

**RESOLUTION
R 58-16**

**A RESOLUTION AUTHORIZING SIGNATURE OF
PRESIDENT AND CLERK ON AN AGREEMENT**

WHEREAS, the Corporate Authorities of the Village of Lombard have received The Fourth Amendment to an Agreement between the Village of Lombard and the York Township Highway Commissioner regarding the reconstruction of Madison Street between IL Route 53 and Finley Road.

WHEREAS, the Corporate Authorities deem it to be in the best interest of the Village of Lombard to approve such agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS as follows:

SECTION 1: That the Village President be and hereby is authorized to sign on behalf of the Village of Lombard said agreement as attached hereto.

SECTION 2: That the Village Clerk be and hereby is authorized to attest said agreement as attached hereto.

Adopted this 18th day of August, 2016.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

Approved this 18th day of August, 2016.


Keith T. Giagnorio
Village President

ATTEST:


Sharon Kuderna
Village Clerk

**FOURTH AMENDMENT TO
AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE VILLAGE OF LOMBARD AND
THE YORK TOWNSHIP HIGHWAY COMMISSIONER
REGARDING IMPROVEMENTS TO MADISON STREET**

This FOURTH AMENDMENT TO INTERGOVERNMENTAL AGREEMENT (the "FOURTH AMENDMENT") is entered into this ____ day of _____, 2016, by and between the VILLAGE OF LOMBARD (the "VILLAGE") and the YORK TOWNSHIP HIGHWAY COMMISSIONER (the "COMMISSIONER"). The VILLAGE and the COMMISSIONER are hereinafter sometimes referred to collectively as the "Parties."

WITNESSETH

WHEREAS, the VILLAGE and the COMMISSIONER entered into AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF LOMBARD AND THE YORK TOWNSHIP HIGHWAY COMMISSIONER REGARDING IMPROVEMENTS TO MADISON STREET, dated June 17, 2010 (the "ORIGINAL AGREEMENT"); and

WHEREAS, the VILLAGE and the COMMISSIONER entered into a FIRST AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF LOMBARD AND THE YORK TOWNSHIP HIGHWAY COMMISSIONER REGARDING IMPROVEMENTS TO MADISON STREET, dated June 21, 2012 (the "FIRST AMENDMENT"); and

WHEREAS, the VILLAGE and the COMMISSIONER entered into a SECOND AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF LOMBARD AND THE YORK TOWNSHIP HIGHWAY COMMISSIONER REGARDING IMPROVEMENTS TO MADISON STREET, dated January 16, 2014 (the "SECOND AMENDMENT"); and

WHEREAS, the VILLAGE and the COMMISSIONER entered into a THIRD AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF

LOMBARD AND THE YORK TOWNSHIP HIGHWAY COMMISSIONER REGARDING IMPROVEMENTS TO MADISON STREET, dated July 16, 2015 (the "THIRD AMENDMENT" – the ORIGINAL AGREEMENT as amended by the FIRST AMENDMENT, the SECOND AMENDMENT and the THIRD AMENDMENT being hereinafter referred to as the "AMENDED AGREEMENT"); and

WHEREAS, the VILLAGE and the COMMISSIONER desire to amend certain provisions of the AMENDED AGREEMENT, relative to payment by the COMMISSIONER in regard to the COMMISSIONER'S portion of the cost of the PROJECT (as defined in the AMENDED AGREEMENT) and street lighting relative to the PROJECT (as defined in the AMENDED AGREEMENT); and

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution and 5 ILCS 220/1 through 220/9 provide authority for intergovernmental cooperation; and

WHEREAS, it is in the best interests of the VILLAGE and the COMMISSIONER to enter into this FOURTH AMENDMENT;

NOW, THEREFORE, in consideration of the foregoing, and the mutual covenants and agreements hereinafter contained, the Parties hereto agree as follows:

1. That the third "Whereas Clause" of the AMENDED AGREEMENT is hereby revised by deleting the words, "installation of street lighting" therefrom.
2. That Section 6E of the AMENDED AGREEMENT is hereby amended by adding the following to the end thereof:

"If the foregoing calculation results in a negative amount due the VILLAGE, it means that the VILLAGE owes money to the COMMISSIONER, and the VILLAGE shall pay COMMISSIONER said amount."

3. That the AMENDED AGREEMENT is hereby amended by adding a new Section 15 thereto, which shall read in its entirety as follows:

"15. Provided the Illinois Department of Transportation's ("IDOT") Route 53 reconstruction and widening project includes street lighting, within twenty-four

(24) months of IDOT's completion of its Route 53 reconstruction and widening project, the VILLAGE will install street lighting along the ROADWAY, at the VILLAGE's sole cost and expense."

4. That all portions of the AMENDED AGREEMENT, not amended hereby, shall remain in full force and effect.
5. This FOURTH AMENDMENT shall be executed simultaneously in two (2) counterparts, each of which shall be deemed an original, but both of which shall constitute one and the same FOURTH AMENDMENT.
6. This FOURTH AMENDMENT shall be deemed dated and become effective on the date the last of the Parties executes this FOURTH AMENDMENT, as set forth below.

IN WITNESS WHEREOF, the VILLAGE and the COMMISSIONER, pursuant to the authority duly granted, have caused this FOURTH AMENDMENT to be signed by their respective authorized corporate authorities.

VILLAGE OF LOMBARD

YORK TOWNSHIP
HIGHWAY COMMISSIONER


Keith Giagnorio, Village President


Dick Schroeder, Highway Commissioner

ATTEST:


Sharon Kuderna, Village Clerk

Dated: 2/12/16

Dated: August 18, 2016

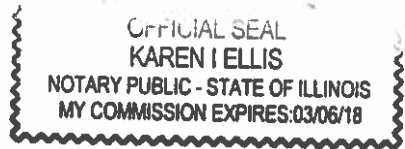
ACKNOWLEDGMENT

State of Illinois)
) SS
County of DuPage)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Keith Giagnorio and Sharon Kuderna, personally known to me to be the Village President and Village Clerk of the Village of Lombard, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that, as such Village President and Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Village Board of Trustees of said municipal corporation, as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 18th day of August, 2016.

Karen I Ellis
Notary Public



ACKNOWLEDGMENT

State of Illinois)
) SS
County of DuPage)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Dick Schroeder, personally known to me to be the York Township Highway Commissioner, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that, as such York Township Highway Commissioner, he signed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act and deed of said York Township Highway Commissioner, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this 15th day of July, 2016.



Pamela T Sarno

Notary Public