** SPECIAL MEETING **
Please Note Change in Date, Time and Room

AGENDA
BOARD OF PARK COMMISSIONERS
Kenosha Municipal Building - Room 100
Monday, January 6, 2014 - 6:30 pm

Chairman:	**Michael J. Orth**	**Vice Chairman:**	**Anthony Kennedy**
Commissioner:	**Chris Schwartz**	**Commissioner:**	**Rocco J. LaMacchia, Sr.**
Commissioner:	**Kevin E. Mathewson**		

Call to Order
Roll Call

1. Approve the Right of Entry Agreement for Material Placement at Pennoyer Park from the Army Corps of Engineers 2014 Kenosha Harbor Dredging Project.

DIRECTOR AND/OR SUPERINTENDENT COMMENTS
CITIZEN COMMENTS/COMMISSIONER COMMENTS/OTHER BUSINESS AS AUTHORIZED BY LAW

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 653-4052 BEFORE THIS MEETING

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND ALTHOUGH THIS MAY CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS MEETING.

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ENGINEERING DIVISION
SHELLY BILLINGSLEY, P.E.
CITY ENGINEER

PARK DIVISION
JEFF WARNOCK
SUPERINTENDENT

FLEET MAINTENANCE
MAURO LENCI
SUPERINTENDENT

STREET DIVISION
JOHN H. PRIJIC
SUPERINTENDENT

WASTE DIVISION
ROCKY BEDNAR.
SUPERINTENDENT

DEPARTMENT OF PUBLIC WORKS
MICHAEL M. LEMENS, P.E., DIRECTOR
SHELLY BILLINGSLEY, P.E., DEPUTY DIRECTOR

MUNICIPAL BUILDING · 625 - 52ND ST · RM 305 · KENOSHA, WI 53140
TELEPHONE (262) 653-4050 · FAX (262) 653-4056
EMAIL PUBLICWORKS@KENOSHA.ORG

Date: January 2, 2014

TO: Eric Haugaard, Chairman, Public Works Committee; Michael Orth, Chairman, Parks Commission; Jan Michalski, Chairmain, Water Commission

FROM: Sean Von Bergen, P.E.
Assistant City Engineer

1-2-2014

Subject: ***Approval of Right of Entry Agreement for material handling from the Army Corps of Engineers 2014 Kenosha Harbor Dredging Project:***

BACKGROUND INFORMATION

The Army Corps of Engineers have authorized a dredging project in the Kenosha Harbor for 2014. Staff has been working with the Army Corps to identify locations for offloading and placement of the dredged material. The Right of Entry Agreement gives the Army Corps of Engineers and their contractor access to the following sites:

The property adjacent to the north pier of the harbor has been identified as the preferred location to offload the dredging materials. This property is owned by the City of Kenosha and the City of Kenosha Water Utility. This location has been successfully used in the past to offload dredging materials form previous City of Kenosha dredging projects. The Army Corps of Engineers will fully restore the site to existing conditions once their dredging project is completed.

Pennoyer Park was identified as a suitable placement location for the dredging materials. The city used Pennoyer Park as a placement location in 2012 for the cities dredging project. The Army Corps estimates 20,000 cubic yards of material will be placed as part of their project. It is estimated Pennoyer Park has the capacity to have approximately 40,000 cubic yards to level the area between 7th Avenue and Kennedy Drive. The Army Corps of Engineers will fully restore the site with topsoil and seed once their dredging project is completed.

RECOMMENDATION

Staff recommends approval of the Right of Entry Agreement for material handling from the Army Corps of Engineers 2014 Kenosha Harbor Dredging Project and authorize the Director of Public Works to execute the agreement.

DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVENUE
DETROIT, MICHIGAN 48226-2550

December 20, 2013

IN REPLY REFER TO:
Real Estate Division

Michael Lemens, P.E.
Director of Public Works
City of Kenosha
625 52nd Street, Room 305
Kenosha, Wisconsin 53140

Dear Mr. Lemens:

Please reference your recent communications with the Corps of Engineers regarding a Right of Entry authorizing the Corps of Engineers and its contractors, to enter upon lands owned by the City of Kenosha for use as an offloading/transfer site and a dredged material placement site, in support of maintenance dredging activities at the Kenosha Harbor Federal Navigation Project, Wisconsin.

