

LEGISTAR: 180033
DISTRICT: 1

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

 X Resolution or Ordinance (Blue) X Waiver of First Requested
 Recommendation of Boards, Commissions & Committees (Green)
 Other Business (Park)

TO: VILLAGE PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott Niehaus, Village Manager
DATE: October 18, 2018 (B of T) **DATE:** November 1, 2018
TITLE: Hill Avenue Jurisdictional Transfer
SUBMITTED BY: Carl S. Goldsmith, Director of Public Works *cg*

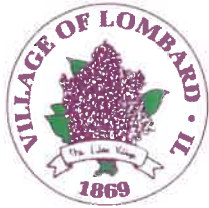
BACKGROUND/POLICY IMPLICATIONS:

A 2010 IGA between the Village of Lombard and the Village of Glen Ellyn provides for the transfer of the roadway to Glen Ellyn on or before January 30, 2018. The Village of Lombard and Village of Glen Ellyn executed the necessary agreements in January 2018; however the Illinois Department of Transportation has requested a change in the limits of the jurisdictional transfer. The attached Ordinance effectuates the transfer with the modified termini.

FISCAL IMPACT/FUNDING SOURCE:

Review (as necessary):
Village Attorney _____ Date _____
Finance Director _____ Date _____
Village Manager _____ Date _____

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.



October 18, 2018

TO: Village President and Board of Trustees

THROUGH: Scott Niehaus, Village Manager

FROM: Carl Goldsmith, Director of Public Works *CG*

SUBJECT: Hill Avenue Jurisdictional Transfer

Background

In October 2010, the Village of Glen Ellyn and the Village of Lombard entered into an intergovernmental agreement that provided funding for the replacement of the Hill Avenue Bridge. The cost of the bridge replacement was estimated at \$2,200,000. The Village of Lombard received Bridge Replacement and Rehabilitation Program (BRRP) funds, which would fund 80% of the project costs. The local match was to be split 50%/50% between Glen Ellyn and Lombard, with a cap of \$300,000 on Glen Ellyn's share.

As part of the IGA, the Village's agreed to amend the existing boundary agreement to place the properties north of Hill Avenue and west of the bridge in Glen Ellyn of the boundary line. The properties have been disconnected from Lombard and are in the process of negotiating annexation agreements. While the Village boundary has been amended and the properties west of the bridge are unincorporated, the roadway and utilities remained with Lombard.

The IGA provided that Lombard would dedicate the Glen Oak Lift Station and all related sanitary sewer utilities at such time as Glen Ellyn extends sanitary sewer the properties currently served by the Glen Oak Lift at such time as the connection is made, but no later than January 30, 2018. Additionally, the IGA provides that the upon the transfer of the Glen Oak Lift Station, Glen Ellyn will accept a jurisdictional transfer of Hill Avenue and all sanitary sewer utilities owned by or under the jurisdiction of Lombard west of the Bridge. The conveyance of the utilities and Glen Oak Lift Station occurred via a bill of sale and are under now owned and maintained by the Village of Glen Ellyn.

Ordinance 7465, which was adopted by the Village Board of Trustees at the January 18, 2018 meeting, sought to transfer the jurisdiction of Hill Avenue west of the west joint of the Hill Avenue Bridge. Glen Ellyn and Lombard adopted companion Ordinances that effectuated the conveyance of the roadway. In accordance with Illinois Statutes and IDOT regulations, the Villages submitted the jurisdictional transfer to the Illinois Department of Transportation on the appropriate Bureau of Local Roads form (BLR 05212). IDOT has requested a modification to the language that defines the area that will be conveyed as part of the jurisdictional transfer. Rather than use the west joint line of the Hill Avenue Bridge, IDOT has required the calculation

to be based upon the closest right-of-way within the corporate limits of Lombard. As such, the Vance Street r-o-w has been used to determine the area subject to the transfer.

The transfer of the roadway was also delayed due to the annexation process in Glen Ellyn. Under State Statutes, Glen Ellyn could not accept the transfer of the roadway until such time as their corporate limits were contiguous to the roadway. With Glen Ellyn annexing properties at 21W180 Hill Avenue and 21W200 Hill Avenue at the October 8, 2018 Village Board of Trustees meeting, the transfer can be perfected.

Recommendation

Staff recommends that the Village Board of Trustees approve AN ORDINANCE APPROVING THE TRANSFER OF JURISDICTION OVER A PORTION OF HILL AVENUE TO THE VILLAGE OF GLEN ELLYN, AND REPEALING ORDINANCE NO. 7465.

ORDINANCE NO. _____

**AN ORDINANCE APPROVING THE TRANSFER OF JURISDICTION
OVER A PORTION OF HILL AVENUE TO THE VILLAGE OF GLEN ELLYN,
AND REPEALING ORDINANCE NO. 7465**

WHEREAS, pursuant to Section 6.B.ii. of “An Intergovernmental Agreement Between the Village of Lombard and the Village of Glen Ellyn in Regard to the Reconstruction of the Hill Avenue Bridge,” dated October 7, 2010, and recorded with the DuPage County Recorder’s Office on October 15, 2010 as document number R2010-140097, (the “IGA”), the Village of Lombard (“Lombard”) is to transfer title to the Glen Oak Lift Station and all related sewer facilities (the “Lift Station and Sewers”) to the Village of Glen Ellyn (“Glen Ellyn”) on or before January 30, 2018; and

