

ENROLLED RESOLUTION 164-3

APPROVE WEST WAUKESHA BYPASS MEMORANDUM OF UNDERSTANDING

WHEREAS the Waukesha Bypass Project has been debated for decades and until recently the administrations of Waukesha County, the City of Waukesha, the Town of Waukesha and the Wisconsin Department of Transportation had been unable to reach a consensus and,

WHEREAS Waukesha County, the City of Waukesha and the Wisconsin Department of Transportation have been negotiating terms to construct said bypass for over two years and,

WHEREAS Waukesha County, the City of Waukesha, the Town of Waukesha and the Wisconsin Department of Transportation have agreed upon the terms of a Memorandum of Understanding necessary to begin the project, and

WHEREAS the terms of the Memorandum of Understanding anticipate Waukesha County providing a maximum of \$8.6 million in funding for the project, and

WHEREAS County Board approval will be sought for all expenditures and appropriations necessary for the bypass project, and

WHEREAS if the bypass project does not come to fruition, Waukesha County will, at a minimum, need to rebuild CTH TT between CTH D and USH 18 as a two lane roadway, for an estimated cost of \$6.7 million; however, more likely the traffic volumes indicate that the entire length of highway from CTH D to Northview will soon need to be four lanes for an estimated cost of \$22 million, and

WHEREAS in return for a West Waukesha Bypass becoming a State of Wisconsin facility, Waukesha County will accept jurisdiction of STH 74 between STH 190 and Elder Lane, and

WHEREAS, among other positive impacts to the traveling public, building the Bypass will reduce travel times and reduce accidents along this corridor, and

WHEREAS there has been a significant positive response from the public related to the announcement of the proposed agreement.

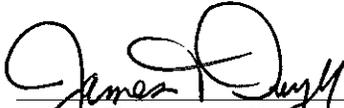
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA  
RESOLVES that the preliminary Memorandum of Understanding for the West Waukesha bypass project on file in the Office of the Director of Public Works is hereby approved.

APPROVE WEST WAUKESHA BYPASS MEMORANDUM OF UNDERSTANDING

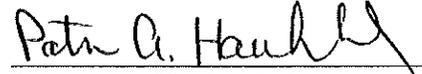
Presented by:  
Executive Committee

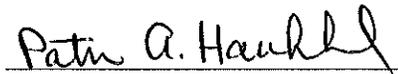
Approved by:  
Public Works Committee

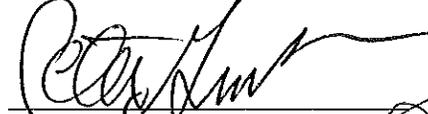
Approved by:  
Finance Committee

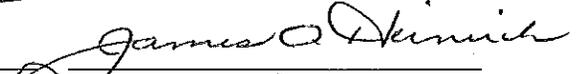
  
James T. Dwyer, Chair

  
David W. Swan, Chair

  
Patricia A. Haukohl, Chair

  
Patricia A. Haukohl

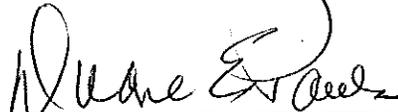
  
Peter Gundrum

  
James A. Heinrich

 - Absent -

Pauline T. Jaske

  
Robert Hutton

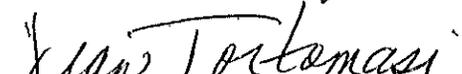
  
Duane E. Paulson

  
Walter L. Kolb

  
Pamela Meyer

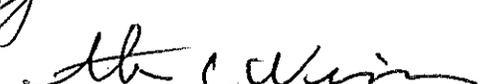
  
Fritz Ruf

  
Pamela Meyer

  
Jean Tortomasi

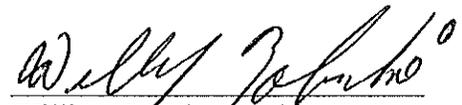
  
Thomas J. Schellinger

John J. Piedl

  
Steven C. Wimmer

ABSENT  
David W. Swan

  
Peter M. Wolff

  
William J. Laborowski

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 7/31/09,   
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X  
Vetoed: \_\_\_\_\_

Date: 8-11-09,   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/28/09

(RES) NUMBER-1640004

1 D. FALSTAD.....AYE  
3 R. HUTTON.....AYE  
5 J. JESKEWITZ.....AYE  
7 P. HAUKOHL.....AYE  
9 J. HEINRICH.....AYE  
11 F. RUF.....AYE  
13 P. DECKER.....AYE  
15 P. MEYERS.....AYE  
17 J. TORTOMASI.....AYE  
19 S. WIMMER.....AYE  
21 W. ZABOROWSKI.....AYE  
23 J. PLEDL.....AYE  
25 G. YERKE.....

2 T. ROLFS.....AYE  
4 J. DWYER.....AYE  
6 J. BRANDTJEN.....AYE  
8 T. SCHELLINGER....AYE  
10 D. SWAN.....AYE  
12 P. WOLFF.....AYE  
14 B. MORRIS.....AYE  
16 D. PAULSON.....AYE  
18 K. CUMMINGS.....AYE  
20 P. JASKE.....  
22 P. GUNDRUM.....AYE  
24 W. KOLB.....AYE

TOTAL AYES-23

TOTAL NAYS-00

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-23

Memorandum of Understanding  
West Waukesha Bypass  
April 6, 2009

This Memorandum of Understanding (MOU) identifies the local, county and state responsibilities that allows for the West Waukesha Bypass project to proceed from the Environmental Impact Statement (EIS) stage through final construction.

