

**RESOLUTION
R 93-09**

**A RESOLUTION AUTHORIZING A FOURTH
AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF LOMBARD AND
THE STATE OF ILLINOIS THROUGH THE ILLINOIS DEPARTMENT OF
TRANSPORTATION (ILLINOIS ROUTE 64 RECONSTRUCTION PROJECT)**

WHEREAS, the Village of Lombard (“VILLAGE”), on June 20, 2002 entered into an Intergovernmental Agreement with the State Of Illinois through the Illinois Department of Transportation which was amended on December 5, 2002, September 4, 2004, and May 4, 2006 (the “Amended IGA”); and

WHEREAS, a written amendment to the Amended IGA is required to legally bind the parties; and

WHEREAS, based upon the final cost of the ENHANCED PROJECT (as defined in the Amended IGA), it is necessary to further amend the Amended IGA (the “Fourth Amendment”);

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 Fourth Amendment attached hereto as Exhibit A and made a part hereof is hereby approved, and the Village President and Village Clerk are hereby directed and authorized to execute said Fourth Amendment on behalf of the Village.


Adopted this 16th day of April, 2009, pursuant to a roll call vote as follows:

Ayes: Trustees Gron, Tross, O’Brien, Moreau, Fitzpatrick and Soderstrom

Nays: None

Absent: None

Approved by me this 16th day of April, 2009.


William J. Mueller
Village President

ATTEST:


Brigitte O'Brien
Village Clerk

FOURTH AMENDMENT TO THE AGREEMENT BETWEEN THE VILLAGE OF LOMBARD AND THE STATE OF ILLINOIS THROUGH THE ILLINOIS DEPARTMENT OF TRANSPORTATION (ILLINOIS ROUTE 64 RECONSTRUCTION PROJECT)

THIS FOURTH AMENDMENT (“Fourth Amendment”) made and entered into this 16th day of April, 2009, by and between the **VILLAGE OF LOMBARD** (the “VILLAGE”) and **The STATE OF ILLINOIS**, through the **Illinois Department of Transportation** (the “STATE”).

WHEREAS, on June 20,2002 the VILLAGE and STATE entered into an Intergovernmental Agreement in regard to certain infrastructure improvements relative to the **ILLINOIS ROUTE 64 RECONSTRUCTION PROJECT** (the “Original IGA”); and

WHEREAS, the Original IGA has been amended three (3) times, pursuant to amendments dated December 5, 2002, September 4, 2004 and May 4, 2006 (the Original IGA as amended by said amendments being herein after referred to collectively as the “Amended IGA”); and

WHEREAS, as a result an increase in the quantities used in completing the ILLINOIS ROUTE 64 RECONSTRUCTION PROJECT the VILLAGE and STATE have agreed to increase the dollar amounts set forth in the Amended IGA to reflect actual costs;

NOW, THEREFORE, for and in consideration of the foregoing and the mutual covenants herein contained, it is agreed by and between the VILLAGE and the STATE as follows:

1: The aforementioned recitals are incorporated herin by reference.

2: That Section 4 of the Amended IGA is hereby further amended the construction cost dollar amount to read, “\$29,113,396.24” and the VILLAGE’s share dollar amount to read, “2,379,237.23”.


3: All other terms, covenants and conditions of the Amended IGA , which are not amended or deleted hereby shall remain in full force and effect.

IN WITNESS WHEREOF, the VILLAGE and STATE have caused this Fourth Amendment to be signed by their respective duly authorized officers who have set their hands and seals the day and year set forth above.

VILLAGE OF LOMBARD

By: 
Village President

ATTEST:

By: 
Village Clerk

and Illinois Department of Transportation

By: _____
Title:

ATTEST:

By: _____
Title: