Legislation Text

File #: 39827, **Version:** 1

Fiscal Note

This agreement and release will reduce the City's final project costs for Phase III of the Monona Drive reconstruction project by $115,000.

Title

Finalizing Project Costs and Authorizing the Mayor and City Clerk to Sign a Settlement Agreement and Release regarding Phase III of the Monona Drive Reconstruction Project.

Body

WHEREAS, the Monona Drive reconstruction project (the "Project") was a multi-year three-phase project that resulted in the complete reconstruction of Monona Drive from Broadway to Cottage Grove Road; and,

WHEREAS, the Project was a Wisconsin Department of Transportation (WDOT) let project, with the City of Monona being the lead municipality for the Project; and,

WHEREAS, the City of Monona, the City of Madison and Dane County entered into an intergovernmental agreement regarding the sharing of the local portion of the Project costs; and,

WHEREAS, during phase III of the project, from Pflaum Rd. to Winnequah Rd. in 2013, it was discovered that portions of the right-of-way were in need of environmental remediation due to contamination, which remediation led to increased Project costs for the phase; and,

WHEREAS, representatives of the City of Madison, the City of Monona and Dane County (the Municipalities) have reached a settlement agreement with a potentially responsible party, which agreement will allow the municipalities to tentatively finalize the Project costs and their respective shares thereof, subject to the final billing by WDOT, and would forgo any future litigation, and the risks thereof, regarding the recovery of remediation expenses associated with the contamination; and,

WHEREAS, the settlement agreement and release is in the best interests of the City, will reduce the City's share of final Project costs, and will avoid the risks associated with attempting to recover the remediation costs arising from this Project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Clerk are authorized to execute a settlement agreement and release regarding the contamination of Monona Drive and the increased project costs associated with Phase III of this project, in a form that is approved by the City Attorney and Risk Manager; and,

BE IT FURTHER RESOLVED that the City's share of Phase III of the Monona Drive Project shall be finalized based upon the settlement proceeds received, subject to the final billing by WDOT.