

030422

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

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

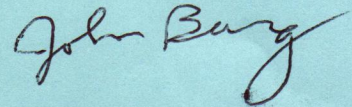
TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: June 30, 2003 (COW) (B of T) Date: July 17, 2003

TITLE: North Avenue Landscape Agreement

SUBMITTED BY: John Burg, Assistant Director of Public Works



BACKGROUND/POLICY IMPLICATIONS:

See attached memo.

Fiscal Impact/Funding Source:

None

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X Leonard J Flood Date 7/9/03  
Village Manager X W.T. Lichter Date 7/9/03

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.





## Memorandum

**To:** William Lichter, Village Manager  
**From:** John Burg, Assistant Director of Public Works  
**Date:** June 30, 2003  
**Subject:** North Avenue Landscape Agreement

A handwritten signature in black ink that reads "John Burg".

The State of Illinois has proposed to pay for and install landscaping beds during the North Avenue project. This is an advantage for the Village because this extensive landscaping would be very costly.

The State has imposed a condition on the Village. The Village must maintain the planting beds in perpetuity at our expense. However, the Village has an out clause. If the Village chooses to abandon landscaping maintenance, the Village can remove the beds and install sod. The State would then take over the mowing responsibilities again.

I recommend approval of the attached resolution that provides for the planting beds along North Avenue. Please place this item on the July 17, 2003 agenda for consideration by the Village Board. If you have any questions, please call me.

**Cc:** Stan Rickard

**RESOLUTION**

**R** \_\_\_\_\_

**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 \_\_\_\_ day of \_\_\_\_\_, 2003.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2003

\_\_\_\_\_  
**William J. Mueller**  
**Village President**

ATTEST:

\_\_\_\_\_  
**Barbara A. Johnson**  
**Acting Village Clerk**

APPROVAL AS TO FORM:

\_\_\_\_\_  
**Thomas P. Bayer**  
**Village Attorney**

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 \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_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

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

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

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

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

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.
2. The STATE agrees to pay, or provide for the payment of construction and engineering costs.
3. The STATE agrees to provide to the VILLAGES, plans and summary of the landscape quantities.
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.
5. The VILLAGES shall exercise their franchise rights to cause private utilities to be relocated at no expense to the STATE.



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.
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.
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.
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.
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.
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.

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 thenceforward 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 VILLAGE of Lombard certifies that 36-6005975 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 VILLAGE of Villa Park certifies that \_\_\_\_\_ is its correct Federal Tax Identification number and it is doing business as a Governmental Entity, whose mailing address is \_\_\_\_\_.

15. The VILLAGE of Addison certifies that 366005763 is its correct Federal Tax Identification number and it is doing business as a Governmental Entity, whose mailing address is One Friendship 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.



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.

THIS AGREEMENT, and the covenants contained herein, shall become null and void in the event the contract covering the construction work contemplated herein is not awarded within 3 years subsequent to execution of this Agreement.

THIS AGREEMENT shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

ATTEST:

Village of Lombard

\_\_\_\_\_  
Village Clerk

By: \_\_\_\_\_

President

(SEAL)

Date: \_\_\_\_\_

ATTEST:

Village of Villa Park

\_\_\_\_\_  
Village Clerk

By: \_\_\_\_\_

President

(SEAL)

Date: \_\_\_\_\_

ATTEST:

Lucille A. Zurek  
Village Clerk

Village of Addison

By: James Anthony  
Mayor

Date: 6/16/03

(SEAL)

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
District Engineer

Date: \_\_\_\_\_

\\DISTINTFS2\DesMgr1\WP\Projsupp\AGMTS\kw030226addisonlombardvillpknorthagr.doc

PLAN APPROVAL

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.

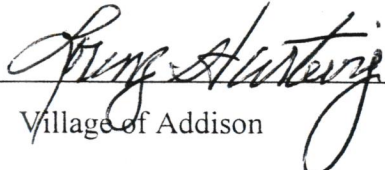
APPROVED \_\_\_\_\_

\_\_\_\_\_  
Village of Lombard

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Village of Villa Park

APPROVED 6/16/03 \_\_\_\_\_

  
\_\_\_\_\_  
Village of Addison





# Village of Addison

STATE OF ILLINOIS )

COUNTY OF Du PAGE )

I, Lucille Zucchero, 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.

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

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

**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 16<sup>th</sup> day of June, 2003.

AYES: Trustees Hundley, Layne, Lynch, Ms. Dermott, Theodore + Kenstra

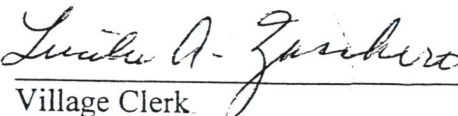
NAYS: None

ABSENT: None

APPROVED THIS 16<sup>th</sup> day of June, 2003.

ATTEST

  
Mayor

  
Village Clerk