

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between OWNER and ENGINEER for Professional Services** dated November 15, 2010.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT**  
**Amendment No. 2**

1. *Background Data:*

- a. Effective Date of OWNER-ENGINEER Agreement: November 15, 2010
- b. OWNER: City of Franklin
- c. ENGINEER: Ruckert & Mielke, Inc.
- d. Project: Ryan Creek Interceptor - 124th Street to 60th Street

2. *Description of Modifications:*

- a. ENGINEER shall perform or furnish the following Additional Services:
- b. The Scope of Services currently authorized to be performed by ENGINEER in accordance with the Agreement and previous amendments, if any, is modified as follows: Increase number of easements appraised, negotiated from 20 to 41.
- c. The responsibilities of OWNER are modified as follows: None
- d. For the Additional Services or the modifications to services set forth above, OWNER shall pay ENGINEER the following additional or modified compensation: \$53,215.00
- e. The schedule for rendering services is modified as follows: None
- f. Other portions of the Agreement (including previous amendments, if any) are modified as follows: None

3. *Agreement Summary (Reference only):*

- a. Original Agreement amount: \$1,630,241.45
- b. Net change for prior amendments: \$ 19,700.00
- c. This amendment amount: \$ 53,215.00
- d. Adjusted Agreement amount: \$1,703,156.45

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

OWNER and ENGINEER hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is June 7 2011.

OWNER:	City of Franklin	ENGINEER:	Ruekert & Mielke, Inc.
By:	John M. Bennett, P.E.	By:	Joseph W. Eberle, P.E.
Title:	Director of Public Works/City ENGINEER	Title:	Senior Project Manager
Date Signed:	_____	Date Signed:	_____

cc: Anthony D. Petersen, P.E., Ruekert/Mielke  
Jonathan P. Cameron, M.P.A., Ruekert/Mielke

May 19, 2011

Mr. John M. Bennett, P.E.  
City Engineer/Director of Public Works  
City of Franklin  
9229 West Loomis Road  
Franklin, WI 53132

RE: Ryan Creek Interceptor

Dear Mr. Bennett:

In response to your request for additional information with our April 1, 2011 request (attached) for an amendment to our Agreement as a result of the increase in the number of easements required for this Project, I am providing the following.

- Our original Agreement included 15-20 easements (Exhibit A - Article A1.04, A.16 attached). Due to changes in the sewer alignment in multiple locations, we ended up completing a total of 36 easement appraisals or an increase of almost twice the original number. In addition, we prepared 3 appraisals for the Milwaukee County Park lands.
- We believe that given the time frame of the project (which was reduced from the original agreement due to CWF changes), we are delivering this Project on-time and hopefully to your satisfaction. We were also very successful in meeting with each owner within the time allowed, to ensure that these appraisals were delivered to the City on-time. This included many separate trips to meet the owners, to ensure that the City of Franklin was well represented and the appraisals were completed on-time.
- One point that should be noted; we started the sales study early, so we would be prepared to begin the appraisals when asked. As we did not know exactly which and how many parcels would be affected, we completed a very detailed sales study, so we would have the correct sales to appraise all and any potential parcels.
- We also attended several meetings, which were not part of our original scope, at no additional cost. We include these meetings within the appraisal fees and Project Management fees. This included reviewing the Easement Exhibits.



Letter to Mr. John M. Bennett, P.E.  
City Engineer/Director of Public Works  
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- Based on the size of the project, and what other firms charge for similar work, we believe that the fee of \$1,800 is representative of the market or possibly below. These fees are much lower than many firms would charge for a similar product.
- We have done many projects of similar size and difficulty, most at a higher price per unit. Typically, a fee for this type of appraisal is around \$2,500, which you will see when owner's appraisals start coming in. We are currently working on several projects for WISDOT, mostly larger in size, with fees ranging from \$2,200 and up, depending on difficulty and timeframe.
- Although several of the parcels appraised had or have similar highest and best uses; all parcels appraised are different with consideration given to highest and best use, location, setbacks, possible severance damages and cost-to-cure items. Many of the parcels had 2 or 3 zoning districts in place and consideration was given to each parcel separately regarding the current zoning, as well as the City's 2025 Land Use Plan. Regarding possible severance, cost-to cure items; sometime it was mentioned in our reports, other times the notes are kept in our work file. Regardless, each parcel was looked at separately. Much time and consideration was given to each parcel, separate of the other appraisals.

As shown on the enclosed spreadsheet, the average cost per appraised parcel decreased 25% from the original estimate. Please note also that the cost to prepare twice the number of legal descriptions, easement exhibits and stake all the easements (some of them multiple times) increased only slightly (\$415.00). This was possible because of significant coordination by us of our work effort with the design element of the Project.

We believe we have done our best to minimize the Project costs in spite of multiple changes in length, alignment and profile over the last 18 months.

Please contact me with any additional questions.



Ruekert·Mielke

engineering solutions for a working world

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City Engineer/Director of Public Works  
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In order for these costs to be Clean Water Fund eligible, the City needs to approve this increase at their June 7, 2011 meeting.

Thank you.

