



**STATE/MUNICIPAL FINANCIAL
AGREEMENT FOR A STATE- LET
HIGHWAY PROJECT**

Date: March 9, 2021
I.D.: 4685-29-30/60
Road Name: STH 441
Title: Appleton, STH 441
Limits: USH 10 – N. Junction IH 41
County: Outagamie
Roadway Length: 5.46 miles

The signatory **City of Appleton**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and affect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NOTE: This agreement addresses project costs for the City of Appleton only. Cost responsibilities for Outagamie County, noted in Table 1, will be addressed via separate agreement.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility: The project is located on WIS 441 in Calumet and Outagamie Counties from just east of the USH 10 interchange and continues to the north junction with IH 41. Areas specific to this project agreement relate the County CE interchange with WIS 441. The existing eastbound County CE corridor between Kensington Drive and WIS 441 consists of (2) 12' lanes with curb and gutter on the inside shoulder and a 10' (8' paved) outside shoulder.

Proposed Improvement: In conjunction with the overall WIS 441 improvements, the Municipality has requested an extension of the County CE eastbound right turn lane between Kensington Drive and WIS 441.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: Non-participating work will include the construction of the County CE right turn lane extension, sanitary sewer and water valve adjustments. Other Municipal costs are noted in Table 1 and Section 8 below.

TABLE 1: SUMMARY OF COSTS

Phase	Total Est. Cost	Federal/State		City of Appleton		Outagamie County	
		Funds	%	Funds	%	Funds	%
Design Engineering: ID 4685-29-30							
	\$ 250,000						
Priority 1 - Plan Development (City of Appleton)			0%	\$ 5,200	CAP		0%
Priority 2 - Plan Development (Outagamie County)			0%		0%	\$ 7,100	CAP
Priority 3 - Plan Development (State)		\$ 237,700	100%		0%		0%
**Construction: ID 4685-29-60							
Category 0010 - Roadway Items							
	\$ 5,211,800						
Priority 1 - Roadway Items		\$ 5,211,800	100%	\$ -	0%	\$ -	0%
Category 0020 - Non-Participating (City of Appleton)							
	\$ 145,200						
Priority 1 - Non-Participating		\$ -	0%	\$ 145,200	100%	\$ -	0%
Category 0030 - Non-Participating (Outagamie County)							
	\$ 220,000						
Priority 1 - Non-Participating		\$ -	0%	\$ -	0%	\$ 220,000	100%
Total Cost Distribution	\$ 5,827,000	\$ 5,449,500		\$ 150,400		\$ 227,100	

Note: **10% Construction delivery costs included in totals.

This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages [2] – [4]); is made by the undersigned under proper authority to make such request for the designated Municipality, upon signature by the State, and delivery to the Municipality. The initiation and accomplishment of the improvement will be subject to the applicable federal and state regulations. No term or provision of neither the State/Municipal Financial Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Financial Agreement.

Signed for and in behalf of the City of Appleton (please sign in blue ink)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the State (please sign in blue ink)	
Name	Title
Signature	Date

TERMS AND CONDITIONS:

1. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceeds federal/state financing commitments or are ineligible for federal/state financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality’s foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from General Transportation Aids or any moneys otherwise due and payable by the State to the Municipality.
2. Funding of each project phase is subject to inclusion in an approved program and per the State’s Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:

- (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter, and structure costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
3. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner includes the following items:
- (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and bridge width in excess of standards.
 - (d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
 - (e) Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.
 - (f) Parking lane costs.
 - (g) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
4. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
5. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
6. The work will be administered by the State and may include items not eligible for federal/state participation.
7. The Municipality shall, in cooperation with the State, assist with public relations for the project and

announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.

8. Basis for local participation:

The SMFA will be revised if necessitated as the project progresses. All costs shown are approximate and are subject to a final audit.

Design Engineering: ID 4685-29-30

The Municipality's share of design costs is based on agreed upon capped costs for design delivery in order for the State to complete the portion of design delivery of the 4685-29-30 project relating directly to the Municipal request for County CE eastbound right turn lane extension between Kensington Drive and WIS 441 as illustrated in **EXHIBIT A**.

The remaining design delivery costs for the project will be shared with Outagamie County and the State as noted in Table 1.

Construction: ID 4685-29-60

Category 0010 – Roadway Items

The State will pay 100% of the construction costs under the Category 0010 Roadway Items unless otherwise noted below.

Category 0020 – Non-Participating

The local cost share for construction costs, is based on preliminary construction cost estimates, summarized below and noted in **EXHIBIT B**.

- The total estimated construction cost (with delivery):
 - o \$130,000 + 10% delivery = **\$143,000**

In accordance with Local Participation Policy, Section 3-25-5 of the State's Program Management Manual, alterations of Municipal-owned utilities are not eligible for State participation. In addition, proposed improvements requested by the Municipality within the project limits, but outside original project scope, are considered **100%** the responsibility of the Municipality.

- Estimated non-participating utility costs are: **\$2,000.....\$2200 with 10% delivery**

Total non-participating (Municipality) = \$143,000 + \$2,200 = **\$145,200**

Comments and Clarification: This agreement is an active agreement that may need to be amended as the project is designed. It is understood that these amendments may be needed as some issues have not been fully evaluated or resolved. The purpose of this agreement is to specify the local and state involvement in funding the project. A signed agreement is required before the State will prepare or participate in the preparation of detailed designs, acquire right-of-way, or participate in construction of a project that merits local involvement.