

(ITEM ) From the Director, Department of Parks, Recreation, and Culture, requesting authorization to execute an Intergovernmental Cooperative Agreement between Milwaukee County and the Milwaukee Metropolitan Sewerage District for the conveyance of segments of the Metropolitan Interceptor Sewer in Hoyt Park to Milwaukee County, by recommending adoption of the following:

### **A RESOLUTION**

WHEREAS, the Milwaukee Metropolitan Sewerage District (MMSD) and Milwaukee County (the County) have reviewed the ownership, operation, and maintenance of a sewer segment that solely serves the Hoyt Park pool facilities; and

WHEREAS, MMSD has determined that the above referenced sections of sewer are no longer needed to carry out its powers and duties; and

WHEREAS, the sewer segment would provide needed sewer service to the Hoyt Park pool facilities; and

WHEREAS, the sewer proposed for transfer to the County only provides service to meet the County's needs; and

WHEREAS, MMSD and the County have considered alternatives to continued sanitary sewer service for the Hoyt Park pool facilities; and

WHEREAS, in 2015, MMSD rehabilitated the sewer segment using a cured-in-place liner; and

WHEREAS, County staff reviewed videos of the rehabilitated pipe sections, inspected the two manholes, and found their condition to be acceptable; and

WHEREAS, MMSD has agreed to replace the large-diameter manhole covers with smaller, more manageable bolt-down lids for the ease of County inspection and maintenance; and

WHEREAS, the County has determined that it can efficiently and cost effectively address the operation and maintenance of sewer segments proposed for transfer to the County; and

WHEREAS, the transfer of the sewer segment proposed herein will save the County the expense of planning, designing, and constructing a new parallel sewer to serve the Hoyt Park pool facilities; and

45 WHEREAS, authorization to execute an Intergovernmental Cooperative  
46 Agreement between the County and MMSD for the conveyance of the Hoyt Park  
47 segments of Metropolitan Interceptor Sewer to the County is requested; and  
48

49 WHEREAS, the Committee on Parks, Energy, and Environment, at its meeting of  
50 March 8, 2016, recommended adoption of the Director's request (vote 5-0); now,  
51 therefore,  
52

53 BE IT RESOLVED, Milwaukee County and the Milwaukee Metropolitan  
54 Sewerage District are authorized to enter into an Intergovernmental Cooperative  
55 Agreement (ICA), setting forth their respective roles, rights, and obligations under this  
56 ICA; and  
57

58 BE IT FURTHER RESOLVED, appropriate Milwaukee County (the County) staff  
59 are authorized to prepare, review, approve, execute, record, and/or implement the  
60 required documents or perform actions to facilitate the conveyance of the Hoyt Park  
61 segments of the Metropolitan Interceptor Sewer to the County.  
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INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE MILWAUKEE  
COUNTY AND THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT CONCERNING  
CONVEYANCE OF METROPOLITAN INTERCEPTING SEWER SEGMENTS TO  
MILWAUKEE COUNTY

The Milwaukee County, a general purpose municipal corporation, organized and operating pursuant to Wis. Stats. Ch. 59 ("County"), and the Milwaukee Metropolitan Sewerage District, a municipal body corporate, organized and operating pursuant to Wis. Stats. §§ 200.21 through 200.65 ("District"), enter into this Intergovernmental Cooperation Agreement ("Agreement"), pursuant to Wis. Stats. § 66.0301, effective the latest date appearing below, to convey Metropolitan Interceptor Sewer (MIS) segments, as more specifically described below, to the County and provide for the modification of District facilities as more specifically described below:

WHEREAS, the District and the County have reviewed the ownership, operation, and maintenance of a sewer segment that solely serves the Hoyt Park pool facilities; and

WHEREAS, the District and the County have considered alternatives to continued sanitary sewer service for the Hoyt Park pool facilities; and

WHEREAS, the District and the County determined that the sewer would be rehabilitated in 2015 using cured-in-place liner of the 24" diameter vitrified clay sewer constructed in 1926 would provide the needed sewer service to the Hoyt Park pool facilities; and

WHEREAS, the District and the County determined that Manholes 07209 and 07207 shall both be modified to: (1) provide acceptable bolt-down mechanism, and (2) replace the manhole cover with Neenah Foundry Cover NF-T2763 (see attached drawing for detail)..

WHEREAS, the County has determined that it can efficiently and cost effectively address the operation and maintenance of sewer proposed for transfer to the County; and

WHEREAS, the Milwaukee Metropolitan Sewerage Commission has determined that the above referenced sections of sewer are no longer needed to carry out its powers and duties; and

WHEREAS, the transfer of sewer proposed herein will save the County the expense of planning, designing, and constructing a sewer to serve the Hoyt Park pool facilities; and

WHEREAS, sewer proposed for transfer to the County only provide service to meet County needs; and

WHEREAS, the Milwaukee County Board of Supervisors by virtue of adopting Resolution 16-208 on March 21, 2016, has authorized the Director of the Department of Parks, Recreation and Culture to enter into this agreement with the Milwaukee Metropolitan Sewerage Commission for and on behalf of Milwaukee County.

NOW, THEREFORE, in light of the above and foregoing declarations, the County and the District enter into this Intergovernmental Cooperation Agreement, setting forth their respective roles, rights and obligations under this Agreement:

A) CONVEYANCE OF METROPOLITAN INTERCEPTING SEWER SEGMENTS TO THE COUNTY.

