

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____
Recommendations of Boards, Commissions & Committees (Green) _____
Other Business (Pink) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: April 24, 2006 (COW) (B of T) **Date:** May 4, 2006

TITLE: Addendum Agreement to Intergovernmental Agreement with IDOT (North Ave)

SUBMITTED BY: David A. Dratmol, P.E., Village Engineer *DAD*

BACKGROUND/POLICY IMPLICATIONS:

(See attached memorandum)

FISCAL IMPACT/FUNDING SOURCE:

Review (as necessary):

Village Attorney X _____
Finance Director X _____
Village Manager X *W.T. Lichter* _____
Date _____
Date *4/24/06* _____

NOTE:

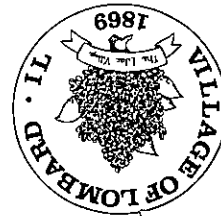
All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.

cc: File: ST-89-17

Please present the Addendum Agreement to the Village Board for approval at the May 4, 2006 Village Board Meeting. If approved, please return all four signed originals to Public Works for further processing.

The attached Addendum Agreement to the Intergovernmental Agreement with IDOT provides for a change in the date that the Village takes over the maintenance responsibility for the landscaping from October 31, 2006 to October 31, 2007. A copy of the original agreement, dated October 23, 2003, is attached for reference. This change was initiated by IDOT because the landscaping work is not complete.

To: William T. Lichter, Village Manager
Through: Wes Anderson, Director of Public Works
From: David A. Dratmol, P.E., Village Engineer
Date: April 24, 2006
Subject: Addendum Agreement to Intergovernmental Agreement with IDOT (North Ave)



Inter-Office Memo

RESOLUTION
R _____
06

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

WHEREAS, the Corporate Authorities of the Village of Lombard have received an Addendum Agreement to an Agreement between the Village of Lombard, and State of Illinois regarding the North Avenue Improvement project, as attached hereto and marked Exhibit "A"; and

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

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 Addendum Agreement as attached hereto.

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

Adopted this 20th day of April, 2006.

Ayes: _____

Nays: _____

Absent: _____

Approved this 20th day of April, 2006.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer
Village Attorney

Illinois Department of Transportation



Division of Highways/Region One / District One
201 West Center Court/Schaumburg, Illinois 60196-1096

CERTIFIED MAIL

Villages of Addison, Lombard, and Villa Park/State of Illinois

Illinois Route 64 Improvement

FAP Route 307

STATE Section: 131LS-3

DuPage County

March 17, 2006

Mr. William J. Mueller

President

Village of Lombard

255 East Wilson Avenue

Lombard, IL 60148

Dear Mr. Mueller:

Enclosed are four (4) copies of the Joint Addendum Agreement for the subject improvement. Please have the Addendum Agreement approved and executed and return four copies to this office for further processing.

Thank you for your cooperation in the processing of this document.

If you have any questions or need additional information, please contact Mr. John M. Romano, at (847) 705-4238.

Very truly yours,

Diane M. O'Keefe, P.E.

Deputy Director of Highways,

Region One Engineer

Handwritten signature of Diane M. O'Keefe.

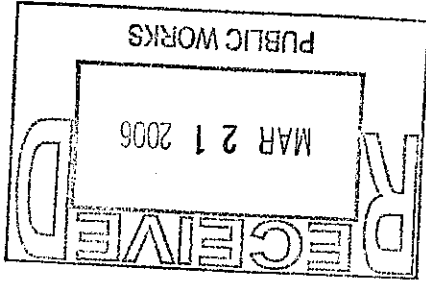
By:

John Fortmann, P.E.

Bureau Chief of Design

Enclosures

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Illinois Route 64
State Section: 131LS-3
DuPage County
Job No: C-91-334-99
Agreement No: JN-106-509
Contract No: 60796

ADDENDUM AGREEMENT

THIS ADDENDUM AGREEMENT entered into this _____ day of _____, 2006 A.D., by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called the STATE, and the Villages of Addison, Lombard and Villa Park, of the State of Illinois, hereinafter collectively called the VILLAGES.

