

Final Version of Lincoln Avenue Intergovernmental Agreement

Agenda Item XIII.A.1

Highway & Transportation

AN INTERGOVERNMENTAL AGREEMENT
FOR THE DESIGN, LAND ACQUISITION AND CONSTRUCTION OF LINCOLN AVENUE
BETWEEN THE CITY OF URBANA AND
THE COUNTY OF CHAMPAIGN

THIS INTERGOVERNMENTAL AGREEMENT is entered into by and between the City of Urbana, a municipal corporation (“Urbana”); and the County of Champaign, Illinois (“County”) (“Parties”).

WHEREAS, Article VII, Section 10 of the 1970 Constitution of the State of Illinois authorizes Urbana and the County to contract to perform and share services in any manner not prohibited by law; and

WHEREAS, 65 ILCS 5/11-91.2-1 and 605 ILCS 5/5-102, 5-105, 5-408, 5-410, 5-410.1, 7-101 and 9-101 all provide the statutory authority for Urbana and the County to enter into this cooperative agreement with respect to the jurisdiction and maintenance of roads and streets; and

WHEREAS, the responsibility to provide for a highway system rests with Urbana, the County, and the State; and

WHEREAS, Urbana and the County desire to perform this function as efficiently and effectively as possible thereby reducing costs to local taxpayers; and

WHEREAS, Lincoln Avenue between Saline Court and Olympian Drive will provide a necessary major north-south transportation link between I74 and Olympian Drive; and

WHEREAS, Urbana and the County find it to be in the best interest of the public to design and construct the section of Lincoln Avenue from Saline Court to Olympian Drive along the “purple” corridor as shown on “Exhibit A” of this Agreement and approved by Resolution #7680 of the Champaign County Board on March 17, 2011; and

WHEREAS, CUUATS has programmed \$1,400,000 in Surface Transportation Program Urban (STPU) through the Transportation Improvement Program (TIP) for this section of Lincoln Avenue which is to be used for phase 1 engineering design fees and construction; and

WHEREAS, the total estimated cost for the Lincoln Avenue project is \$3,600,000 of which \$2,200,000 must be generated from sources other than STPU Funds.

NOW, THEREFORE, Urbana and the County, in consideration of the mutual promises and covenants herein, agree as follows:

Paragraph 1. Definitions

- (a) "Jurisdiction" means the authority and responsibility to administer, control, construct, maintain and operate all elements of the area within the right-of-way of a highway. Permanent and temporary construction easements are included in ROW.
- (b) "Maintenance" means the performance of all activities necessary to keep a highway in serviceable condition for vehicular traffic.
- (c) "Right-of-way" or "ROW" means the land or interest therein acquired for or devoted to a highway. Permanent easements and temporary construction easements are included in ROW.
- (d) "Highway" means any public way for vehicular travel, which has been laid out in pursuance of any law of this State. The term "highway" includes rights-of-way, curbs, sidewalks, bikeways, sidepaths, bridges, drainage structures, channels and detention basins, signs, traffic signals, guards rails, protective structures and all other structures and appurtenances necessary or convenient for vehicular, bicycle, or pedestrian traffic. The term "highway" also includes any context sensitive design measures necessary for the said project which may include trees, noise barriers, earth berms, etc.
- (e) "Direct expenses" include costs for appraisers, ROW agents, attorneys, and other direct expenses necessary for the completion of the project.

- (f) "Engineer" is a Professional Engineer appointed by the lead agency for a project. The duties of the Engineer are described in the IDOT Design Manual.
- (g) "Change Order" is an alteration of the contract work from that awarded under the competitive bidding process which is reviewed and supported by the IDOT Regional Engineer.

Paragraph 2. Projects

"Project X" is defined as all work required to complete Lincoln Avenue from Saline Court to Olympian Drive.

Paragraph 3. Lead Agency

Urbana shall be the lead agency for Project X.

Paragraph 4. Engineering and Other Services

- (a) Consulting Engineer. The parties intend to negotiate a contract with Hanson Professional Services Inc. (Engineer) to complete the location study update and project design report for Project X and prepare plans, specifications, and estimates (PS&E) for Project X. Urbana is the lead agency that will contract with the Engineer for Project X. Prior to entering into such contracts, Urbana shall obtain prior written approval from the County Engineer for the scope of the work to be performed by the Engineer and the terms of the contract for Project X. The lead agency shall also obtain written authorization from the County Engineer should the lead agency determine that it is necessary for any reason to increase the cost of the contracts, provided the increases do not exceed the total approved project budget.
- (b) Other Professional Services. The lead agency shall select and negotiate with other professionals or for other professional services as necessary for the completion of the

projects, including, but not limited to, title companies, real estate appraisals, right-of-way agents, soils and material testing services and other professional services associated with administering, managing, applying for grants, engineering and acquiring rights-of-way for the projects. Prior to entering into any contract for necessary professional services, the lead agency shall provide a good faith estimate of the cost and a description of such services to the County Engineer and obtain written approval before contracting with any of said professionals. The lead agency shall also obtain written authorization from the County Engineer should the lead agency determine that it is necessary for any reason to increase the cost of the contracts for any of said professionals, provided the increases do not exceed the total approved project budget.

