



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the Urbana City Council
FROM: William R. Gray, Public Works Director
DATE: July 10, 2014
RE: Intergovernmental Agreement between Champaign County and City of Urbana
Concerning the Funding for the Reconstruction of Philo Road

Introduction

The reconstruction of south Philo Road between Windsor Road and the corporate limits was completed in Fall 2012 at a cost of \$784,806. The city/county fringe road agreement from 1996 had identified this roadway as a joint obligation to fund such an improvement. A delay occurred in reaching an intergovernmental agreement when past policies from the IDOT Local Roads and Streets Manual prohibited use of county motor fuel taxes to fund municipal roadway improvements. Subsequent IDOT review of state statutes has reversed this policy so county funds can now be used on a municipal street if an intergovernmental agreement is in place and such funding does not jeopardize adequate maintenance of the existing county highways.

Attached please find a county signed intergovernmental agreement, which was approved by the county board last month. The 50% county share amounts to \$392,403.

Fiscal Impact

The city Capital Improvement Plan and the State Motor Fuel Tax Fund have planned for the county contribution of \$392,403.

Recommendation

It is recommended that a Resolution Approving, Authorizing Entering into, and Executing an Intergovernmental Agreement between the City of Urbana and the County of Champaign Concerning Funding for Reconstruction of Philo Road be approved.

Attachments: An Intergovernmental Agreement between the City of Urbana and the County of Champaign Concerning for the Reconstruction of Philo Road

A Resolution Approving, Authorizing Entering into, and Executing an Intergovernmental Agreement between the City of Urbana and the County of Champaign Concerning Funding for Reconstruction of Philo Road

RESOLUTION NO. 2014-07-038R

A RESOLUTION APPROVING, AUTHORIZING ENTERING INTO, AND EXECUTING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF URBANA AND THE COUNTY OF CHAMPAIGN CONCERNING FUNDING FOR RECONSTRUCTION OF PHILO ROAD

(Joint Funding for Reconstruction of Philo Road south of Windsor Road to City Limits.)

WHEREAS, the City of Urbana (the “City”) is an Illinois home rule unit of local government pursuant to Section 6 of Article VII of the Illinois Constitution of 1970 and the statutes of the State of Illinois; and

WHEREAS, the City is authorized and empowered by Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) to enter into intergovernmental agreements with other units of government, including but not limited to the County of Champaign, Illinois (the “County”) on matters of mutual concern and interest such as the performance and sharing of services not otherwise prohibited by law; and

WHEREAS, Illinois law (65 ILCS 5/11-91.2-1; 605 ILCS 5/5-102, 5-105, 5-106, 5-408, 5-410, 5-410.1, 7-101, and 9-101) provides statutory authority for the City and the County to enter into an intergovernmental agreement providing for cooperation with respect to the construction of, jurisdiction over, and maintenance of roads and streets; and

WHEREAS, the responsibility for providing for a highway transportation system rests with the City, the County and the State of Illinois: and

WHEREAS, the Urbana City Engineer and the County Engineer agree that certain improvements are warranted to meet development needs, road capacity and safety concerns as outlined in the 1996 “Fringe Road Agreement” executed by and between the City and the County; and

WHEREAS, it was mutually agreed in May 2012 that the County had obligations under the “Fringe Road Agreement” to participate in this project, but at that time it was unclear as to whether County Motor Fuel Tax could be expended on the project contemplated in the Intergovernmental Agreement between the City Of Urbana and the County of Champaign Concerning Funding for Reconstruction of Philo Road which is the subject of this Resolution; and

WHEREAS, on the Illinois Department of Transportation Bureau of Local Roads Procedure Memorandum PM 201307, issued on October 15, 2013, clarified whether the County may expend County Motor Fuel Tax revenues for the reconstruction work provided for in the Intergovernmental Agreement between the City of Urbana and the County of Champaign Concerning Funding for Reconstruction of Philo Road by stating “MFT funds may be used by a local agency to perform construction and maintenance on public highways not under its jurisdiction provided there is a written contract approved by the Department, or a negotiated agreement.”

NOW, therefore, be it resolved by the City Council of the City of Urbana, Illinois, as follows:

Section 1: The Intergovernmental Agreement between the City of Urbana and the County of Champaign Concerning Funding for Reconstruction of Philo Road in substantially the form appended hereto be and the same is hereby authorized and approved.

Section 2: The Mayor of the City of Urbana, Illinois, shall be and hereby is authorized to execute on behalf of the City of Urbana, Illinois and to deliver to the City Clerk of the City of Urbana, Illinois, the latter being and the same being so authorized to attest to said execution as so authorized and approved for and on behalf of the city of Urbana, Illinois, the

Intergovernmental Agreement between the City of Urbana and the County of Champaign
Concerning Funding for Reconstruction of Philo Road in substantially the form appended hereto.