(1) The District and the County agree that the District shall convey to the County and the County shall accept from the District ownership of the following Metropolitan Intercepting Sewer segments depicted on Exhibit A:

(a) The transfer begins in MMSD manhole 07209 in Sections 342 and 372, Township 7 North, Range 21 East, in the City of Wauwatosa, Wisconsin, said manhole included in the transfer; thence traveling south/southeast 661 feet to MMSD manhole 07207, said sanitary sewer and manhole included in the transfer; thence traveling southeast 527 feet to MMSD manhole 07204, said sanitary sewer included in the transfer, said manhole not included in the transfer, said manhole also being the downstream terminus of the transfer.

(2) The transfer shall be deemed concluded and the sewer ready for title transfer upon the District providing the County with copies of the District's as-built records, operation and maintenance records, and inspection/condition records confirming that the identified MIS segments were restored to a sound condition through use of a cured-in-place liner and further demonstrated through use of National Association of Sewer Service Companies (NASSCO) with all structural ratings classified as a "3" or better.

(3) The County agrees that once the conveyance of the above MIS segments has occurred, the County will be responsible for all future operation, maintenance, repair, rehabilitation and replacement of the MIS segments.

B) TIME FOR COMPLETION. The parties agree to make their best efforts to complete the transfer by July 1, 2017.

IN WITNESS WHEREOF, the parties hereto have executed this Contract on the 19<sup>th</sup> day of January 2017.

**MILWAUKEE METROPOLITAN SEWERAGE DISTRICT**

By: \_\_\_\_\_ Date: \_\_\_\_\_


Kevin L. Shafter, P.E., Executive Director

*Approved as to form:*

By: \_\_\_\_\_ Date: \_\_\_\_\_

Susan B. Anthony, District Legal Services

**DEPARTMENT OF PARKS, RECREATION AND CULTURE**

DocuSigned by:  
By:  Date: 1/25/2017  
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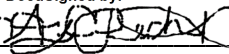
John Dargle, Jr., CPRP, Director

*Approved with regards to County Ordinance Chapter 42:*

DocuSigned by:  
By: Rick Norris Date: 1/19/2017  
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Community Business Development Partners

*Reviewed by:*

DocuSigned by:  
By:  Date: 1/19/2017  
E454E4CA2D21452...

Risk Management

*Approved for execution:*

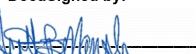
DocuSigned by:  
By: Paul D. Englitsch Date: 1/23/2017  
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Corporation Counsel

*Approved as to funds available*

*Approved:*

*per sec. 59.255(2)(e), Stats.:*

DocuSigned by:  
By:  Date: 1/24/2017  
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Comptroller

DocuSigned by:  
By:  Date: 1/27/2017  
2E580B33A2CC443...

County Executive

*Approved as compliant under sec. 59.42(2)(b)5, Stats.:*

DocuSigned by:  
By: Paul D. Englitsch Date: 1/30/2017  
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Corporation Counsel

## **EXHIBIT A – BILL OF SALE**

**EXHIBIT A**  
**BILL OF SALE**  
**For**  
**Sewerage Facilities in the City of Wauwatosa, Milwaukee County,**  
**Wisconsin**

This Bill of Sale is made on this 19th day of January 2017 between the Milwaukee Metropolitan Sewerage District (District) and the Milwaukee County ("County").

WHEREAS, the District has conferred with the County regarding the transfer of the below described sewerage facilities;

WHEREAS, the County has agreed to accept the transfer of said sewerage facilities from the District as part of a cooperative effort between the District and the County to efficiently and cost effectively meet local needs;

NOW, THEREFORE, the District hereby transfers the below described sewerage facilities to the County under the following terms and conditions:

County hereby accepts said sewerage facilities in "as is" condition and acknowledges that they have jointly inspected those facilities with District staff and that said facilities are suitable for their intended purpose and, based upon the 2015 installation of a cured-in-place lining, do not have any defects that have a rating more severe than a three (3) according to the National Association of Sewer Service Companies (NASCCO) defect rating system.

**DETAILED DESCRIPTION OF FACILITIES:**

This transfer of sewerage facilities consists of: One section of 24-inch diameter sewer totaling approximately 1188 feet, including two circular manholes. This section is fully described below.

**24-inch Diameter Sewer**

The sewer being transferred is in the Milwaukee County property in Hoyt Park, more specifically described as follows:

The transfer begins in District manhole 07209 in Section 342, Township 7 North, Range 21 East, in the City of Wauwatosa, Wisconsin, said manhole included in the transfer;

Thence traveling south/southeast 661 feet to District manhole 07207, said sanitary sewer and manhole included in the transfer;

Thence traveling southeast 527 feet to District manhole 07204 in Section 372, Township 7 North, Range 21 East, in the City of Wauwatosa, Wisconsin, said manhole

not included in the transfer, said manhole also being the downstream terminus of the transfer.

The representatives of the District and the County have signed this Bill of Sale authorized and approved by their respective governing bodies.

**MILWAUKEE METROPOLITAN SEWERAGE  
DISTRICT**


By: \_\_\_\_\_

Kevin L. Shafter, P.E.  
Executive Director

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

**ACCEPTED BY MILWAUKEE COUNTY**

By: \_\_\_\_\_

  
John Dargle, Jr., CPRP  
Director

Date: 19 Jan 2017

Approved as to form \_\_\_\_\_  
MMSD Legal Department

Approved as to form \_\_\_\_\_  
Corporation Counsel