Attached are four copies of Department of the Army Right of Entry No. W911XK-9-14-3004 and a Certificate of Authority. Please have the responsible party with authority for signature at the City of Kenosha sign and return three (3) copies of the Right of Entry, and complete and return the Certificate of Authority. The fourth copy of the Right of Entry is for your records until a fully executed copy is returned to you.

If you have any questions or concerns, please contact Shawn Sanchez of my staff by e-mail at Shawn.S.Sanchez@usace.army.mil or by phone at (313) 226-1326.

Sincerely,

Victor L. Kotwicki
Chief, Real Estate Division
Detroit, Buffalo, and Chicago Districts

Enclosures

NOTE: THE CERTIFICATE OF AUTHORITY must be executed by an individual other than by the person who signed the agreement. The individual must certify that the official who signed the agreement was authorized to act in that capacity.

CERTIFICATE OF AUTHORITY

I, _____, do hereby certify that I am the
(someone other than the person signing the agreement)

_____ of the City of
(my position of responsibility within the organization)

Kenosha, Wisconsin, and that _____,

who signed the agreement on behalf of the City was at the time

of signature its _____,
(position held)

and that the person who executed the agreement on behalf

of the City acted within his/her statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification

this _____ day of _____, _____.

_____
(Signature)

DEPARTMENT OF THE ARMY

RIGHT OF ENTRY

City of Kenosha, Wisconsin
(Site Name)

City of Kenosha Offloading Site and Dredged Material Placement Site
(Tract)

The City of Kenosha, Wisconsin, hereinafter called the "Owner," in consideration for the mutual benefits of the work described below, hereby grants the UNITED STATES OF AMERICA, hereinafter called the "Government," its agents, employees, representatives, contractors, right of entry upon the following terms and conditions:

1. The Owner hereby grants to the Government an irrevocable right to enter upon the lands described in Exhibit "A", attached hereto and made a part hereof, beginning on April 1, 2014, and ending on December 31, 2014, or at the conclusion of the project, whichever is sooner, for use as an offloading/transfer site and dredged material placement site, by mechanical means, in support of maintenance dredging at the Kenosha Harbor Federal Navigation Project, Wisconsin.

2. This Right of Entry includes the right of ingress and egress on other lands of the Owner provided that such ingress and egress is necessary and not otherwise conveniently available to the Government.

3. All tools, equipment, and other property taken or placed upon the lands by the Government shall remain the property of the Government, and may be removed by the Government at any time within a reasonable period after the expiration of this Right of Entry.

4. The Government shall have the right to patrol and police the lands during the period of this Right of Entry.

5. If any action of the Government in the exercise of the rights granted herein results in damage to the property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement exceed the fair market value of the fee simple title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet any deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided for herein.

6. The lands affected by this Right of Entry are located in the State of Wisconsin, County of Kenosha, City of Kenosha, and are shown in Exhibit "A" as attached.

WITNESS MY HAND AND SEAL this _____ day of _____, _____.

CITY OF KENOSHA, WISCONSIN

_____ (SEAL)
Signature

_____
Printed Name

_____
Printed Title

Accepted:

UNITED STATES OF AMERICA

By: _____

VICTOR L. KOTWICKI
Real Estate Contracting Officer
Detroit, Buffalo, and Chicago Districts

