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8/15/06
me

To: William T. Lichter, Village Manager

From: Wesley B. Anderson, Director of Public Works

Date: August 14, 2006

Subject: IGA with York Township regarding Luther, Church and Morris Streets and Update for Grace Street

On Friday, July 28th York Township offered Lombard the opportunity to participate in their project that was occurring on Luther, Church, Morris, Addison and Edward Streets, east of Westmore-Meyers Road and north of Roosevelt Road. A short section of Luther just north of Roosevelt Road is Lombard's as well as Church from Roosevelt Road to Morris and Morris from Westmore-Meyers to Church. The project was scheduled to start on July 29th.

The Township has contracted for a grind and overlay, and the construction of a gutter (no curb) to protect the asphalt edge. Their engineer consultant estimates Village costs at:

\$89,721.40 for construction (Attachment A)

\$10,000.00 for resident engineering and material testing

The contractor was scheduled to start working in this area on Thursday, August 3rd, weather permitting. Due to the time constraints, the Trustees were polled by telephone to determine if the Village would participate. All Trustees with the exception of Trustee Florey approved Village participation in the project. Trustee Florey abstained. An Intergovernmental Agreement between Lombard and York Township is required to reimburse York Township for the Village's share of the project.

On Thursday, August 10, 2006, Dick Schroeder stated that he had not identified one area of his grind and overlay project that is in the vicinity of Highland Avenue (bounded by 15th Place to 13th Place) that is also in Lombard. This area is a section of Grace Street that runs from 15th Place north to just north of the entrance into Hidden Valley Condos from Grace Street.

On Friday, August 11th, York Township Engineering Consultant provided an estimate of:

Construction costs \$56,004.65

Resident Engineering costs \$4,000

for the 775 foot section of Grace that is in the Village. This area does not include the narrow road that begins just north of the Condo entrance and goes to the York Township Highway yard. The Resident Engineer stated that based on the speed of the contractor he

needed a decision immediately as the contractor was getting ready to make the turn onto Grace. After consulting with the Village Manager we gave York Township and the Consultant the go-ahead on Friday morning.

This brings the total cost to:

Construction	\$ 145,726
Resident Engineering & materials testing	\$ 14,000

Request that the enclosed Intergovernmental Agreement go before the Board of Trustees as an item for separate action. I recommend that the Board of Trustees approve the Intergovernmental Agreement between Lombard and York Township on the Luther, Church and Morris and Grace Streets project.

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INTERGOVERNMENTAL AGREEMENT

CONSTRUCTION PHASE
LUTHER, MORRIS, CHURCH, and
GRACE STREETS PROJECT

THIS AGREEMENT is entered into this _____ day of _____, 2006, by and between YORK TOWNSHIP (hereinafter referred to as "Township") and the VILLAGE OF LOMBARD (hereinafter referred to as "Lombard"), each acting through its respective Village President and Board of Trustees.

WITNESSETH:

WHEREAS, Article VII, Section 10 of the Illinois Constitution of 1970 and 5 ILCS 220/1 et seq. authorize units of local government to contract or otherwise associate among themselves to obtain or share services, to exercise, combine or transfer any power or function, in any manner not prohibited by law, to use their credit, revenues and other reserves to pay costs and to service debt related to intergovernmental activities; and

WHEREAS, Lombard and the Township each have jurisdiction over a portion of Luther, Morris, Church and Grace Streets; and

WHEREAS, Luther, Morris, Church and Grace Streets are in disrepair and Lombard and Township are desirous of making improvements to Luther, Morris, Church and Grace Streets which includes grinding and overlaying Luther, Morris, and Church Streets in the area north of Roosevelt Road and east of Westmore-Meyers Road, and Grace Street north of 15th Place including installation of gutter as more fully described on Exhibit "A" attached hereto and made part hereof (hereinafter referred to as the "Project"); and

WHEREAS, Township has prepared engineering plans, specifications, and estimates for the Project under the supervision of a registered engineer in the State of Illinois; and

WHEREAS, Lombard and Township agree to share the costs for the improvements as specified in Exhibit B; and

WHEREAS, it is in the best interests of the citizens of the respective Villages to enter into an agreement to make improvements to Luther, Morris, Church and Grace Streets; and

WHEREAS, the parties to this Intergovernmental Agreement desire to set forth their respective rights and duties concerning the costs and expenses for the construction of the Project;

NOW, THEREFORE, in consideration of the foregoing, pursuant to the powers of intergovernmental cooperation and in consideration of the mutual promises hereinafter set forth, it is agreed by and between Lombard and Township as follows:

1. Township will act as the lead agency for award and construction of the street.

2. Township, as lead agency, will prepare sufficient documentation to easily determine the extent of services, improvements, labor and material quantities placed in each Village portion of the PROJECT and all amounts shown in Exhibit "B" will be adjusted according to the actual final quantities.

3. Township will invoice Lombard monthly for its respective share of the costs of the Project on an actual cost progress payment basis. Lombard will remit payment to the Township according to the Local Government Prompt Payment Act; however, it is agreed that payment extensions will be granted due to disputed invoices or other legitimate reasons.

4. Township will take over maintenance duties of Luther, Morris, Church and Grace Streets during the construction phase of the project; that is, Township will be responsible for maintenance, signage, and accessibility to properties and emergency services access. Upon completion of the project and written acceptance of the Project by Lombard, Township shall transfer maintenance duties for Lombard's portion of Luther, Morris, Church and Grace Streets back to Lombard.

5. Township will require all contractors to name Lombard, and its officers, agents and employees as additional insureds on insurance policies, with certificates of insurance to evidence same, plus indemnification from said contractors relative to claims against Lombard as a result of the construction of the Project. Township will require the contractor to meet or exceed minimum levels of insurance, based on either Lombard or Township's requirements, whichever is more stringent.

6. Lombard will provide \$14,000 as its share of the cost for any design work, construction materials testing and resident engineering costs. Township will inspect, at their sole cost, the work that is paid for at 100% Township cost.

7. The categories of costs listed in Exhibit B will be paid for by Lombard. Lombard construction costs are not to exceed \$145,726 without prior coordination with Lombard Department of Public Works.

9. Township will provide sufficient assistance throughout the Project to successfully coordinate utility shut downs, relocations, detours, haul routes, newsletters, and customer relations in Township.

10. Lombard shall complete or cause the completion of the construction of the Project under this Agreement on or before October 31, 2006, *absentforce majeure*;

11. Township will supply one set of reproducible record drawings to Lombard within six months of completion of construction of the Project.

IN WITNESS WHEREOF, the parties set their hands and seals as of the date first written above.

York Township

Lombard

By: _____

By: _____

Highway Commissioner

Village President

ATTEST:

Township Clerk

Village Clerk