

VILLAGE OF DOWNERS GROVE
Report for the Village
6/7/2022

SUBJECT:	SUBMITTED BY:
IGA with York Township for Roadway Paving	Andy Sikich Public Works Director

SYNOPSIS

A resolution has been prepared to approve an Intergovernmental Agreement (IGA) between the Village and York Township for the paving of portions of 36th Street, Sterling Road, Glendenning Road, and Douglas Road.

STRATEGIC PLAN ALIGNMENT

The goals for 2021 – 2023 include *Steward of Financial, Environmental and Neighborhood Sustainability* and *Exceptional Municipal Services*.

FISCAL IMPACT

This item was not specifically included in the FY22 budget, but funding is available in the Capital Projects Fund and Stormwater Fund due to cost savings on other projects.

RECOMMENDATION

Approval on the June 7, 2022 consent agenda.

BACKGROUND

The McIntosh Subdivision is primarily located within and under the jurisdiction of York Township, north of 39th Street and west of Fairview Ave. In 2021, York Township began repaving the streets within this subdivision. York Township approached the Village about including portions of these streets that are under the Village's jurisdiction, but are part of this subdivision, as part of their overall project. The attached map indicates the portions of 36th Street, Sterling Road, Glendenning Road, and Douglas Road that are under Village jurisdiction, but are part of the McIntosh Subdivision.

The Township has designed and bid the project in its entirety, including the portions of the roadway under both Township and Village jurisdiction. The Village's portion of the overall construction and engineering cost is \$196,773.14. This project is being contracted and administered by the Township, and the Village will reimburse them for the work done within the Village's right-of-way. This work will include an asphalt overlay, concrete gutter, and minor drainage improvements.

ATTACHMENTS

Resolution

Agreement
Map

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING EXECUTION OF AN
INTERGOVERNMENTAL AGREEMENT BETWEEN
THE VILLAGE OF DOWNERS GROVE AND YORK TOWNSHIP
FOR STREET PAVING ON 36TH STREET,
STERLING ROAD, GLENDENNING ROAD AND DOUGLAS ROAD**

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 York Township (the "Township"), to consolidate services for street paving on 36th Street, Sterling Road, Glendenning Road and Douglas Road, 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. That all resolutions or parts of 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

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE
VILLAGE OF DOWNERS GROVE AND YORK TOWNSHIP FOR
STREET PAVING ON 36TH STREET, STERLING ROAD, GLENDENNING ROAD AND
DOUGLAS ROAD**

THIS INTERGOVERNMENTAL AGREEMENT, is made and entered into this _____ day of _____, 2022, by and between the Village of Downers Grove, an Illinois Municipal Corporation (hereinafter referred to as “Downers Grove”) and York Township (hereinafter referred to as “the Township”), collectively referred to as the “Parties”.

WHEREAS, Article VII, Section 10 of the 1970 Constitution of the State of Illinois provides that units of local government may contract with one another to perform any activity authorized by law; and

WHEREAS, Downers Grove and the Township are “public agencies” 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, the Parties desire to partner to consolidate services for street paving on 36th Street, Sterling Road, Glendenning Road, and Douglas Road, portions of which are in each Party’s jurisdiction (“the Project”); and

WHEREAS, the District has already publicly bid the Project and chosen and entered into a contract with the lowest responsible bidder; 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 herein as if fully set forth in this paragraph 1.
2. The Township shall be responsible for the selection of firms/contractors and awarding of contracts (surveying, geotechnical, material testing, design or construction) in compliance with the applicable procurement requirements, and managing the contracts. All construction will be in

conformance with the Project drawings and specifications. It is understood that the Village will not be a party to any construction contract and will have no obligation to any contractors. Notwithstanding the above, the Township shall not award a contract for any work to be performed on Village property without first obtaining the written consent of the Village. The Village shall ensure that the Project documents provide for the assignment of the contractor agreement for the portions of the work to be performed for the Village and the Township shall assign such portion of the contract to the Village upon written request; however, the assignment of the contract to the Village shall neither release the Township from its obligation to pay the contractor for such work nor release the Village from paying the Township for such work.

3. In the event of any changes, the Village shall have the opportunity to review, provide input and approve all engineering plans, specifications, and construction contracts that pertain to changes to the work to be performed on Village property. The Township shall provide copies of any engineering plans, specifications and contracts to the Village and the Village agrees it will review such plans, specifications and contracts within seven (7) days of its receipt of same. If the Village fails to review such plans, specifications or contracts within this seven (7) day time frame or provide input to the Township in writing, such plans, specifications or contracts shall be deemed accepted by the Village.

4. The Township shall administer the Project.

5. The Township shall require all contractors to name Downers Grove, its agents, officers and employees as additional insureds on all insurance policies, except the worker's compensation policy and any professional liability policy.

6. The Parties agree to cooperate with one another and use their best efforts to insure the timely and successful completion of the Project.

7. Downers Grove's total not-to-exceed costs for its portion of the Project are \$196,773.14. Upon completion of the project and proof of final payment to the contractor, Downers Grove shall reimburse the Township for its portion of any work, including, but not limited to surveying, geotechnical investigations, design, material testing, consultant fees and construction, one hundred percent (100%) of the total costs for work related to its improvements within thirty (30) days of receipt of a final invoice. The Township shall provide copies of the pay applications to Downers Grove for Downers Grove's approval, for any work performed within the Village limits, prior to making any payments to the contractor; such approval shall not be unreasonably withheld by Downers Grove.
8. Upon completion of the Project, each Party shall continue to be responsible for maintenance, upkeep and repairs for their respective portions of 36th Street, Sterling Road, Glendenning Road, and Douglas Road.
9. 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.
10. 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 the Township shall be DuPage County, Illinois.
11. Any statement, notice 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 as indicated below, and shall be deemed presented on date of postmark.