WITNESSETH:

WHEREAS, the STATE and the VILLAGES, executed an Agreement on October 23, 2003, in order to facilitate the free flow of traffic and ensure safety to the motoring public by improving approximately 3.24 miles (17,107.2 feet) of North Avenue, (FAP 307), Illinois Route 64, State Section: 131LS-3, and

WHEREAS, subsequent to the execution of the aforesaid Agreement, the improvement was delayed due to previous contracts located in the same area, and

WHEREAS, The STATE is requesting an extension of time when the VILLAGES will assume maintenance of the improvement; and

WHEREAS, the VILLAGES agree with the STATE's request;

8. Upon completion of the improvement and final field inspection by the STATE, the VILLAGE of Villa Park agrees to maintain, or cause to be maintained in perpetuity, after October 31, 2007, the landscaped parkway areas and medians on Illinois Route 64 from east of Joyce Avenue to west of Vista Avenue on the north side, east of Joyce Avenue to Villa Avenue on the south side, and Westmore Avenue to Villa Avenue on the north side in their entirety, and will remove, or cause the removal of vegetation from the paved median areas in their entirety.

2. That Page 3 Paragraph 8 of the Original Agreement be revised to read as follows and incorporated herein by reference.

7. Upon completion of the improvement and final inspection by the STATE, the VILLAGE of Lombard agrees to maintain, or cause to be maintained in perpetuity, after October 31, 2007, the landscaped parkway areas and medians on Illinois Route 64 from east of Interstate 355 to Joyce Avenue, on both sides, in their entirety, and will remove or cause the removal of vegetation from the paved median areas in their entirety.

1. That Page 3 Paragraph 7 of the Original Agreement be revised to read as follows and incorporated herein by reference.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

(SEAL)

Date: _____

Village Clerk

By:

President

ATTEST:

Village of Lombard

their successors and assigns.

THIS AGREEMENT shall be binding upon and inure to the benefit of the parties hereto,

Addendum Agreement, shall remain in full force and effect.

4. It is mutually agreed by and between the parties hereto that all covenants contained in the Original Agreement executed on October 23, 2003, which are not in conflict with this

entirety.

9. Upon completion of the improvement, and final field inspection by the STATE, the VILLAGE of Addison agrees to maintain, or cause to be maintained in perpetuity, after October 31, 2007, the landscaped parkway areas and medians on Illinois Route 64 from Kramer Avenue to Westmore Avenue on the north side in their entirety, and will remove, or cause the removal of vegetation from the paved median areas in their

incorporated herein by reference

3. That Page 3 Paragraph 9 of the Original Agreement be revised to read as follows and

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION
By: Deputy Director of Highways,
Region One Engineer
Date: _____

(SEAL)

Village of Addison
By: Mayor
Date: _____

Village Clerk

ATTEST:

Village of Villa Park
By: President
Date: _____

Village Clerk

ATTEST:

(SEAL)

Illinois Department of Transportation



Division of Highways/District 1
201 West Center Court/Schaumburg, Illinois 60196-1096

BUREAU OF DESIGN

Villages of Addison, Lombard and Villa Park/State of Illinois

Illinois Route 64

State Section: 131 LS-3

DuPage County

October 24, 2003

Mr. William J. Mueller

President

Village of Lombard

255 East Wilson Avenue

Lombard, IL 60148

Dear Mr. Mueller:

The Agreement for the subject section has been executed by this Department.

Enclosed is an original counterpart of the executed Agreement for your records and files. Thank you for your cooperation. If you have any questions or need additional information, please contact Mr. John M. Roman, Agreements Specialist at (847) 705-4238.

Very truly yours,

John P. Kos, P.E.

District Engineer

A handwritten signature in black ink, appearing to read "John P. Kos".

By:

John Fortmann, P.E.

