

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

DATE: May 19, 2017

TO: Chairman Theodore Lipscomb, Sr., Milwaukee County Board of Supervisors

FROM: Jeremy Theis, Director, DAS-Facilities Management Division

SUBJECT: **Intergovernmental Cooperative Agreement Between Milwaukee County and the City of Milwaukee – Replacement, Maintenance and Use of Improvements Within MacArthur Square Easement Area**

POLICY

Requesting authorization for Milwaukee County to enter into an Intergovernmental Cooperative Agreement (ICA) Between Milwaukee County and City of Milwaukee regarding Replacement, Maintenance and Use of Improvements within MacArthur Square Easement Area.

BACKGROUND

On September 14, 1976, the City of Milwaukee (City) and Milwaukee County (County) entered an easement agreement granting to the County a permanent easement to City-owned property at the City's MacArthur Square parking structure. The easement area was to be used in conjunction with expansion of the Milwaukee Public Museum. The easement granted certain rights and responsibilities to the County, including, but not limited to, the responsibility of "maintenance and repair of the surfaces of all floors, walls and ceilings of the rooms situated in the areas herein conveyed." The easement also granted certain rights and responsibilities to the City, including, but not limited to, the responsibility of "structural maintenance and repair of all such walls, ceilings and floors." In a second agreement between the City and County dated October 6, 1983, the City granted additional rights to the County, but did not alter the responsibilities of the Parties to maintain and repair the floors, walls, and ceilings to the same extent as the original Easement.

Included in the easement agreement is an area identified as the Civic Center Plaza or Space Center ("Parcel 5" shown on attached exhibit). This space is more recently known for housing the outdoor Pioneer Village exhibit. Large portions of this area are above the I-43 exit ramp to the Kilbourn Ave tunnel and the lower level of the MacArthur Square parking structure. When the Public Museum was originally constructed by the City of Milwaukee, the space was originally intended to be the floor of a building to be constructed at a later date. The concrete floor was made from voided concrete designed for indoor use. The structure above Parcel 5 was never constructed. The voided concrete slab has deteriorated due to exposure to outdoor weather since its construction in the 1960s.

A structural engineering consultant hired by the City has inspected the voided concrete slab and recommended replacement of the voided concrete slab. Upon further investigation, it has been determined that the voided slab extends approximately ten feet under the museum lunch room used for school groups. This section of voided slab has also deteriorated and will need to be replaced requiring reconstruction of a portion of the lunch room. The structural engineering consultant has been hired by the City to design a replacement slab that will meet the County's needs for light parking or occupied outdoor space on Parcel 5. The work necessary to replace the deteriorated concrete slab is expected to occur in 2018 during the summer months when the lunch room is at its lowest use. The County will retain the rights to use Parcel 5 as described in the Easement, and shall be responsible for maintenance of the slab surface and snow removal, and limited in its use of Parcel 5 as described in the ICA (see attached draft ICA).

The City and County propose a 50%-50% proportionate share of the cost of replacing the voided concrete slab and related impacts to the museum lunch room, reflective of their respective roles as owner and easement occupant. The goal is to ensure that Parcel 5 can continue to be safely utilized for uses described in the ICA, as well as the roof of the Kilbourn Avenue tunnel and the ceiling of the basement level of the MacArthur Square parking structure

The estimated project cost is \$2.6 million dollars for consultant, staff and construction costs, of which \$1.3 million is estimated to be the County's responsibility. A capital improvement project to cover the County's share of the project costs will be requested in the 2018 budget.

Costs are being incurred by the City for planning and design in 2017. A fund transfer to re-allocate funds from Facilities Management Operations Budget to address costs incurred in 2017 is being submitted to the County Board concurrently with this ICA. The County's proposed share of 50% of the planning and design costs is estimated at \$65,000.

RECOMMENDATION

The Director of the DAS-Facilities Management Division respectfully requests that the County Board of Supervisors approve a resolution authorizing the County Executive and other County staff to execute an Intergovernmental Cooperative Agreement between Milwaukee County and City of Milwaukee regarding Replacement, Maintenance and Use of Improvements within MacArthur Square Easement Area. The ICA commits the County to 50% of the project cost to replace the voided slab and other allowable uses in the Parcel 5 area. The County's share of the project costs is estimated at \$1.3 million and would be formally reviewed and adopted via the 2018 Capital Improvement Budget.

Prepared by: Karl Stave, AE&ES, DAS-FM



Jeremy Theis, Director
Facilities Management Division
Department of Administrative Services

Attachments: Parcel 5 Exhibit
Intergovernmental Cooperation Agreement

Cc: Chris Abele, County Executive
Raisa Koltun, Chief of Staff, County Executive's Office
Kelly Bablitch, Chief of Staff, County Board
Teig Whaley-Smith, Director, Department of Administrative Services
Steve Kreklow Fiscal & Budget Director, DAS
Vince Masterson, Fiscal & Strategic Asset Coordinator, DAS