Date: _____

FY13 Kenosha Harbor MD
Overview of Dredging, Offloading, and Placement Area

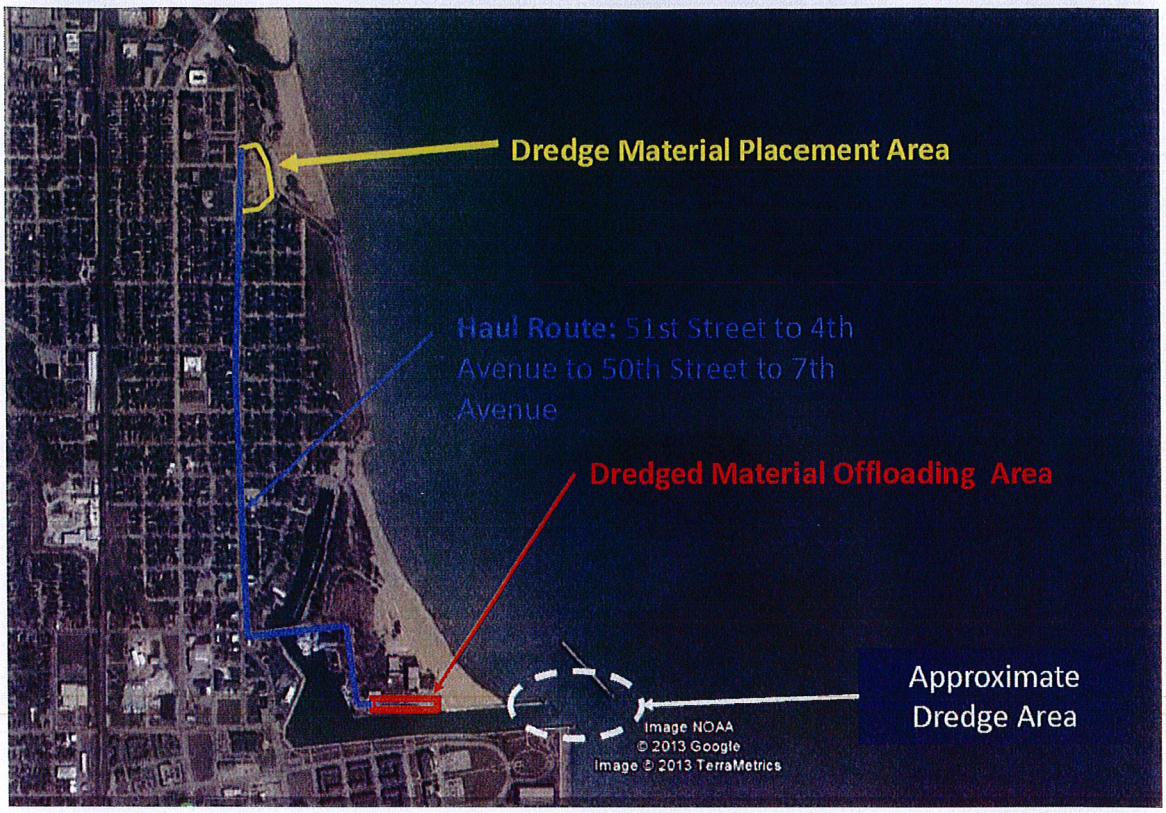

Exhibit "A"
(Sheet 1 of 3)