Paragraph 5: Right of Way Acquisition

The City of Urbana shall be the lead agency for any necessary right of way acquisition and shall use the powers given in Paragraph 4(b) to hire professionals to perform legal work in reference to such right of way acquisition. The County Engineer shall be the lead negotiator during right of way acquisition. Since the relevant property to be acquired lies outside the corporate boundaries of Urbana, the County shall pass legally sufficient resolutions for acquisition of property needed for right of way by eminent domain if needed.

Paragraph 6: Construction

During construction Urbana shall provide the lead Resident Engineer to oversee the project and the County shall provide a maximum of 2 engineers on the job to perform construction inspection duties. Costs incurred by either Champaign County or Urbana to oversee construction shall not be included as part of the local cost share.

Paragraph 7: Jurisdiction

- (a) Upon completion of the project Urbana shall assume jurisdiction and maintenance of the re-aligned Lincoln Avenue.
- (b) As provided by statute, the City and the County shall exercise reasonable efforts to submit such documentation to the Illinois Department of Transportation so as to secure approval by IDOT of the transfer of the re-aligned Lincoln Avenue. Such submissions shall be in accordance with IDOT's jurisdictional transfer guidelines.
- (c) Until the roadway is annexed to the City, the jurisdictional transfer shall not affect a transfer of the provision of police and fire services for this highway.

Paragraph 8. Timing

Urbana and the County agree to take all necessary steps to implement the project and perform those activities set forth in this Agreement. It is the intent of the parties to complete Phase 1 engineering work in 2012, acquire the land by December 2013, and complete Phase 2 engineering work in 2014. Construction is intended to begin in 2015.

Paragraph 9. Maps

Attached hereto as Exhibit A is a map of the “purple” alignment, approved by Resolution #7680 of the Champaign County Board on March 17, 2011, which the parties agree is the alignment of the section of highway subject to the provisions of this Agreement.

Paragraph 10. Funding

The parties agree that the total estimated cost for this project is \$3,600,000 of which \$1,400,000 shall be funded with STPU Funds through CUUATS. The \$2,200,000 balance of funds needed to meet the estimated cost shall be divided equally between Urbana and the County. Therefore, projected local funding expenditures are currently set at \$1,100,000 for Urbana and the County

individually. Any decrease in local costs for the project shall be divided equally between Urbana and the County. Any need for additional funding from Urbana and the County will require an amendment to this Agreement.

Paragraph 11. Other Moneys or Grants

Any other grant or reimbursement funds for design, land acquisition, or construction, including, but not limited to, funds received for the project from the Illinois Department of Transportation, state or federal government, developers, or other parties or agencies, will be used to lower the project cost shares of the parties to this Agreement.

Paragraph 12. Invoices.

A local agency agreement with the lead agency and IDOT is required for this project. All local costs for professional services, right of way acquisition and construction shall initially be paid by Urbana. Urbana shall invoice the County for their share of the local costs. The County shall pay invoices which comply with this agreement within 60 days.

Paragraph 13. Effective Date of Agreement

The Agreement shall be effective, as between Urbana and the County, when approved by all of the parties hereto, on the date approved by the last party to approve it.

Paragraph 14. Termination

If the Engineer has not commenced performing their professional services by January 1, 2012, any party may declare its intent to withdraw from this agreement within ninety (90) days by submitting written notice. Upon receipt of such written notice and prior to the expiration of ninety (90) days, the parties shall meet to identify and, to the best of their ability, resolve the cause for delay or develop a plan for resolution to allow the project to continue. If the cause for delay is within the control of the parties and is not resolved or a plan for resolution is not

accepted by all parties within ninety (90) days of the written notice of intent to withdraw from this agreement, all benefits and obligations contained herein shall be null and void as to the declaring party after the ninety (90) days has elapsed.

Paragraph 15. Amendment

No amendment to this Agreement shall be effective unless it is in writing and signed by the parties hereto.