Village of Downers Grove
Attn: Public Works Director
5101 Walnut Ave.
Downers Grove, IL 60515

York Township
Attn: Dick Schroeder
Highway Commissioner
19W475 Roosevelt Rd.
Lombard, IL 60148

12. 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.

YORK TOWNSHIP

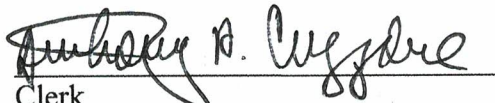
VILLAGE OF DOWNERS GROVE


Highway Commissioner

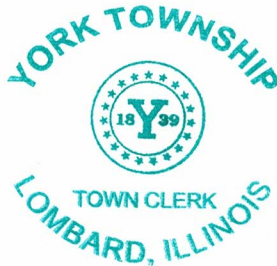
Mayor

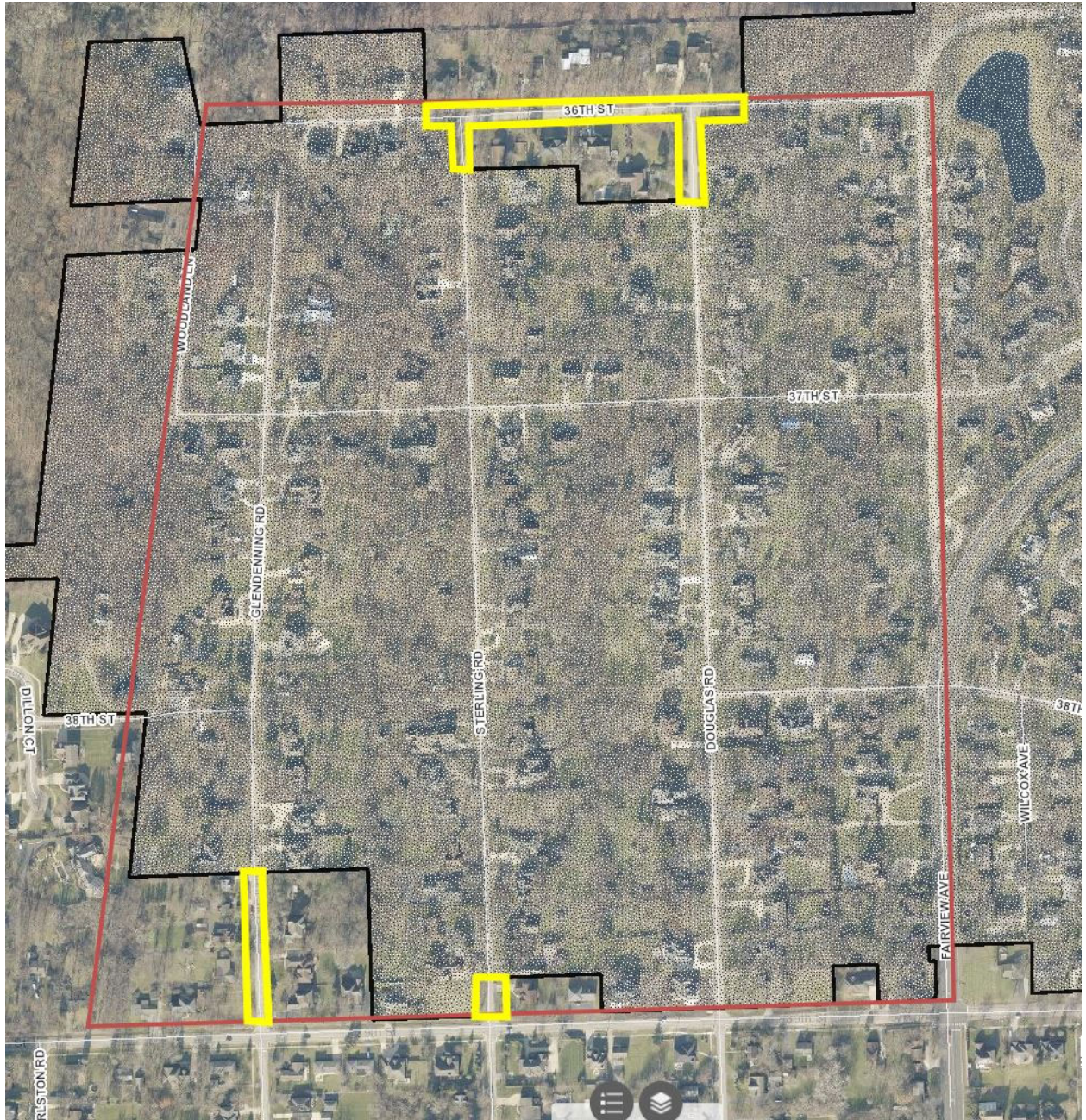
ATTEST:

ATTEST:


Clerk

Village Clerk





- OVERALL PROJECT AREA

- VILLAGE OF DOWNERS GROVE PORTION

YORK TOWNSHIP ROADWAY PROJECT – VILLAGE OF DOWNERS GROVE PORTION