File No. 17- 427

 (Journal)

(ITEM ), 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.

**RESOLUTION**

WHEREAS, on September 14, 1976, the City of Milwaukee (City) and Milwaukee County (County)entered an easement agreementgranting to the County a permanent easement to City-owned property at the City’s MacArthur Square parking structure, for which the easement area was to be used in conjunction with expansion of the Milwaukee County Museum; and

WHEREAS, 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”; and 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.”; and

WHEREAS, in a second easement 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; and

WHEREAS, included in the easement agreement is an area identified as the Civic Center Plaza or Space Center (“Parcel 5” - more recently known for housing the outdoor Pioneer Village exhibit), of which large portions of this area are above the I-43 exit ramp to Kilbourn Ave tunnel and the lower level of the MacArthur Square parking structure; and

WHEREAS, when the Public Museum was originally constructed by the City of Milwaukee, the Parcel 5 space was originally intended to be the floor of a building to be constructed at a later date; and

WHEREAS, the concrete floor was made from voided concrete designed for indoor use; and the structure above Parcel 5 was never constructed causing the voided concrete slab to deteriorated due to exposure to outdoor weather since its construction in the 1960s; and

WHEREAS, a structural engineering consultant hired by the City inspected the voided concrete slab and recommended replacement of the voided concrete slab, and

WHEREAS, upon further investigation, it has been determined that the voided slab extends approximately ten feet under the museum lunch room, which will also require replacement due to deterioration requiring reconstruction of a portion of the lunch room; and

WHEREAS, 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, and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the goal being 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; and

WHEREAS, 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, and

WHEREAS, 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, which will be requested in the 2018 Capital Budget; and

WHEREAS, costs are being incurred by the City for planning and design in 2017; and

WHEREAS, a fund transfer to re-allocate funds from Facilities Management Operations Budget to address the County’s 50% share of the planning and design costs incurred in 2017, estimated at $65,000, is being submitted to the County Board concurrently with this ICA; now therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby authorizes 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; and

BE IT FURTHER RESOLVED, 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, estimated at $1.3 million.