

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

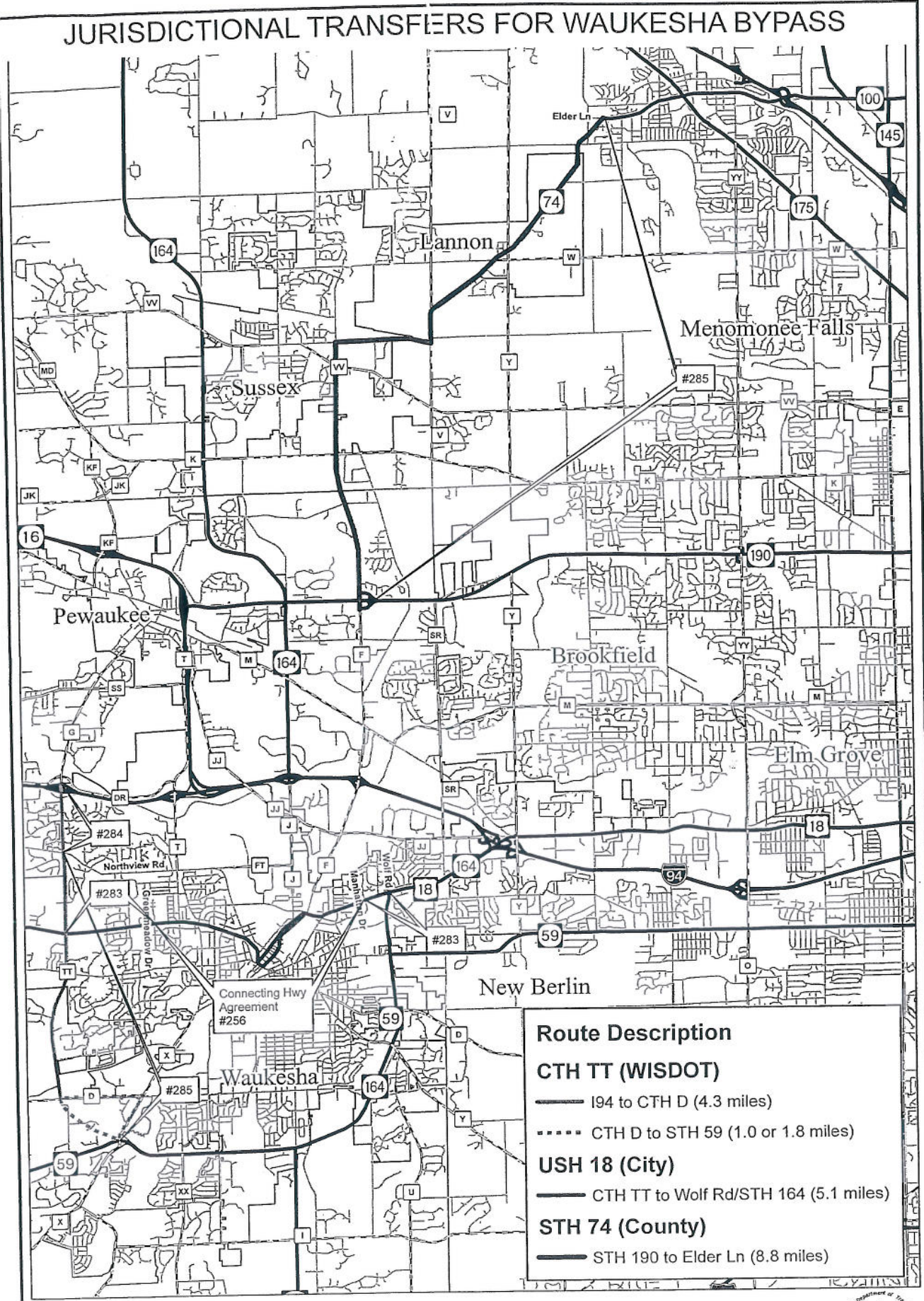
*Incl design
60% and beyond
County / city / State
3 projects*

*Muhlenberg to Moreland
2014 as a connecting
highway project
design 2011/2012*

<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

EXHIBIT 2

JURISDICTIONAL TRANSFERS FOR WAUKESHA BYPASS



Route Description

CTH TT (WISDOT)

- 194 to CTH D (4.3 miles)
- CTH D to STH 59 (1.0 or 1.8 miles)

USH 18 (City)

- CTH TT to Wolf Rd/STH 164 (5.1 miles)

STH 74 (County)

- STH 190 to Elder Ln (8.8 miles)

