

RESOLUTION NO. 2014-17

**AUTHORIZING INTERGOVERNMENTAL COOPERATION AGREEMENT
BETWEEN THE CITY OF DE PERE AND VILLAGE OF ALLOUEZ
(LeBrun Street Reconstruction and Trail)**

WHEREAS, LeBrun Street is a border street under the joint jurisdiction of the City of DePere and the Village of Allouez from McCastlen Street to East River Drive; and

WHEREAS, DePere and Allouez intend to undertake joint improvements of the portion of LeBrun Street east of East River Drive and share the costs thereof as described herein; and

WHEREAS, Wis. Stats. §66.0301 sets forth procedures whereby municipalities may provide for intergovernmental cooperation for purposes of furthering the public interests of each community; and

WHEREAS, Wis. Stats. §66.0301(6) provides a specific mechanism whereby two municipalities whose boundaries are immediately adjacent at any point may enter into a written agreement determining all or a portion of the common boundary line between them; and

WHEREAS, DePere and Allouez each desire that the boundary between them be re-established so that the subject area is detached from DePere and brought into Allouez and so that the boundary between Allouez and DePere is well planned, with complimentary development on both sides of the boundary between the communities; and

WHEREAS, both parties desire to enter into the attached Agreement to further the public interests and objectives of both DePere and Allouez and to provide for cooperation that is beneficial to citizens in both communities; and

WHEREAS, the Plan Commission has reviewed this matter and recommends its approval thereof.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The President and Clerk are authorized and directed to execute the attached Intergovernmental Cooperation Agreement between the City of DePere and Village of Allouez (LeBrun Street Reconstruction and Trail).

BE IT FURTHER RESOLVED THAT:

All Village officials, offices, and employees are authorized and directed to take such steps as are lawful and necessary in furtherance thereof.

Adopted by the Village Board of the Village of Allouez, Wisconsin, this 18th day of November, 2014.

APPROVED:

Steve VandenAvond, Village President

ATTEST:

Debra M. Baenen, Village Clerk

Ayes: _____
Nays: _____

**INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE
CITY OF DE PERE AND VILLAGE OF ALLOUEZ
(LE BRUN STREET RECONSTRUCTION AND TRAIL)**

THIS AGREEMENT, made and entered into this 18th day of November, 2014, by and between the City of De Pere, a Wisconsin municipal corporation, (“De Pere”), and the Village of Allouez, a Wisconsin municipal corporation (“Allouez”), both located in Brown County, Wisconsin.

WITNESSETH

WHEREAS, LeBrun Street is a border street under the joint jurisdiction of the City of De Pere and the Village of Allouez from McCastlen Street to East River Drive; and

WHEREAS, De Pere and Allouez intend to undertake joint improvements of the portion of LeBrun Street east of East River Drive and share the costs thereof as described herein; and

WHEREAS, Wis. Stats. §66.0301 sets forth procedures whereby municipalities may provide for intergovernmental cooperation for purposes of furthering the public interests of each community; and

WHEREAS, Wis. Stats. §66.0301(6) provides a specific mechanism whereby two municipalities whose boundaries are immediately adjacent at any point may enter into a written agreement determining all or a portion of the common boundary line between them; and

WHEREAS, De Pere and Allouez each desire that the boundary between them be re-established so that the subject area is detached from DePere and brought into Allouez and so that the boundary between Allouez and De Pere is well planned, with complimentary development on both sides of the boundary between the communities; and

WHEREAS, both parties desire to enter into this Agreement to further the public interests and objectives of both De Pere and Allouez and to provide for cooperation that is beneficial to citizens in both communities.

TERMS OF AGREEMENT

1. **Reconstruction Le Brun – East River Drive to Wiese Park.** The Village of Allouez and the City of De Pere agree to each pay equal share of the cost to reconstruct east Le Brun Street from East River Drive to Wiese Park based on reconstructing the roadbed, installing curb and gutter as necessary, and including

engineering costs. This work will be engineered by the Village of Allouez and bid. The City of De Pere may provide field engineering survey as part of its share of the cost.

2. **Trail Le Brun – East River Drive to Wiese Park.** The Village of Allouez and the City of De Pere agree to each pay equal share of the cost to construct a public access trail along east Le Brun Street from East River Drive to Weise Park, less any grants obtained for this project. The public trail shall be a 10 foot asphalt trail or concrete trail installed along and/or adjacent to the street. This trail may be installed at a time different from the street reconstruction. This trail will be engineered by the Village of Allouez, and will be maintained by Allouez. The City of De Pere may provide field survey work as a portion of its project cost.
3. **Trail Funding Le Brun – McCastlen to Wiese Park.** The Village of Allouez and the City of De Pere agree to work jointly to apply for funding assistance for construction of a pedestrian trail/walkway from McCastlen Street to Wiese Park..
4. **Village Annexation City Detachment S1/2 E. Le Brun East River Drive to East River.** The Village of Allouez and the City of De Pere agree that the Village of Allouez will annex the south one-half of east Le Brun Street from East River Drive to the East River with detachment from the City of De Pere. The Village of Allouez and the City of De Pere by separate Intergovernmental Agreement will provide for the annexation and detachment as described herein.
5. **Access to LeBrun Street Right-of-Way East of East River Drive.** The parties acknowledge that Parcel ED-1128-11, located in De Pere, is an undeveloped parcel with frontage on that part of LeBrun Street to be detached from De Pere and annexed into Allouez. The parties further agree that currently, De Pere has full authority to determine the appropriate access points along LeBrun Street for such parcel upon development and that De Pere wishes to retain that authority after detachment of such territory. The parties therefore agree that De Pere shall retain its authority to determine appropriate access points along LeBrun Street as determined by its Plan Commission in its site plan review of future development of Parcel ED-1128-11 and any subdivision thereof provided that Allouez shall not be responsible for any costs with respect to any access points selected by DePere. De Pere shall provide notice to the Allouez Clerk of any Plan Commission meeting at which site plan review for development of such parcel is scheduled and the Plan Commission shall consider any comments from Allouez on the issue of LeBrun Street access points during such site plan review.
5. **Permission for Access or Construction of Improvement.** The City consents to the Village's access to the LeBrun right-of-way east of East River Drive for the

purpose of constructing the roadway and public access trail as provided in this Agreement.

IN WITNESS WHEREOF, the parties hereto have entered this Agreement on the 18th day of November, 2014.

VILLAGE OF ALLOUEZ

CITY OF DE PERE

By: _____
Steven VandenAvond
Village President

By: _____
Michael J. Walsh, Mayor

By: _____
Debra M. Baenen
Village Clerk

By: _____
Shana Defnet, Clerk-Treasurer