

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

 X Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: July 15, 2016 (BOT) Date: August 18, 2016

SUBJECT: Fourth Amendment to the Intergovernmental Agreement with York Township regarding Route 53 and Madison Street

SUBMITTED BY: Carl S. Goldsmith, Director of Public Works *CJ*

BACKGROUND/POLICY IMPLICATIONS:

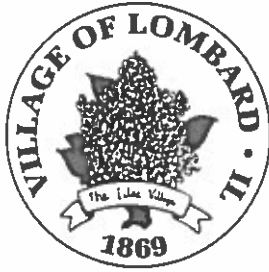
A Resolution authorizing the signature of the President and Clerk on the Fourth Amendment to the Intergovernmental Agreement with York Township regarding Route 53 and Madison Street.

Fiscal Impact/Funding Source:

Review (as necessary):

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.



July 15, 2016

TO: Village President and Board of Trustees

THROUGH: Scott Niehaus, Village Manager

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

SUBJECT: Fourth Amendment to the Intergovernmental Agreement with York Township regarding Route 53 and Madison Street

Background

In June 2010, the Village Board of Trustees approved the execution of an intergovernmental agreement (IGA) with the York Township Highway Commissioner relative to improvements to the intersection of IL Route 53 and Madison Street. The agreement provided for the Village to make improvements to the unincorporated portions of Madison Street as part of the project. The estimated cost of the improvements in the unincorporated segment of the project was \$402,049, which will be paid for by the York Township Highway Commissioner.

In June 2012, the Village and the York Township Highway Commissioner executed the First Amendment to the IGA. The First Amendment to the IGA provided that the Commissioner would pave portions of School Street and 14th Street within Lombard's corporate limits as part of the Township's grind and overlay of the asphalt roadways in the former York Co-op. Under the First Amendment, the York Township Highway Commissioner paved 14th Street from Meyers Road to a point 750 feet west of the western right-of-way line of Westmore and a portion of School Street from Roosevelt Road to 14th Street. These roadways were annexed by the Village of Lombard in 2008 during the construction of the South Booster Station.

The portion of the improvement within the Village's right-of-way was estimated at \$208,935.75. As no funding source for the Village's contribution towards the York Co-op grind & overlay project was available at the time, the Village discussed the possibility of the York Township Highway Commissioner paying the full cost of the York Co-op improvements and have that amount deducted from the York Township Highway Commissioner's contribution towards the Route 53 and Madison Project. The First Amendment was approved by the Village Board on June 21, 2012.

In January 2014 the Village and the York Township Highway Commissioner executed the Second Amendment to the IGA. The Second Amendment sought to reduce the scope of the project due to the elimination of water and sanitary sewer through the unincorporated areas of

the project. This was done as a result of a survey that was conducted of the property owners. As a result of the project revisions, the following changes were made under the Second Amendment:

- Total Project cost was reduced from \$3,577,893 to \$3,314,503.
- The York Township Highway Commissioner's portion of the project costs were reduced from \$402,049 to \$307,497.

In June 2015 the Village and the York Township Highway Commissioner have executed the Third Amendment to the IGA, which provided that the Township resurface 20th Street between Main Street and Highland Avenue. Portions of the roadway are within the corporate limits of Lombard, while other sections are unincorporated territory. The work along 20th Street was estimated at \$90,124.40. Based upon the First, Second and Third Amendments to the IGA, the balance due from the York Township Highway Commissioner to the Village was reduced from \$98,652 to \$8,527.60.

Since the execution of the Third Amendment, the Village has been notified by IDOT that the installation of streetlights along Madison, anticipated as part of the project, would necessitate the Village installing transitional lighting on Route 53 for a length of 1,000' north and south of the intersection. The estimated cost of the required transitional lighting of Route 53 is \$259,000. As a result of the information presented by IDOT, staff is recommending the exclusion of the lighting along Madison Street at this time. The requirement for the transitional lighting is eliminated in the event that IDOT installs lighting through the Route 53 corridor. At this time, IDOT's five year plan does not include this project. The IGA has been modified to require the Village to install lighting, at its sole cost, within 24 months of IDOT completing the Route 53 reconstruction and widening.

The Village Attorney has reviewed the agreement and the York Township Highway Commissioner has executed the agreement. I would request that this matter be placed on the Village Board agenda for the August 18, 2016 meeting. Should you have any questions, please feel free to contact me. I thank you for your time and consideration of this matter.

Recommendation

Staff recommends that the Village Board of Trustees approve the Fourth Amendment to the Intergovernmental Agreement with York Township regarding Route 53 and Madison Street.

RESOLUTION

R ____-16

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

WHEREAS, the Corporate Authorities of the Village of Lombard have received The Forth 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 _____ day of August, 2016.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of August, 2015.

**Keith Giagnorio
Village President**

ATTEST:

**Sharon Kuderna
Village Clerk**

APPROVAL AS TO FORM:

**Thomas P. Bayer
Village Attorney**

**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

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Dated: _____

YORK TOWNSHIP
HIGHWAY COMMISSIONER



Dick Schroeder, Highway Commissioner

Dated: 2/12/16

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 _____ day of _____, 2016.

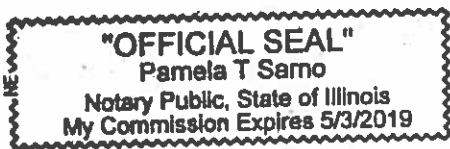
Notary Public

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 18th day of July, 2016.



Pamela T Sarno

Notary Public