Project Support Engineer

Enclosures

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cc: 5th Roman
X 10/27

Illinois Route 64
State Section: 131LS-3
DuPage County
Job No: C-91-334-99
Agreement No: JN-103-050
Contract No: 60796

AGREEMENT

THIS AGREEMENT entered into this 23rd day of October, 2003

A.D., by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called the STATE, and the Villages of Addison, Lombard and Villa Park, of the State of Illinois, hereinafter called the VILLAGES.

WITNESSETH:

WHEREAS, the STATE, in order to facilitate the free flow of traffic and ensure safety to the motoring public, is desirous of improving approximately 3.24 miles (17,107.2 feet) of North Avenue, (FAP 307), Illinois Route 64, State Section: 131LS-3, by making the following improvements:

Installing trees, shrubs, perennial plants, other related landscaping items and plant establishment for a period of two (2) growing seasons in the median and parkways, on Illinois Route 64 from east of Interstate 355 to Villa Avenue as shown on the plans, and by performing all other work necessary to complete the improvement in accordance with the approved plans and specifications; and

5. The VILLAGES shall exercise their franchise rights to cause private utilities to be relocated at no expense to the STATE.

4. The VILLAGES agree to adopt a resolution or send a letter, prior to the STATE advertising for the work to be performed hereunder, approving the plans and specifications as prepared.

3. The STATE agrees to provide to the VILLAGES, plans and summary of the landscape quantities.

2. The STATE agrees to pay, or provide for the payment of construction and engineering costs.

1. The STATE agrees to make the surveys, prepare plans and specifications, receive bids and award the contract, furnish engineering inspection during construction, and cause the improvement to be built in accordance with the plans, specifications, and contract.

parties hereto agree as follows:

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the

WHEREAS, the VILLAGES are desirous of said improvement in that same will be of immediate benefit to the VILLAGES residents and permanent in nature.

project; and

WHEREAS, the STATE is agreeable to the installation of said landscaping items in its

WHEREAS, the VILLAGES have requested this work and are agreeable to be responsible for the mowing and other related maintenance of the landscaped medians, parkways, and the removal of vegetation from the paved medians; and

11. The VILLAGES agree to maintain the median and parkway landscaping including eradication of all aggressive weed species and replacement of plant material as necessary;

10. Upon completion of the improvement, and final field inspection by the STATE, the STATE agrees to continue its maintenance of the unenhanced, unincorporated parkway areas on Illinois Route 64 from Vista Avenue to Kramer Avenue on the north side only, in its entirety.

9. Upon completion of the improvement, and final field inspection by the STATE, the VILLAGE of Addison agrees to maintain, or cause to be maintained in perpetuity, after October 31, 2006, the landscaped parkway areas and medians on Illinois Route 64 from Kramer Avenue to Westmore Avenue on the north side in their entirety, and will remove, or cause the removal of vegetation from the paved median areas in their entirety.

8. Upon completion of the improvement and final field inspection by the STATE, the VILLAGE of Villa Park agrees to maintain, or cause to be maintained in perpetuity, after October 31, 2006, the landscaped parkway areas and medians on Illinois Route 64 from east of Joyce Avenue to west of Vista Avenue on the north side, east of Joyce Avenue to Villa Avenue on the south side, and Westmore Avenue to Villa Avenue on the north side in their entirety, and will remove, or cause the removal of vegetation from the paved median areas in their entirety.

7. Upon completion of the improvement, and final field inspection by the STATE, the VILLAGE of Lombard agrees to maintain, or cause to be maintained in perpetuity, after October 31, 2006, the landscaped parkway areas and medians on Illinois Route 64 from east of Interstate 355 to Joyce Avenue, on both sides, in their entirety, and will remove, or cause the removal of vegetation from the paved median areas in their entirety.

