

DISTRICTS 1,4 & 5

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: David A. Hulseberg, Village Manager

DATE: November 8, 2010 (COW) (B of T) **Date:** November 18, 2010

TITLE: A Resolution Authorizing Signature of President and Clerk on the First Amendment to the Intergovernmental Agreement Between the County of DuPage and the Village of Lombard for the Construction of a Bicycle-Pedestrian Bridge to Grade Separate CH55 / Great Western Trail from Grace Street, UPRR and St. Charles Road.

SUBMITTED BY: David A. Dratnol, P.E., Village Engineer *DAE*

BACKGROUND/POLICY IMPLICATIONS:

The First Amendment is to extend the expiration date of the Intergovernmental Agreement with DuPage County dated September 13, 2005 for the construction of the Great Western Trail Bridges over Grace Street, UPRR, and St. Charles Road, from December 31, 2010 to December 31, 2014.

FISCAL IMPACT/FUNDING SOURCE:

\$200,000 Grant from DuPage County
HTE Proj: 0603 PW Proj: M-06-03

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ 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.



InterOffice Memo

To: David A. Hulseberg, Village Manager
Through: Carl Goldsmith, Director of Public Works *CJ*
From: David A. Dratnol, P.E., Village Engineer *DAD*
Date: November 9, 2010
Subject: First Amendment to the IGA Between DuPage County and Village of Lombard for the Construction of a Bicycle-Pedestrian Bridge to Grade Separate CH55 / Great Western Trail from Grace St, UPRR and St Charles Rd

Attached are two originals of "The First Amendment to the Intergovernmental Agreement Between the County of DuPage and the Village of Lombard for the Construction of a Bicycle-Pedestrian Bridge to Grade Separate CH55 / Great Western Trail from Grace Street, UPRR and St Charles Road" and a Resolution authorizing the signature of the Village President and Village Clerk on the amendment.

The original agreement dated September 13, 2005, is for a grant from the County to the Village to assist with the Village's costs for engineering on the Great Western Trails Bridges project. The agreement calls for the County to pay to the Village certain sums based on the following schedule: \$50,000 for Phase I Engineering, \$50,000 for Phase II Engineering, and \$100,000 upon award of a construction contract for Phase III Engineering. The IGA was set to expire on December 31, 2010. The Amendment will extend the IGA to December 31, 2014.

Please present the Resolution and the First Amendment to the IGA document to the Village Board at their regularly scheduled meeting on November 18, 2010. If approved, please return the two executed originals to Public Works. We will then forward the originals to the County for their execution. After County approval, one original will be returned to the Village.

cc: File: M-06-03

RESOLUTION

R _____ 10

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

WHEREAS, the Corporate Authorities of the Village of Lombard have received the First Amendment to the Intergovernmental Agreement Between the County of DuPage and the Village of Lombard for the Construction of a Bicycle-Pedestrian Bridge to Grade Separate CH55 / Great Western Trail from Grace Street, UPRR and St. Charles Road, as attached hereto and marked Exhibit "1"; and

WHEREAS, the Corporate Authorities deem it to be in the best interest of the Village of Lombard to approve such amendment to the 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 amendment to the agreement as attached hereto.

SECTION 2: That the Village Clerk be and hereby is authorized to attest said agreement as attached hereto.

Adopted this 18th day of November, 2010.

Ayes: _____

Nays: _____

Absent: _____

Approved this 18th day of November, 2010.

William J. Mueller
Village President

ATTEST:

Bridgitte O'Brien
Village Clerk

FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN THE COUNTY OF DU PAGE
AND THE VILLAGE OF LOMBARD
FOR THE CONSTRUCTION OF A BICYCLE-PEDESTRIAN BRIDGE
TO GRADE SEPARATE
CH 55/GREAT WESTERN TRAIL FROM GRACE STREET,
UPRR AND ST. CHARLES ROAD
SECTION 05-00275-00-BT
(COUNTY COST NOT TO EXCEED \$200,000)

THIS FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DU PAGE AND THE VILLAGE OF LOMBARD FOR THE CONSTRUCTION OF A BICYCLE-PEDESTRIAN BRIDGE TO GRADE SEPARATE CH 55/GREAT WESTERN TRAIL FROM GRACE STREET, UPRR AND ST. CHARLES ROAD, SECTION 05-00275-00-BT, dated September 13, 2005 (hereinafter referred to as the "FIRST AMENDMENT"), is entered into this _____ day of _____, 201__, between the County of DuPage (hereinafter referred to as the "COUNTY"), a body corporate and politic, with offices at 421 N. County Farm Road, Wheaton, Illinois, and the Village of Lombard (hereinafter referred to as "VILLAGE"), a municipal corporation with offices at 255 E. Wilson, Lombard, Illinois. The COUNTY and the VILLAGE are sometimes hereinafter individually referred to as a "party" or together as the "parties."

RECITALS

WHEREAS, the COUNTY and the VILLAGE entered into an Intergovernmental Agreement Between the County of DuPage and the Village of Lombard for the Construction of a Bicycle-Pedestrian Bridge to Grade Separate CH 55/Great Western Trail from Grace Street, UPRR and St. Charles Road, Section 05-00275-00-BT, dated September 13, 2005, (hereinafter referred to as the "AGREEMENT"); and

WHEREAS, the parties previously agreed that the AGREEMENT would be in effect through December 31, 2010; and

WHEREAS, the VILLAGE has encountered delays and has requested that the parties extend the term of the AGREEMENT; and

WHEREAS, the COUNTY is willing to extend the term of the AGREEMENT.

NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein, the parties agree that:

1.0 RECITALS INCORPORATED

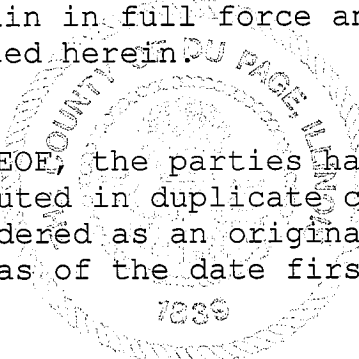
1.1. The foregoing recitals are incorporated herein by reference as though fully set forth.

2.0 AMENDMENT

2.1. That the term of the AGREEMENT shall be amended to extend through December 31, 2014.

2.2. It is mutually agreed by and between the parties hereto that all covenants contained in the AGREEMENT which are not in conflict with this FIRST AMENDMENT shall remain in full force and effect and are incorporated herein.

IN WITNESS WHEREOF, the parties have caused this FIRST AMENDMENT to be executed in duplicate counterparts, each of which shall be considered as an original by their duly authorized officers as of the date first above written.



COUNTY OF DU PAGE

VILLAGE OF LOMBARD

Robert J. Schillerstrom, Chairman
DuPage County Board

William J. Mueller, President

ATTEST:

ATTEST:

Gary A. King
County Clerk

Brigitte O'Brien
Village Clerk