



## Legislation Text

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**File #:** 45287, **Version:** 1

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### **Fiscal Note**

The original agreement authorized by RES-14-00877, File ID 35684, encumbered \$218,800. The encumbered funds are sufficient for the planned costs that are associated with the initial project phases under this proposed agreement. Additional funding will be required for the City let construction contract scheduled for 2017 construction. The additional required funds are included in the adopted 2017 capital budget in both the major project for:

\$365,460: Sufficient budget authority is authorized within the adopted Engineering-Bicycle and Pedestrian 2017 Capital Budget for the Cap City Trail major project (MUNIS 10143). Funding is provided by GO Borrowing.

\$510,000: Sufficient budget authority is authorized within the adopted Sewer Utility's 2017 Capital Budget within the Sewer Reconstruction major program (MUNIS 10267). Funding is provided by Revenue Bonds.

Funds will be encumbered when the City let public works contract is awarded in 2017.

### **Title**

Authorizing the Mayor and City Clerk to execute an amended agreement with the State of Wisconsin Department of Transportation for the construction of City of Madison, Capital City Path Segments 4-6 (Vondron Road to East of IH 39) (16th AD)

### **Body**

The proposed project is the construction of approximately 4000' of a paved multi-use (bike/pedestrian) path that will extend the Capital City Trail From Vondron Road to a location just east of Interstate 39 on the southeast side of Madison. The majority of the path will follow the corridor of the Union Pacific Railroad and will include a new (non-motorized) crossing of the tracks at Wagon Trail. The project will also include the construction of new sanitary sewer. The sanitary sewer will be 100% sponsor funded.

This 3/4 mile segment is a key piece of the remaining 6-mile gap in what will become a continuous 140-mile path across the State. Closing this gap between the Capital City Trail in Madison and the Glacial Drumlin State Trail in the village of Cottage Grove is the goal of a 1996 MOU between the Madison, Fitchburg, Dane County and the Wisconsin DNR.

The project will be constructed under a contract let by the City of Madison and a project Agreement with WisDOT is required for funding, oversight and construction. The proposed project is planned for construction in the year 2017.

The City of Madison entered into an agreement with WisDOT on January 9, 2015, authorized by RES-14-00877, File ID 35684. A revised agreement is required to include updated construction costs for path and sanitary work.

The City of Madison and WisDOT propose to enter into an amended agreement for construction and cost sharing of the proposed project. The basis for cost sharing participation is as follows:

- 1) Design Engineering: All design-engineering costs necessitated by the path construction are 100% Local Funding.

2) Local Utilities: The City shall pay for 100% of the cost of installing or adjusting new water and sanitary sewer mains. The City assumes full responsibility for the design, installation, testing and operation of the sanitary sewer and water system. Each affected local municipality shall pay for 100% of the costs for installing or adjusting new or existing local utilities.

3) Path Construction: WisDOT shall pay 80% of the costs for pavement, concrete curb and gutter, storm sewer, path lights, base material, sidewalk as needed, terrace restoration and all other necessary improvements for completion of the project, through administration of Federal funding up to a maximum of \$715,240.

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.

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.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to execute an amended agreement with the State of Wisconsin Department of Transportation for the construction of City of Madison, Capital City Path Segments 4-6 (Vondron Road to East of IH 39), and

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 improvement project.