

Storm Water Management Responsibility and Cost-Sharing Agreement

This Agreement is by and between Waukesha Memorial Hospital, Inc., referred to herein as WMH; and the City of Waukesha, Wisconsin, referred to herein as the City. Together, WMH and the City are referred to as the Parties.

Recitals

WMH is undertaking several construction projects on its Waukesha campus. They are the construction of a Heart and Vascular Building Project at the northwest corner of its campus, a Boulevard Project, and a Parking Lot Reconfiguration Project.

In light of these projects, the City commissioned a study of the storm water runoff from the impervious areas of the WMH campus that discharge to Area 5 of the City-Wide Storm Water Management Plan, which evaluated alternative options for flooding reduction. The study was performed by Donohue and Associates, and is dated June 7, 2017.

The City will construct storm water flooding reduction measures on Public Right of Way, as recommended by the study, and WMH will contribute to the cost of the construction of these measures. WMH will construct certain storm water flooding reduction measures on its campus, as recommended by the study, at its sole expense. The Parties wish to establish their respective responsibilities with regard to storm water flooding control measures.

Now, therefore, in consideration of the mutual promises of the Parties contained herein, the adequacy and sufficiency of which to support this Agreement as a binding contract is acknowledged, the Parties agree and contract as follows:

- 1. City Construction Responsibilities.** The City shall construct facilities on City property and rights-of-way to increase the capacity of the storm water conveyance system downstream from WMH's campus, as specified as Option A in the study. The City shall determine the nature and specifications of the facilities in its sole discretion, and shall be responsible for contracting for the construction and payment of the expenses of construction. As of the date of this Agreement, the estimated cost of such construction is \$1,336,000. This project is scheduled to be completed on or before December 31, 2018.
- 2. WMH Construction Responsibilities.** WMH shall, at its sole expense, construct on its Waukesha campus storm water facilities that are sufficient to collect adequately the runoff from the campus of a 100-year rain event. The facilities shall include appropriate inlets for water drainage. WMH shall submit complete plans for the facilities and a storm water management and maintenance plan to the City, and the plans shall be subject to approval by the City, which shall not be unreasonably withheld. It is anticipated that plans will be submitted to the City on or before October 31, 2017, and that construction of the facilities will be completed in conjunction with its proposed Heart and Vascular Building Project, Boulevard Project and Parking Lot Reconfiguration Project, on or before June 30, 2019.
- 3. Cost Contribution by WMH.** WMH shall pay to the City a contribution towards the cost of construction of the facilities described in section 1, equal to the lesser of 26% of the total, actual cost of the construction of the facilities or \$350,000. The City shall invoice

WMH for the contribution after completion of construction and final calculation of the total construction cost. The invoice shall be payable 30 days from the date of the invoice. As of the date of this Agreement, the contribution is estimated at \$347,360; however, the Parties acknowledge that the final figure payable by WMH may differ from that amount. The City shall make all documentation of the construction expenses available to WMH for inspection. The Parties acknowledge and agree that the payment described in this section shall be the only payment to be made by WMH to the City for the City's storm water facilities construction costs in connection with the Heart and Vascular Building Project, the Boulevard Project, and the Parking Lot Reconfiguration Project.


This Agreement is effective as of the last date of execution shown below.

City of Waukesha

By Shawn N. Reilly, Mayor
Date: _____

Attested by Gina L. Kozlik, Clerk-Treasurer
Date: _____

Waukesha Memorial Hospital, Inc.



By Ronald Farr
Chief Financial-Administrative Officer
Date: 09/07/2017