersection to I-94 on November 1 of the year a Record of Decision for the bypass is approved and the section of the West Waukesha Bypass north of WIS 18 is reconstructed to its ultimate section. This date is estimated to be November 1, 2012. Accept jurisdiction of the West Waukesha Bypass south of WIS 18 upon completion of construction and acceptance by WisDOT (see map). This facility will be signed as a State Trunk Highway.
6. Rehabilitate the section of WIS 18 from Manhattan Drive to WIS 164
7. During the Draft EIS phase, WisDOT, Waukesha County and the City of Waukesha will compare preliminary estimate to preferred alternative estimate. If preferred alternative estimate for the Waukesha Bypass from the southern limit to the WIS 18 and County TT intersection is greater than \$43.1 million, Waukesha County, City of Waukesha or WisDOT may advocate for the 'No Build' alternative, thus voiding this agreement.

Waukesha County:

1. Conduct and fund the West Waukesha Bypass project from the EIS stage through preliminary design (60%) and right-of-way plat, following WisDOT, Wisconsin Environmental Protection Agency, and National Environmental Protection Agency requirements and regulations. Estimated cost: \$2M
2. Contribute \$3M for real estate acquisition and easements necessary for construction of the West Waukesha Bypass from the southern limits to the WIS 18 and County TT intersection.
3. Acquire all real estate and easements necessary for construction of the Waukesha Bypass from WIS 59 - Northview Road.
4. Design, construct and fund the West Waukesha Bypass from the north limit of the WIS 18 intersection to the northern limit of the Northview Road intersection in accordance with the EIS Record of Decision. Estimated cost: \$3.62M.
5. Involve and cooperate with all approving parties on the route, design and design features on the West Waukesha Bypass.
6. During the Draft EIS phase, WisDOT, Waukesha County and the City of Waukesha will compare preliminary estimate to preferred alternative estimate. If preferred alternative estimate for the Waukesha Bypass from its southern limit to the WIS 18 and County TT intersection is greater than \$43.1 million, Waukesha County, City of Waukesha or WisDOT may advocate for the 'No Build' alternative, thus voiding this agreement.
7. Develop an access management plan for the West Waukesha Bypass in cooperation with all parties.
8. Accept jurisdiction of WIS 74 from WIS 190 to Elder Lane, the west Connecting Highway limit (a total of 8.8 miles) on November 1 of the year a Record of Decision for the bypass is approved. This date is estimated to be November 1, 2012, providing the Record of Decision is approved (see map). This facility will be signed as a County Trunk Highway.
9. Lead the effort of resolving jurisdiction of remaining pieces of County D, TT and local roads, among Waukesha County, City of Waukesha and Town of Waukesha.

City of Waukesha:

1. Fund, design and construct the West Waukesha Bypass from the northern limit of the Northview Road intersection to I-94 after completion of the EIS Record of Decision. Estimate: \$2M
2. During the Draft EIS phase, WisDOT, Waukesha County and City of Waukesha will compare preliminary estimate to preferred alternative estimate. If preferred alternative estimate for the Waukesha Bypass from the southern limit to the WIS 18 and County TT intersection is greater than \$43.1 million, Waukesha County, City of Waukesha or WisDOT may advocate for the 'No Build' alternative, thus voiding this agreement.
3. Accept jurisdiction of WIS 18 from its intersection with the West Waukesha Bypass through the City of Waukesha and to the intersection with WIS 164 (Wolf Road) on

November 1, 2012, providing a Record of Decision is approved (see map). This facility will be signed as a city street.

4. Cooperate with Waukesha County and the Town of Waukesha to resolve jurisdiction of remaining pieces of County D, TT and local roads.

Town of Waukesha:

1. Cooperate with Waukesha County and the City of Waukesha to resolve jurisdiction of remaining pieces of County D, TT and local roads.

Approved by:

Larry Nelson 8-20-09
Mayor, City of Waukesha Date

James P. Vnahan 8-18-09
County Executive, Waukesha Co. Date

Robert J. Fulling 09-22-09
Chairman, Town of Waukesha Date

[Signature] 10/23/09
Director, WisDOT E Region Date

<u>Contributions for the West Waukesha Bypass</u>	
WisDOT	37.5M 2.6M (Supplement for Real Estate if needed)
Waukesha County	8.6M
City of Waukesha	2.0M
Total	50.7M

ATTACHMENT #1

