



## Legislation Text

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**File #:** 27425, **Version:** 1

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### Fiscal Note

Total Estimated Cost: \$4,000,437 (Including design review and construction)  
State/Federal Cost Share: \$2,200,240  
City Cost Share: \$ 1,800,197

This is a 2013 Capital project and sufficient funds have been included in the 2013 Capital Budget Request (Bicycle & Pedestrian Project 6)

CS53-58240-810375-00-53W0849 \$ 352,326  
CS53-58255-810375-00-53W0849 \$1,391,963  
CS53-58270-810375-00-53W0849 \$ 55,908

The proposed indemnification language has been reviewed by the City's Risk Manager. The City's risk exposure is increased by this clause, but the exposure is covered by the City's insurance policies, subject to their terms and conditions.

### Title

Approving plans and specifications for the construction of the Cannonball Path Phase 3, including a bridge over Beltline Highway (USH 12) and authorizing the Mayor and City Clerk to execute an agreement with the State of Wisconsin Department of Transportation for construction and cost sharing of the Cannonball Path Phase 3 project.

### Body

#### PREAMBLE

The Wisconsin Department of Transportation (WDOT) is proposing to construct Phase 3 of the Cannonball Path (State Project 5992-09-07) in the former Union Pacific Railroad corridor near Todd Drive, with City of Madison as the local sponsor. The project includes a new bicycle and pedestrian bridge over Beltline Highway (USH 12) and both its north and south frontage roads.

In 2010 the project was awarded a federal grant under the Transportation Enhancements or the Bicycle and Pedestrian Facilities Program covering 55% of project costs to a maximum of approximately \$2,200,000. The proposed project is planned for construction in 2013.

The City of Madison and WDOT previously entered into a cost sharing agreement for the design phase of the project, authorized by Resolution ID 13982 enacted 4/02/2009.

The City of Madison and the WDOT propose to enter into a revised to include, in addition to the original design phase cost sharing, agreement for construction oversight and cost sharing for the construction phase. The basis for cost sharing participation is as follows:

- 1) Design Engineering: The City is responsible for 100% of design-engineering costs except that the WDOT is responsible for 55% of the design review costs..
- 2) Path and bridge Construction: The WDOT is responsible for 55% of eligible path and bridge construction costs to a cumulative maximum of \$2,200,240 including design review costs noted above, construction costs and construction review costs. City is responsible for all remaining costs.

3) Non-Participating Construction: The City is responsible for 100% of the cost of any sidewalk except at path ramps and for any installing or adjusting new water and sanitary sewer mains. No such work is anticipated at this time.

The agreement with the State of Wisconsin Department of Transportation for construction cost sharing defines the terms under which the City is awarded Federal funds and the agreement requires that the City indemnify the State of Wisconsin Department of Transportation. City APM 1-1 requires Common Council Approval whenever the City indemnifies another party.

NOW, THEREFORE, BE IT RESOLVED, that the plans and specifications for Cannonball Path Phase 3 (State Project 5992-09-07) are hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute a revised agreement with the State of Wisconsin Department of Transportation for construction, construction oversight and cost sharing of the Cannonball Path Phase 3 project.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute amendments to the original agreement provided the total City share contained in the agreement plus all amendments does not exceed \$2,000,000.

BE IT FURTHER RESOLVED, that the Common Council approves indemnification of the State of Wisconsin Department of Transportation as set forth in the agreement in order to use federal funds for the Cannonball Path Phase 3 project.