Paragraph 16. Notices

Notice with respect to any matter contained herein shall be sent first class and mailed to:

URBANA:
Mayor
City of Urbana
400 S. Vine St.
Urbana, IL 61801

COUNTY:
County Board Chair
County of Champaign
1776 E. Washington
Urbana, IL 61802

City Engineer
City of Urbana
706 S. Glover Ave.
Urbana, IL 61802

County Engineer
County of Champaign
1605 E. Main St.
Urbana, IL 61802

IN WITNESS WHEREOF, the parties have executed this Agreement.

CITY OF URBANA

COUNTY OF CHAMPAIGN

By: _____
Mayor

By: _____
Chair

Date: _____

Date: _____

Attest: _____
City Clerk

Attest: _____
County Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
City Attorney

By: _____
Its Attorney

City Council Approval Date

County Board Approval Date

RESOLUTION NO. 7751

RESOLUTION REFUSING TO ISSUE AUTHORIZATION TO AMERICA'S PARKING REMARKING, INC. TO BID ON THE ANNUAL PAVEMENT STRIPING PLAN FOR 2011

WHEREAS, the Champaign County Board is responsible for the care and maintenance of the county road system; and

WHEREAS, the Champaign County Board has performed its duty to maintain county roads in part through an annual contract for the pavement striping of county roads and will do so again for the year 2011; and

WHEREAS, Motor Fuel Tax funds will be the sole source of funding for the annual pavement striping contract; and

WHEREAS, Illinois Department of Transportation guidelines authorize the Champaign County Board to refuse, through resolution duly enacted, to issue authorization to bid to a prospective bidder for project that is financed through Motor Fuels Tax, including but not limited to, default under previous contracts, and unsatisfactory performance record as shown by past work for Champaign County; and

WHEREAS, America's Parking Remarketing, Inc. erred in its bid check for the 2009 bid for the annual pavement striping contract, which error required the Champaign County Board to award the contract to the second lowest bidder; and

WHEREAS, America's Parking Remarketing, Inc. was awarded the annual pavement striping contract for 2010 but America's Parking Remarketing, Inc. was unable to perform the work agreed under the contract, which inability required the Champaign County Board to then award the contract to the second lowest bidder.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Champaign County that the Champaign County Board hereby refuses to issue authorization to America's Parking Remarketing, Inc. for the contract for striping county roads in 2011.

PRESENTED, PASSED, APPROVED, AND RECORDED this 19th day of May, A.D. 2011.

ATTEST:

C. Pius Weibel, Chair
Champaign County Board

Gordy Hulthen, County Clerk and
Ex-officio Clerk of the County Board

Ordinance No. 885 – Agenda Item XIII.C.1 –
Revised

Ordinance 886 – Map

Policy, Personnel, & Appointments

ORDINANCE NO. 885

ORDINANCE ESTABLISHING THE CHAMPAIGN COUNTY 2011 APPORTIONMENT PLAN

WHEREAS, The Champaign County Board recognizes that Champaign County has a population of less than 3,000,000 inhabitants and operates under the township form of government, and is thereby required pursuant to 55 ILCS 5/2-3002 to adopt an apportionment plan every ten years designating the following: the size of the county board to be elected the number of county board districts and whether board members shall be elected from single-member districts, multi-member districts, or at-large; the process by which the county board chair shall be selected; and the form of compensation to be paid to board members; and

WHEREAS, The Champaign County Board has determined, pursuant to 55 ILCS 5/2-3002(a) that the 2011 apportionment plan for Champaign County directs the size of the county board to be elected in 2012 shall be 22 members; and

WHEREAS, The Champaign County Board has determined pursuant to 55 ILCS 5/2-3002(a) that the 2011 apportionment plan for Champaign County directs that county board members in 2012 shall be elected by 11 county board districts with 2 members elected from each district; and

WHEREAS, The Champaign County Board has determined pursuant to 55 ILCS 5/2-3007 that in 2012 the chairman of the county board shall continue to be elected by the members of the county board from its membership; and

WHEREAS, The Champaign County Board has determined pursuant to 55 ILCS 5/2-3008 that the 2011 apportionment plan directs that county board members shall continue to be compensated on a per diem basis, said per diem to be set at \$80 for meetings of the County Board, Committee of the Whole, Standing Committees, and County Board Study Sessions; and said per diem to be set at \$45 for all special meetings, to include special committees, sub-committees, labor negotiation sessions, agenda preparation meetings for chairs and vice-chairs; and any other special meetings designated by the County Board;

WHEREAS, the Champaign County Board has determined pursuant to 55 ILCS 5/2-3008 that the County Board Chair shall receive an annual salary in the amount of \$29,274 in addition to any per diem payment to which he/she may be entitled as a member of the County Board; and

WHEREAS, The Champaign County Board reapportionment plan map determining eleven county board districts in compliance with the requirements of 55 ILCS 5/2-3003 is adopted, approved and recorded in Ordinance No. 886;