Very truly yours,

RUEKERT/MIELKE

Joseph W. Eberle, P.E.  
Principal/Senior Project Manager

JWE:tag

Enclosures

cc: Mayor Thomas M. Taylor, City of Franklin  
Jesse A. Wesolowski, City of Franklin  
Anthony D. Petersen, P.E., Ruekert/Mielke  
Jonathan P. Cameron, M.P.A., Ruekert/Mielke  
File

April 1, 2011

Mr. John M. Bennett, P.E.  
City Engineer/Director of Public Works  
City of Franklin  
9229 West Loomis Road  
Franklin, WI 53132

RE: Ryan Creek Interceptor

Dear Mr. Bennett:

I wanted to update you on the current status of our Engineering Agreement with the City for the Design Phase of the Ryan Creek Interceptor.

Our original proposal assumed 23 easements would be required for this Project. Based upon our discussion with City Staff, discussion with various property owners and the results of the geotechnical investigation, we have had to increase the number of property owners. We will need easements from approximately 39. This increase is due to changes in the preliminary sewer route alignment and to the soil conditions encountered along the final sewer alignment which will require wider trenches in order to install the pipe. Most, if not all, of these additional easements are temporary in nature and should be obtained at minimal expense. They will, however, require additional mapping, title reports, appraisals and negotiations in order to obtain.

This number of 39 includes 3 parcels currently owned by Milwaukee County Parks Department that the City will need to obtain permits from that we had to prepare exhibits, title reports, and appraisals for.

The staking in the field of the additional 16 easements will be covered under our existing project budget.

The estimated cost for professional services for these additional 16 easements is \$53,215.

We request an amendment to our Agreement to cover this additional work.

I will continue to keep you informed as we proceed further, but wanted you to be aware of the current status.

Mr. John M. Bennett, P.E.  
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Please contact me with any questions.

Thank you.

Very truly yours,

RUEKERT/MIELKE



Joseph W. Eberle, P.E.  
Principal/Senior Project Manager

JWE:sjs

cc: Jesse A. Wesolowski, City of Franklin  
Anthony D. Petersen, P.E., Ruekert/Mielke  
File

A1.04 *Sewer Route Landowner Negotiations & Easement Acquisitions*

- A. Assist Owner with negotiations and acquisition of Project easements.
  - 1. Attend informational meetings with property owners
  - 2. Determine easements required
  - 3. Prepare cadastral map of necessary easements
  - 4. Prepare and send letters of introduction to affected property owners
  - 5. Obtain title work
  - 6. Prepare legal descriptions & exhibits of easements
  - 7. Create coordinate data for easement staking
  - 8. Assist City Attorney with relocation order
  - 9. Conduct sales study
  - 10. Prepare appraisals
  - 11. Assist with acquisitions
  - 12. Project management
  - 13. Negotiate with property owners
  - 14. Assist City Attorney with Jurisdictional Offer To Purchase
  - 15. Obtain title commitments
  - 16. Assist City Attorney with easement agreements (15 - 20 easements)
  - 17. Map final easement boundaries

A1.05 *Financial Plan Preparation*

- A. Complete Clean Water Fund loan Intent to Apply & Priority Evaluation Ranking forms
- B. Preparation of Financing Plan
  - 1. Provide Overview Of Financing Plan (planning strategies and meetings)
  - 2. Prepare Financing Plan
    - a. Outline and develop overall plan
    - b. Develop timeline for Project financing and cash flows
    - c. Meetings with City Staff
- C. Prepare Clean Water Fund loan application
  - 1. Meetings and teleconferences with DNR and DOA staff
  - 2. Obtain necessary contracts, bid documents, user charge system, information, budget detail and statement of land ownership
  - 3. Prepare MBE/WBE/SBRA Certification forms
  - 4. Prepare Plan Of Operation Certification checklist
  - 5. Prepare Force Account Certification checklist
  - 6. Prepare Reimbursement And Authorize Representative Resolutions
  - 7. Prepare Project budget worksheet
  - 8. Prepare Project cost categories
  - 9. Prepare parallel cost ratio

CITY OF FRANKLIN  
 RYAN CREEK INTERCEPTOR  
 EASEMENT ACQUISITION COSTS

ORIGINAL SCOPE

REVISED SCOPE

	<u>Number</u>	<u>Cost Each</u>	<u>Total Cost</u>	<u>Number</u>	<u>Cost Each</u>	<u>Total Cost</u>
APPRAISALS	20	\$ 1,800	\$ 36,000	36	\$ 1,800	\$ 64,800
ACQUISITIONS	20	1,000	20,000	36	1,000	36,000
TITLE REPORTS	20	375	7,500	36	375	13,500
LEGAL DESCRIPTIONS, EXHIBITS & STAKING of EASEMENTS	20		78,752	41		79,167
SALES STUDY	1	2,500	2,500	1	2,500	2,500
PROJECT MANAGEMENT			3,000			5,000
			<u>\$ 147,752</u>			<u>\$ 200,967</u>
COST PER PARCEL			<u>\$ 7,387.60</u>			<u>\$ 5,582.42</u>
						<i>25 % less per Parcel</i>