

VILLAGE OF DOWNERS GROVE
Report for the Village
6/18/2019

SUBJECT:	SUBMITTED BY:
Intergovernmental Agreement with the City of Darien, Williams Street Resurfacing	Nan Newlon Director of Public Works

SYNOPSIS

Approval of a resolution is requested to approve an Intergovernmental Agreement with the City of Darien for the completion of street maintenance improvements on Williams Street.

STRATEGIC PLAN ALIGNMENT

The goals for 2017-2019 includes *Top Quality Infrastructure*.

FISCAL IMPACT

The Village of Downers Grove will be reimbursed 100% of the total costs related to the work completed within the jurisdiction of the City of Darien.

RECOMMENDATION

Approval on the June 18, 2019 Consent Agenda.

BACKGROUND

Williams Street is located on the east side of the Knottingham Subdivision, south of 75th Street. The Village's 2019 street maintenance contract includes resurfacing this section of street. Of the approximately 2000 foot street length, about a third is located within the jurisdiction of the City of Darien, and because the boundary is intermittent along this section it would be more efficient and less disruptive to residents and motorists if the work was done under one contract. To accomplish this, Village staff negotiated an intergovernmental agreement with the City of Darien wherein the Village will contract for and oversee the work and the City of Darien will reimburse the Village for their proportional cost. Upon completion of the work, the City of Darien will continue to be responsible for the maintenance and repair of the street section located within the City of Darien.

ATTACHMENTS

Resolution
Intergovernmental Agreement

RESOLUTION NO. _____**A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE CITY OF DARIEN FOR A STREET MAINTENANCE PROJECT**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a certain Intergovernmental Agreement (the "Agreement"), between the Village of Downers Grove ("Downers Grove") and the City of Darien ("Darien") regarding the street maintenance project on Williams Street, between Plainfield Road and 75th Street, as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Mayor and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. The Agreement supersedes and replaces the NIPAS Agreement, dated February 21, 2012, all ordinances and resolutions or parts of ordinances and resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____

Village Clerk

RESOLUTION NO. R-73-19

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE VILLAGE OF DOWNERS GROVE REGARDING STREET MAINTENANCE PROJECT ON WILLIAMS STREET, BETWEEN PLAINFIELD ROAD AND 75TH STREET, WITHIN THE CORPORATE LIMITS OF THE CITY OF DARIEN.

WHEREAS, under the Constitution and Statues of the State of Illinois, a municipality is authorized to participate in intergovernmental cooperation; and

WHEREAS, an Intergovernmental Agreement has been prepared between the City of Darien and Village of Downers Grove regarding street maintenance project on Williams Street, between Plainfield Road and 75th Street, within the corporate limits of the City of Darien, a copy of which is attached hereto as "Exhibit A," and is incorporated herein; and

WHEREAS, The Corporate Authorities, for record keeping, desire to authorize the execution of the Intergovernmental Agreement by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DUPAGE COUNTY, as follows:

SECTION 1: That the Mayor is hereby authorized to execute an Intergovernmental Agreement for the street maintenance project on Williams Street, between Plainfield Road and 75th Street within the corporate limits of the City of Darien.

The obligations of the City of Darien shall be limited to those specifically stated within the terms of the Intergovernmental Agreement.

SECTION 2: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

RESOLUTION NO. R-73-19

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS, this 3rd day of June, 2019.

AYES: 6 - Belczak, Gustafson, Kenny, Schauer, Sullivan, Vaughan

NAYS: 0 - NONE

ABSENT: 1 - Chlystek

APPROVED BY THE MAYOR FOR THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS, this 3rd day of June, 2019.

Joseph A. Marchese

JOSEPH A. MARCHESE, MAYOR

ATTEST:
Joanne E. Ragona

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:
John B. Murphy, Esq.

CITY ATTORNEY



Exhibit A

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT, is made and entered into this 3rd day of June, 2019, by and between the Village of Downers Grove, an Illinois Municipal Corporation (hereinafter referred to as “Downers Grove”) and the City of Darien, an Illinois Municipal Corporation, (hereinafter referred to as “Darien”).