6. The VILLAGES agree to cause its utilities located on right of way acquired by the STATE or installed within the limits of a roadway after the said roadway was taken over for maintenance by the State, to be relocated and/or adjusted at no expense to the STATE.

within their respective areas, to the STATE's satisfaction. Should the VILLAGES fail to provide satisfactory care of the landscaping, the STATE shall serve notice to the VILLAGES of the deficiencies. The VILLAGES shall, at their own expense, either correct the said deficiencies or with the approval of STATE and in accordance with the applicable portions of the STATE's Standard Specifications for Road and Bridge Construction remove the landscaping, replacing it with sod or other materials as directed by the STATE. Upon acceptance of the grassed median and parkway by the STATE, the STATE shall therefore forward maintain the median and parkway. Should the VILLAGES find the continued maintenance of the median and parkway landscaping beyond their financial and/or other means, the VILLAGES may remove the landscaping, replacing it as specified above, with the STATE similarly accepting median and parkway maintenance subject to the aforescribed conditions.

12. The VILLAGES agree to assume responsibility for the reconstruction and maintenance of the landscaped medians and parkways within their boundaries as specified above in its entirety. The VILLAGES agree to indemnify and hold the STATE and its employees harmless from all claims for death, injuries and damages to persons or property relating to the use, maintenance or reconstruction of the landscaped medians and parkways.

13. The VILLAGES of Lombard certifies that 36-6045975 is its correct Federal Tax Identification number and it is doing business as a Governmental Entity, whose mailing address is 255 E. Wilson, Lombard, IL 60148

14. The VILLAGES of Villa Park certifies that 36-6066132 is its correct Federal Tax Identification number and it is doing business as a Governmental Entity, whose mailing address is 205 ARDMORE AVE, Villa Park, IL 60181

15. The VILLAGES of Addison certifies that 36005763 is its correct Federal Tax Identification number and it is doing business as a Governmental Entity, whose mailing address is One Township Plaza, Addison, Illinois

16. The VILLAGES agree that in the event any work is performed by other than VILLAGE forces, the provisions of "an act regulating wages of laborers, mechanics and other workers employed in public works by the State, County, or any public body or any political subdivision or by any one under contract for public works" (Illinois Compiled Statutes, 820 ILCS 130/1) shall apply.

Date: 10/13/03

(SEAL)

By: *Joe Krupk Jrsek*
Village of Villa Park
President

Village Clerk

ATTEST:



(SEAL)

Date: July 17, 2003

By: *William J. Johnson*
Village of Lombard
President

Village Clerk

ATTEST:

their successors and assigns.

THIS AGREEMENT shall be binding upon and inure to the benefit of the parties hereto,

3 years subsequent to execution of this Agreement.

the event the contract covering the construction work contemplated herein is not awarded within
THIS AGREEMENT, and the covenants contained herein, shall become null and void in

Obligations of the STATE and the VILLAGES will cease immediately without penalty or
further payment being required if, in any fiscal year, the Illinois General Assembly or Federal
funding source fails to appropriate or otherwise make available funds for this contract.

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Date: 10/23/03

By: *John P. Lawler*
District Engineer

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

(SEAL)

Date: 6/16/03

By: *Steve Stankov*
Mayor
Village of Addison

ATTEST:
Lucille A. Proctor
Village Clerk

WHEREAS, in order to facilitate the improvement Illinois Route 64, State Section: 131LS-3 the Villages of Lombard, Villa Park, and Addison, hereby approves the plans and specifications for the proposed construction.

PLAN APPROVAL

APPROVED July 17, 2003

Village of Lombard

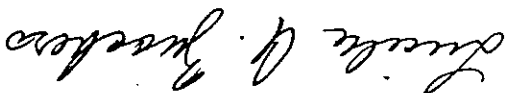
APPROVED 10/13/03

Village of Villa Park

APPROVED 6/16/03

Village of Addison

Lucille A. Zuchero, CMC
Village Clerk
Village of Addison
DuPage County, Illinois



IN WITNESS WHEREOF, I have herunto subscribed my name and
affixed my seal this 17th day of June 2003.

I, Lucille Zuchero, Village Clerk of the Village of Addison, Illinois, DO
HEREBY CERTIFY that as such Village Clerk and keeper of the records, that the
foregoing is a true and correct copy of Resolution No. R-03-31, a Resolution Approving
An Intergovernmental Agreement with IDOT Regarding Village Maintenance of Illinois
Route 64 Landscaping Improvement and Approving the Plans and Specifications for the
Proposed Construction, passed and approved by the Mayor and Board of Trustees of the
Village of Addison at the June 16, 2003 Village Board meeting.