FY13 Kenosha Harbor MD
Detail of Dredged Material Offloading Area

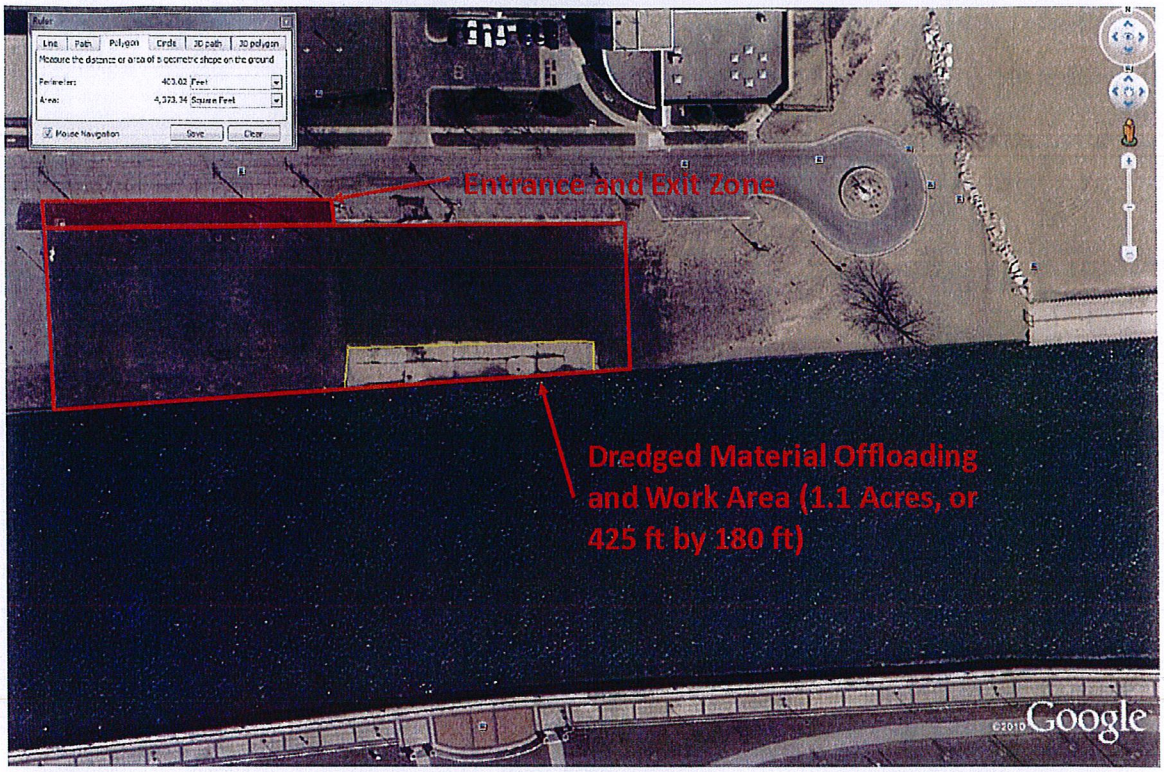

Exhibit "A"
(Sheet 2 of 3)

FY13 Kenosha Harbor MD
Detail of Dredged Material Placement Site

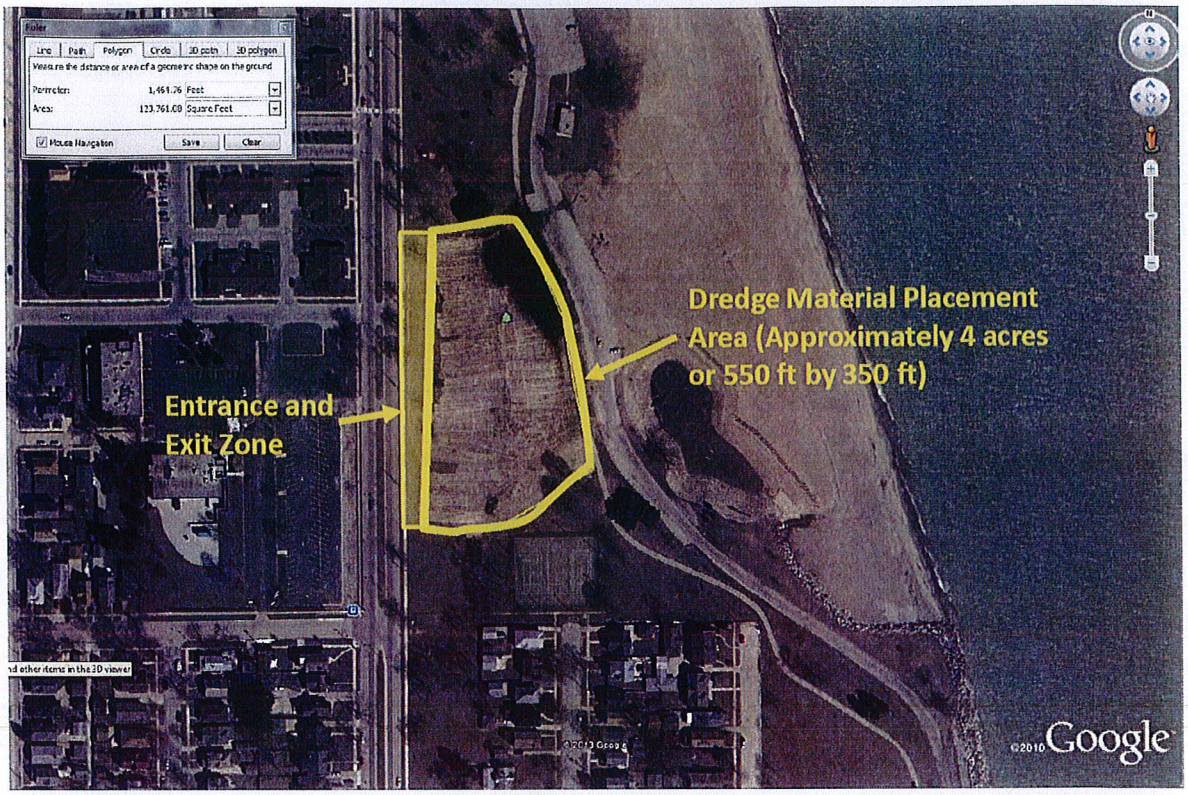

Exhibit "A"
(Sheet 3 of 3)