WHEREAS, Article VII, Section 10 of the 1970 Constitution of the State of Illinois and the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) provide that units of local government may contract with one another to perform any activity authorized by law; and

WHEREAS, Downers Grove and Darien are “units of local government” as defined by Article VII, Section 1, of the Constitution of the State of Illinois and are authorized to contract and agree with one another on matters of mutual concern; and

WHEREAS, in 1972 Downers Grove annexed the majority of a residential development commonly referred to as the “Knottingham Subdivision”, which is depicted on Exhibit A (hereinafter referred to as the “Knottingham Subdivision”); and

WHEREAS, portions of the Knottingham Subdivision are still located within the corporate boundaries of Darien (hereinafter referred to as “Darien Knottingham Areas”); and

WHEREAS, Downers Grove periodically performs maintenance (patching, resurfacing, crack sealing, etc.) and reconstruction of its roadways and other paved public improvements; and

WHEREAS, Darien and Downers Grove desire to cooperate in an effort to coordinate the timing of their maintenance and reconstruction activities in order to create

efficiencies and reduce costs; and

WHEREAS, Downers Grove intends to resurface Williams Street, which is located in both municipalities, from 75th Street to Plainfield Road, including sidewalk and curb & gutter removal and replacement (hereinafter referred to as the “Resurfacing Project”); and

NOW, THEREFORE, in consideration of the mutual covenants, conditions, and agreements herein set forth, the parties hereto agree as follows:

1. The above recitals are hereby incorporated into this Agreement as if fully set forth in this paragraph 1.
2. For this Resurfacing Project, Downers Grove shall be responsible for the public advertisement for call for bids, the selection of contractor(s) and awarding of construction contracts in compliance with the applicable procurement requirements, and managing the contracts.
3. Downers Grove shall require all contractors to name Darien, its agents, officers and employees as additional insureds on all insurance policies, except the worker’s compensation policy and any professional liability policy.
4. Downers Grove agrees to administer the Resurfacing Project in the best interest of both parties to consult with, and keep advised, officials of Darien regarding the progress of the work. Darien defers to Downers Grove’s judgment and decisions with respect to ADA requirements relating to the Resurfacing Project. Notwithstanding, Darien shall have a representative on-site during the construction phase for improvements within its right-of-way. Downers Grove shall not execute any change orders relating to Darien’s portion of the project without Darien’s prior written consent. Darien shall be responsible for any costs and/or fees due to any delay caused by Darien.

5. Darien grants to Downers Grove, its agents and contractors the right to enter upon, on, over, across, under, in and through Darien's rights-of-way located within the Williams Street right-of-way for the purposes of resurfacing Williams Street and to perform all work associated therewith. Darien waives the requirement for obtaining a permit and any fees associated therewith. Darien agrees that it shall not have the ability or authority to stop any work performed by Downers Grove, its agents or contractors within Darien's rights-of-way or jurisdiction in relation to the Resurfacing Project. The parties agree to cooperate with one another and use their best efforts to insure the timely and successful completion of the Resurfacing Project.

6. Darien shall reimburse Downers Grove for Darien's portion of any work, including, but not limited to surveying, geotechnical investigations, design, material testing, and construction, one hundred percent (100%) of the total costs for work related to its improvements within thirty (30) days of receipt of an invoice. Downers Grove shall provide copies of the pay applications to Darien for Darien's approval prior to making any payments to the contractor; such approval shall not be unreasonably withheld by Darien.

7. Upon completion of the Resurfacing Project, Darien shall continue to be responsible for maintenance, upkeep and repairs for the portion of Williams Street located within the Darien Knottingham Area.

8. This Agreement represents the entire agreement between the parties. This Agreement shall only be amended by a written instrument approved and signed by all parties hereto. Such amendment shall take effect immediately upon its execution. This Agreement shall be binding upon any successors or assigns to either Party to this Agreement.

9. This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Illinois. The forum for any legal disputes between Downers Grove and Darien shall be DuPage County, Illinois.

10. Any statement or writing to be presented to a Party hereunder shall be so presented by personal delivery or by deposit in the United States mail, with postage properly prepaid, and properly addressed to the offices of the other Party, and shall be deemed presented on date of postmark.

11. If any section, paragraph, clause or provision of this Agreement shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Agreement.

IN WITNESS WHEREOF, the Parties, pursuant to proper and necessary authorization have executed this Agreement on the date first written above.

CITY OF DARIEN

VILLAGE OF DOWNERS GROVE

Joseph A. Marchese

Mayor

Mayor

ATTEST:

ATTEST:

Anna C. Regina

City Clerk

Village Clerk



EXHIBIT A