WHEREAS, pursuant to Section 6.B.iv. of the IGA, upon transfer of title to the Lift Station and Sewers to Glen Ellyn, Lombard is to transfer jurisdiction over that portion of Hill Avenue, from a point fourteen hundred and sixty (1,460) feet West of Vance Street right-of-way to a point nineteen hundred and seventy-five (1,975) feet West of the West of Vance Street right-of-way, as depicted on Exhibit A attached hereto and made part hereof, (the “Hill Avenue ROW”) to Glen Ellyn, and transfer title to all sanitary sewer utilities located within the Hill Avenue ROW (the “Hill Avenue Sewers”) to Glen Ellyn; and

WHEREAS, the transfer of jurisdiction over the Hill Avenue ROW shall not include the transfer of title to any public water mains located within the Hill Avenue ROW; and

WHEREAS, pursuant to a Bill of Sale approved by the President and Board of Trustees of the Village of Lombard (the “Lombard Village Board”) on January 18, 2018, Lombard has transferred title to the Lift Station and Sewers and Hill Avenue Sewers to Glen Ellyn; and

WHEREAS, based on the foregoing, Lombard now desires to transfer jurisdiction over the Hill Avenue ROW to Glen Ellyn, with said transfer of jurisdiction to be accomplished pursuant to the Local Agency Agreement for Jurisdictional Transfer document attached hereto as Exhibit B and made part hereof (the “JT Agreement”); and

WHEREAS, the Lombard Village Board deems it to be in the best interests of Lombard to approve the transfer of jurisdiction over the Hill Avenue ROW to Glen Ellyn pursuant to the JT Agreement;

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

SECTION 1: That the recitals set forth above are incorporated herein by reference, and made part of this Ordinance.

SECTION 2: That the transfer of jurisdiction over the Hill Avenue ROW, as more particularly described in the JT Agreement, to Glen Ellyn, pursuant to the JT Agreement, is hereby approved.

SECTION 3: That the Lombard Village President is hereby authorized and directed to execute said JT Agreement on behalf of Lombard, and to execute any additional documents in furtherance of said JT Agreement.

SECTION 4: That the Village's Director of Public Works is hereby authorized and directed to attach a certified copy of this Ordinance to the original signature copy of the JT Agreement, and to file said fully executed original signature copy of said JT Agreement with the State of Illinois Department of Transportation.

SECTION 5: That Ordinance No. 7465, adopted on January 18, 2018, is hereby repealed.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Passed on first reading this ____ day of _____, 2018.

First reading waived by action of the Board of Trustees this 18th day of January, 2018.

Passed on second reading this __ day of _____, 2018, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this ____ day of _____, 2018.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Exhibit A

The Hill Avenue ROW

(attached)

Exhibit B

JT Agreement

(attached)



Local Agency Agreement for Jurisdictional Transfer

Local Agency No. 1 (Conveyor)	Local Agency No. 2 (Recipient)
Municipality: Lombard	Municipality: Glen Ellyn
Township/Road District: N/A	Township/Road District: N/A
County: (DuPage)	County: (DuPage)

In accordance with authority granted in Section 4-409 of the Illinois Highway Code, this agreement is made and entered into between the above Local Agency No. 1, hereinafter referred to as "Conveyor" and the above Local Agency No. 2, hereinafter referred to as "Recipient", to transfer the jurisdiction of the designated location from the Conveyor to the Recipient.

Location Description

Name Hill Avenue Route FAU1431 Length 515 feet (0.10 miles)
 Termini From 1460' west of Vance Street to 1975' west of Vance Street
 _____ in its entirety.

This transfer does does not include Structure No. 022-7000

Include for Municipalities Only

WHEREAS, the authority to make changes to the Municipal Street System is granted to the Municipality by Section 7-101 of the Illinois Highway Code.
 NOW THEREFORE IT IS AGREED that the corporate authority of said municipality will pass an ordinance providing for the transfer of the above location and shall attach hereto and make a part thereof a copy of the ordinance, and

Include for Counties Only

WHEREAS, the authority to make changes to the County Highway System is granted to the County by Section 5-105 of the Illinois Highway Code.
 NOW THEREFORE IT IS AGREED that the County Board of said County will pass a resolution providing for the transfer of the above location and shall attach hereto and make a part thereof a copy of the resolution, and

Include for Township/Road Districts Only

WHEREAS, the authority to make changes to the Township Road District System is granted to the Highway Commissioner under Section 6-201.3 of the Illinois Highway Code.

The Conveyor Agrees to prepare a map of the above location and attach a copy of such location map hereto.

IT IS MUTUALLY AGREED, that this jurisdictional transfer will become effective:

upon IDOT approval _____ calendar days after _____

Supplements

Additional information and/or stipulations, if any, are hereby attached and identified below as being a part of this agreement.

Supplement _____
 (Insert supplement numbers or letters and page numbers, if applicable)

IT IS FURTHER AGREED, that the provisions of this agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

APPROVED BY CONVEYOR

Name Keith Giagnorio

Title Village President of Lombard
 Chairman County Board/Mayor/Village President/etc.

Signature _____

APPROVED

STATE OF ILLINOIS
 DEPARTMENT OF TRANSPORTATION By: _____

APPROVED BY RECIPIENT

Name Diane McGinley

Title Village President of Glen Ellyn
 Chairman County Board/Mayor/Village President/etc.

Signature _____

Director of Highways

Date

LOCATION MAP



Illinois Department of Transportation

Jurisdictional Transfer

VILLAGE OF LOMBARD
TO
VILLAGE OF GLEN ELLYN
HILL AVENUE
(FAU 1431)

from 1460' west of Vance St
to 1975' west of Vance St,
in its entirety

DuPage