The proposed West Waukesha Bypass, consists of a route extending from its southern limit being the intersection of WIS 59 and County X northerly near and along the Pebble Creek area across County D (Sunset Drive), near and along sections of County TT (Merrill Hills Road), across WIS 18, and along County TT across Northview Road, and along Meadowbrook Road, to its northern limit being the I-94 interchange with County TT / G / Meadowbrook Road (see map).

**Wisconsin Department of Transportation Responsibilities:**

1. Final design and construct, utilizing State Highway Rehabilitation funds, the West Waukesha Bypass from its southern limit to the WIS 18 and County TT intersection in accordance with the EIS Record of Decision. Funds to be provided in State Fiscal Year 2015 and 2016. Estimated contribution is \$37.5 Million.
2. Contribute a maximum of \$2.6 million dollars to supplement Waukesha County's \$3.0 million dollars for Real Estate acquisition, as need arises.
3. Administer and oversee final design and construction activities of the West Waukesha Bypass from the southern limit to the WIS 18 and County TT intersection.
4. Participate with Waukesha County, City of Waukesha and Town of Waukesha through the EIS and preliminary design phases of the West Waukesha Bypass project.
5. Take jurisdiction of the section of the West Waukesha Bypass from the WIS 18 intersection to I-94 on November 1 of the year a Record of Decision for the bypass is approved and the section of the West Waukesha Bypass north of WIS 18 is reconstructed to its ultimate section. This date is estimated to be November 1, 2012. Accept jurisdiction of the West Waukesha Bypass south of WIS 18 upon completion of construction and acceptance by WisDOT (see map). This facility will be signed as a State Trunk Highway.
6. Rehabilitate the section of WIS 18 from Manhattan Drive to WIS 164
7. During the Draft EIS phase, WisDOT, Waukesha County and the City of Waukesha will compare preliminary estimate to preferred alternative estimate. If preferred alternative estimate for the Waukesha Bypass from the southern limit to the WIS 18 and County TT intersection is greater than \$43.1 million, Waukesha County, City of Waukesha or WisDOT may advocate for the 'No Build' alternative, thus voiding this agreement.

**Waukesha County:**

1. Conduct and fund the West Waukesha Bypass project from the EIS stage through preliminary design (60%) and right-of-way plat, following WisDOT, Wisconsin Environmental Protection Agency, and National Environmental Protection Agency requirements and regulations. Estimated cost: \$2M
2. Contribute \$3M for real estate acquisition and easements necessary for construction of the West Waukesha Bypass from the southern limits to the WIS 18 and County TT intersection.
3. Acquire all real estate and easements necessary for construction of the Waukesha Bypass from WIS 59 - Northview Road.
4. Design, construct and fund the West Waukesha Bypass from the north limit of the WIS 18 intersection to the northern limit of the Northview Road intersection in accordance with the EIS Record of Decision. Estimated cost: \$3.62M
5. Involve and cooperate with all approving parties on the route, design and design features on the West Waukesha Bypass.
6. During the Draft EIS phase, WisDOT, Waukesha County and the City of Waukesha will compare preliminary estimate to preferred alternative estimate. If preferred alternative estimate for the Waukesha Bypass from its southern limit to the WIS 18 and County TT intersection is greater than \$43.1 million, Waukesha County, City of Waukesha or WisDOT may advocate for the 'No Build' alternative, thus voiding this agreement.
7. Develop an access management plan for the West Waukesha Bypass in cooperation with all parties.
8. Accept jurisdiction of WIS 74 from WIS 190 to Elder Lane, the west Connecting Highway limit (a total of 8.8 miles) on November 1 of the year a Record of Decision for the bypass is approved. This date is estimated to be November 1, 2012, providing the Record of Decision is approved (see map). This facility will be signed as a County Trunk Highway.
9. Lead the effort of resolving jurisdiction of remaining pieces of County D, TT and local roads, among Waukesha County, City of Waukesha and Town of Waukesha.

**City of Waukesha:**

1. Fund, design and construct the West Waukesha Bypass from the northern limit of the Northview Road intersection to I-94 after completion of the EIS Record of Decision. Estimate: \$2M
2. During the Draft EIS phase, WisDOT, Waukesha County and City of Waukesha will compare preliminary estimate to preferred alternative estimate. If preferred alternative estimate for the Waukesha Bypass from the southern limit to the WIS 18 and County TT intersection is greater than \$43.1 million, Waukesha County, City of Waukesha or WisDOT may advocate for the 'No Build' alternative, thus, voiding this agreement.
3. Accept jurisdiction of WIS 18 from its intersection with the West Waukesha Bypass through the City of Waukesha and to the intersection with WIS 164 (Wolf Road) on

November 1, 2012, providing a Record of Decision is approved (see map). This facility will be signed as a city street.

4. Cooperate with Waukesha County and the Town of Waukesha to resolve jurisdiction of remaining pieces of County D, TT and local roads.

**Town of Waukesha:**

1. Cooperate with Waukesha County and the City of Waukesha to resolve jurisdiction of remaining pieces of County D, TT and local roads.

Approved by:

\_\_\_\_\_  
Mayor, City of Waukesha

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive, Waukesha Co.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Town of Waukesha

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director, WisDOT SE Region

\_\_\_\_\_  
Date

<u>Contributions for the West Waukesha Bypass</u>	
WisDOT	37.5M 2.6M (Supplement for Real Estate if needed)
Waukesha County	8.6M
City of Waukesha	2.0M
Total	50.7M

164-R-004

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