NOW, THEREFORE, BE IT ORDAINED by the County Board of Champaign County that the 2011 Apportionment Plan is adopted as follows:

Section 1: That the County Board to be elected under this apportionment plan consist of 22 members which number does not exceed the size of the County Board on October 2, 1969; and

Section 2: That Champaign County be divided into 11 county board districts to be numbered from 1 through 11, and that there be 2 county board members elected from each district; and

Section 3: That the county board chair shall continue to be elected by the members of the county board from its membership; and

Section 4: That the Champaign County Board Members shall continue to be compensated on a per diem basis, the per diems to be established as follows: per diem of \$80 for meetings of the County Board, Committee of the Whole, Standing Committees, and County Board Study Sessions; and per diem of \$45 for all special meetings, to include special committees, sub-committees, labor negotiation sessions, agenda preparation meetings for chairs and vice-chairs; and any other special meetings designated by the County Board ; and

Section 5: That the County Board Chair shall receive an annual salary in the amount of \$29,274 in addition to any per diem payment to which he/she may be entitled as a member of the County Board; and

Section 6: The Champaign County Board reapportionment plan map determining eleven county board districts in compliance with the requirements of 55 ILCS 5/2-3003 is adopted, approved and recorded in Ordinance No. 886;

BE IT FURTHER ORDAINED by the Champaign County Board that the County Clerk, as ex officio clerk of the County Board, is hereby directed to file the original copy of this Ordinance as the 2011 Reapportionment Plan for Champaign County, at the office of the County Clerk, pursuant to 55 ILCS 5/2-3005, on or before May 20, 2011; and

BE IT FURTHER ORDAINED by the Champaign County Board that the County Clerk is hereby requested to forward a certified copy of the reapportionment plan, being this Ordinance, to the Chair of the Board and to make copies of these materials available for distribution free of charge to any registered voter of Champaign County requesting a copy, pursuant to 55 ILCS 5/2-3005.

PRESENTED, PASSED, APPROVED, AND RECORDED this 19th day of May, A.D. 2011.

ATTEST:

C. Pius Weibel, Chair
Champaign County Board

Gordy Hulten, County Clerk and
Ex-officio Clerk of the County Board

ORDINANCE NO. 886

ORDINANCE ESTABLISHING THE CHAMPAIGN COUNTY 2011 APPORTIONMENT PLAN MAP

WHEREAS, The Champaign County Board recognizes that Champaign County has a population of less than 3,000,000 inhabitants and operates under the township form of government, and is thereby required pursuant to 55 ILCS 5/2-3002 to adopt an apportionment plan every ten years designating the following: the size of the county board to be elected the number of county board districts and whether board members shall be elected from single-member districts, multi-member districts, or at-large; the process by which the county board chair shall be selected; and the form of compensation to be paid to board members; and

WHEREAS, The Champaign County Board has adopted, approved and recorded all matters relating to the 2011 Apportionment Plan, with the exception of the documentation of the Apportionment Plan Map, in Ordinance No. 885; and

WHEREAS, The Champaign County Board, through its Redistricting Commission established by County Board Resolution No. 7307, has conducted public hearings on January 12, 2011; March 16, 2011; March 30, 2011; April 6, 2011; and May 16, 2011 regarding the development of the 2011 apportionment plan map; and

WHEREAS, The Champaign County Board has conducted public hearings on April 26, 2011 and May 19, 2011 regarding the development of the 2011 apportionment plan map; and

WHEREAS, the Champaign County Redistricting Commission forwarded three maps to the County Board on May 17, 2011, said maps titled IF Revision I; 3D Revision I; and NAACP Plan B, all of which maps are compliant with the requirements of 55 ILCS 5/2-3003; and

WHEREAS, the Champaign County Board has reviewed the maps submitted by the Champaign County Redistricting Commission, and has selected Map Plan _____, as the apportionment plan map to be adopted in 2011;

NOW, THEREFORE, BE IT ORDAINED by the County Board of Champaign County that the 2011 Apportionment Plan Map as documented in Appendix A of this Ordinance and identified as the Champaign County Redistricting Commission Map Plan _____, is compliant with the requirements set forth in 55 ILCS 5/2-3003, and is approved as the 2011 Apportionment Plan Map for Champaign County; and

BE IT FURTHER ORDAINED by the County Board of Champaign County that all other matters relevant to the Champaign County 2011 Apportionment Plan are documented in Champaign County Ordinance No. 885.

PRESENTED, PASSED, APPROVED, AND RECORDED this 19th day of May, A.D.
2011.

ATTEST:

C. Pius Weibel, Chair
Champaign County Board

Gordy Hulten, County Clerk and
Ex-officio Clerk of the County Board