

## RESOLUTION

WHEREAS, The Outagamie County Highway Department is requesting approval for the jurisdictional transfer of approximately 0.41 miles of County KK (East Calumet Street) from John Street to the western WIS 441 ramps to the City of Appleton. The City of Appleton and Outagamie County agreed to the jurisdictional transfer by the adoption of Resolution 142-2015-16 and signing an Inter-Governmental Agreement for Highway Improvement Projects (the Agreement) in February 2016.

WHEREAS, Item 7 of the Agreement states "Outagamie County and the City of Appleton will continue to work in good faith toward a jurisdictional transfer of the remainder of CTH "KK" (Calumet Street) between John Street and STH 441. Outagamie County will solely fund necessary concrete repairs on this portion of CTH "KK".

WHEREAS, Outagamie County has fulfilled the commitment listed in Item 7 of the Agreement by funding concrete repairs on CTH KK from John Street to the western WIS 441 ramps as well as by sharing the cost of adding a right turn lane from eastbound County KK to southbound WIS 441 with the City of Appleton and Calumet County in 2019 and signing an intergovernmental agreement for highway improvements.

WHEREAS, the jurisdictional transfer will be effective on December 31, 2019.

NOW, THEREFORE, the undersigned members of the Municipal Services Committee recommend adoption of the following resolution.

BE IT RESOLVED, that the City of Appleton Common Council does authorize the Director of Public Works to execute an Intergovernmental Agreement between the City of Appleton and Outagamie County for jurisdictional transfer of County KK from John Street to the western WIS 441 ramps, said transfer effective on December 31, 2019.

BE IT FINALLY RESOLVED, that the City Clerk be directed to forward a copy of this resolution to the City of Appleton Director of Public Works, Outagamie County Highway Commissioner, the Calumet County Highway Commissioner, and Matthew Halada, Wisconsin Department of Transportation, 944 Vanderperren Way, Green Bay, WI 54303.

Adopted and approved this \_\_\_\_ day of December, 2019.

By: \_\_\_\_\_  
Timothy M. Hanna, Mayor

By: \_\_\_\_\_  
Kami Lynch, City Clerk

## OUTAGAMIE COUNTY HIGHWAY DEPARTMENT

**COUNTY / MUNICIPAL / STATE AGREEMENT**

CTH KK - Kensington to 441 auxiliary lane

DATE:	<u>1/4/2016</u>
PROJECT:	<u>See Below</u>
HIGHWAY:	<u>CTH "KK"</u>
LIMITS:	<u>Kensington Dr to STH 441</u>
MUNICIPALITY:	<u>City of Appleton, Calumet County</u>

The signatories **City of Appleton** and **Calumet County** as local government agencies, through its undersigned duly authorized officers or officials, hereby requests the County of Outagamie, through its Highway Department, hereinafter called the County, to initiate and effect the highway or street improvement hereinafter described.

**PROJECT DESCRIPTION:** Agreement is for engineering, right-of-way, and construction of an eastbound auxiliary lane/right turn lane along CTH KK between Kensington Drive and STH 441, to improve traffic flow on this segment of CTH KK. **This project is scheduled for year 2016.**

<b>COST ESTIMATE AND PARTICIPATION</b>
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PHASE	Total Estimated Cost	Outagamie County	***** ESTIMATED COST *****				
			%	City of Appleton	%	Calumet County	%
Auxilliary Lane construction							
DESIGN ENGINEERING:	\$15,000	\$5,000	33%	\$5,000	33%	\$5,000	33%
RIGHT OF WAY:	\$7,500	\$2,500	33%	\$2,500	33%	\$2,500	33%
<b>TOTAL CONSTRUCTION COSTS:</b>	<b>\$45,000</b>	<b>\$15,000</b>	<b>33%</b>	<b>\$15,000</b>	<b>33%</b>	<b>\$15,000</b>	<b>33%</b>
<b>TOTAL PROJECT COST</b>	<b>\$67,500</b>	<b>\$22,500</b>		<b>\$22,500</b>		<b>\$22,500</b>	

This request for the programming and construction is subject to the terms and conditions that follow and is made by the undersigned under proper authority to make such request for the designated local governments and upon acceptance by the Highway Commissioner shall constitute an agreement between Outagamie County and signatory agencies unless specifically modified or amended by supplemental written agreement between the County and the signatory agencies.

**Terms and Conditions**

1. When Federal Funds are involved, the improvement will be subject to the applicable Federal Aid Highway Acts and Regulations of the Federal Highway Administration, U.S. Department of Transportation.
2. This is a joint agreement between the County and the signatory agencies. All agencies will be kept informed on the project status and will have input regarding the project. This project will be administered under the County Administrative Rule 10-02, except as agreed to otherwise.
3. If the City of Appleton or Calumet County should withdraw the project, it will pay to the County any costs that have been incurred by the County on behalf of the project.
4. The project cost in the agreement is an estimate. The City of Appleton and Calumet County will be invoiced periodically, and agree to pay based on actual costs incurred.
5. Such costs may be greater or less than the estimated amount, however, the signatory agencies acknowledge that costs between the time this agreement is executed and the actual time of construction can vary.

6 The County's obligation to perform under this contract shall be subject to County Board appropriation of funds sufficient to fund the County's obligations herein.

7 The County and City of Appleton agree and understand that the City of Appleton is reserving its rights to assess any and all costs incurred by the City of Appleton for this project. The City of Appleton and County hereby further agree that the City of Appleton has the right to assess any of its costs upon terms deemed acceptable by the City of Appleton subject to the following: In the event county property is assessed or subject to assessment the county reserves the right to object to the propriety and / or correctness of the assessment formula or methodology, however, such right to object does not extend to the City of Appleton's ability to assess. The county's right to object includes the ability to challenge the assessment methodology or formula in circuit court and to pursue appeals of circuit court decisions.

OUTAGAMIE COUNTY HIGHWAY DEPARTMENT

BY: \_\_\_\_\_ Date \_\_\_\_\_  
Dean Steingraber, Highway Commissioner

BY: \_\_\_\_\_ Date \_\_\_\_\_  
Signed for and in behalf of: Calumet County

BY: \_\_\_\_\_ Date \_\_\_\_\_  
Signed for and in behalf of: City of Appleton

BY: \_\_\_\_\_ Date \_\_\_\_\_