Ayes:

Nays:

Abstain:

PASSED BY THE CITY COUNCIL this _____ Day of _____, 2014.

Phyllis D. Clark, City Clerk.

**APPROVED BY THE MAYOR OF THE CITY OF URBANA, ILLINOIS this ____ Day of
_____, 2014.**

Laurel Lunt Prussing, Mayor.

An Intergovernmental Agreement between the City of Urbana and the County of Champaign Concerning the Funding for the Reconstruction of Philo Road

[Philo Road south of Windsor Road to City Limits]

* * *

This Agreement is entered into between the City of Urbana, Illinois (“City”) and the County of Champaign, Illinois (“County”).

WHEREAS, Article VII Section 10 of the 1970 Constitution of the State of Illinois authorizes the City 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, 5-106, 5-408, 5-410, 5-410.1, 7-101, and 9-101, all provide statutory authority for the City and the County to enter into this cooperative agreement with respect to the construction, jurisdiction, and maintenance of roads and streets; and

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

WHEREAS, the City engineered a Motor Fuel Tax project on Philo Road south of Windsor Road to City corporate limits and constructed the project in 2012; and

WHEREAS, the Urbana City Engineer and the County Engineer agreed that such improvements were warranted to meet development needs, road capacity and safety as outlined in the 1996 “Fringe Road Agreement” between the City of Urbana and Champaign County; and

WHEREAS, it was mutually agreed in May of 2012 that the County had obligations under the “Fringe Road Agreement” to participate in this project, but at that time it was unclear as to whether County Motor Fuel Tax could be expended on this project; and

WHEREAS, Illinois Department of Transportation Bureau of Local Roads Procedure Memorandum PM2013-07, issued on October 15, 2013, clarified that “MFT funds may be used by a local agency to perform construction or maintenance on public highways not under its jurisdiction provided there is a written contract approved by the Department, or a negotiated agreement.”

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

Section 1. Project Design and Construction

The City staff has performed the design for the reconstruction of Philo Road south of Windsor Road to the City corporate limits. The project included those tasks necessary to reconstruct the existing two-lane roadway with 4-foot aggregate shoulders and curb and gutter

with asphalt shoulders in selected segments on a 12-inch cement stabilized base. The reconstruction also included necessary drainage and utility improvements. The construction was funded with Motor Fuel Tax funds and final construction documents will be submitted to the County Engineer for review and approval.

During construction Urbana provided the lead Resident Engineer to oversee the project. Costs incurred by Urbana to oversee construction shall not be included as part of the cost share.

Section 2. **Commencement of Work**

The City has constructed the project with their Motor Fuel tax Funds as section number 11-00504-00-PV.

Section 3. **Project Funding**

The total project cost was Seven Hundred Eighty Four Thousand Eight Hundred and Six dollars {\$784,806}. The County agrees to pay 50% of the costs of the actual construction cost of the project, as approved by the County Engineer, associated therewith. Therefore, projected funding expenditures are capped at \$392,403 for the County. Any need for additional funding from County will require an amendment to this Agreement.

Section 4. **Invoices and Payments**

The City shall invoice the County for the County's share of the Project costs as stated in Section 3. The County shall pay the invoiced costs prior to January 1, 2015. The City shall provide reasonable documentation to the County regarding the actual cost of the work. The County Engineer shall review and approve those costs.

Section 6. **Further Actions**

The City and the County hereby agree to take any action necessary to accomplish their respective obligations as set forth in this Agreement, including the passage of legally sufficient resolutions or ordinances, the appropriation or budgeting of money, and any and all other undertakings set forth in this Agreement. The Chair of the County Board and the Mayor of the City are hereby authorized by the approval of this Agreement by the respective governing bodies of the County and the City to execute any such documents necessary to carry out the terms of this Agreement.

Section 7. **Effective Date of the Agreement**

This Agreement shall be effective on the date of the last of the County Board or City Council to approve this Agreement.

Section 8. Amendment

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

Section 9. Notices

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

CITY:

***Mayor
City of Urbana
400 South Vine Street
Urbana, Illinois 61801

Public Works Director
City of Urbana
706 South Glover Avenue
Urbana, Illinois 61802***

COUNTY:

***County Board Chair
County of Champaign
1776 East Washington Street
Urbana, Illinois 61802

County Engineer
County of Champaign
1605 East Main Street
Urbana, Illinois 61802***

* * *

IN WITNESS WHEREOF, the parties have executed this Agreement.

CITY OF URBANA, ILLINOIS

COUNTY OF CHAMPAIGN

By: _____
Mayor

By: _____
County Board Chair

ATTEST: _____
City Clerk

ATTEST: _____
County Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Attorney

Its Attorney

Date of City Council Approval:

Date of County Board Approval

Date: _____

Date: 06/19/14

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