COUNTY OF Du PAGE)

STATE OF ILLINOIS)

Village of Addison



RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT WITH IDOT RE VILLAGE MAINTENANCE OF ILLINOIS ROUTE 64 LANDSCAPING IMPROVEMENT AND APPROVING THE PLANS AND SPECIFICATIONS FOR THE PROPOSED CONSTRUCTION

WHEREAS, the Mayor and Board of Trustees believe and hereby declare that it is in the best interests of the Village and its residents to enter into the Intergovernmental Agreement with the Illinois Department of Transportation (IDOT) for Village Maintenance of Illinois Route 64 Landscaping Improvement attached hereto as Exhibit 1 and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF ADDISON, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The Intergovernmental Agreement attached hereto as Exhibit 1 shall be and is hereby approved, and the Mayor and Village Clerk are hereby authorized and directed to execute said agreement in substantially the form attached hereto.

SECTION TWO: The Plans and Specifications for the proposed landscaping construction shall be and are hereby approved, and the Mayor and Village Clerk are hereby authorized and directed to execute said plan approval in substantially the form attached hereto.

SECTION THREE: All policies and resolutions of the Village which conflict with the provisions of this resolution shall be and are hereby repealed to the extent of such conflict.

SECTION FOUR: This resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 16th day of June, 2003.

AYES: Mayor Hendley, Mayor Taylor, The Board, Secretary & Treasurer

NAYS: None

ABSENT: None

APPROVED THIS 16th day of June, 2003.

Mayor
[Signature]

ATTEST

[Signature]
Village Clerk



I, Barbara A. Johnson, hereby certify that I am the duly qualified Deputy Village Clerk of the Village of Lombard, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a true and correct copy of RESOLUTION R 22-04

A RESOLUTION APPROVING AN

INTERGOVERNMENTAL AGREEMENT WITH

IDOT, ADDISON, LOMBARD AND VILLA PARK,

REGARDING VILLAGE MAINTENANCE OF

ILLINOIS ROUTE 64 LANDSCAPING

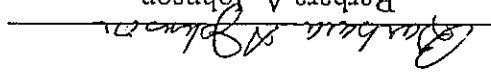
IMPROVEMENT AND APPROVING THE PLANS

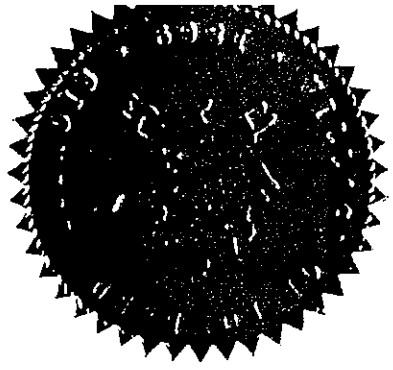
AND SPECIFICATIONS FOR THE PROPOSED

CONSTRUCTION

of the said Village as it appears from the official records of said Village duly passed on July 17, 2003.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said Village of Lombard, DuPage County, Illinois this 23rd day of July, 2003.


Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois



RESOLUTION
R 22-04

A RESOLUTION AUTHORIZING SIGNATURE OF
PRESIDENT AND CLERK ON AN AGREEMENT

WHEREAS, the Corporate Authorities of the Village of Lombard have received an Agreement between the Village of Lombard and the State of Illinois for landscaping along North Avenue, as attached hereto; and

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 17th day of July, 2003.

Ayes: Trustees Destephano, Tross, Koenig, Sebby, Florey, Soderstrom

Nays: None

Absent: None

Approved this 17th day of July, 2003.

William J. Mueller
Village President

ATTEST:

Barbara A. Johnson
Acting Village Clerk

APPROVAL AS TO FORM:

Thomas P. Bayer
Village Attorney