



MEMORANDUM

TO: Mayor Laurel L. Prussing and Members of the City Council

FROM: William R. Gray, Director of Public Works
Craig E. Shonkwiler, Assistant City Engineer

DATE: June 11, 2015

RE: Modifications to the Intergovernmental Agreement with the Urbana Park District for Construction and Maintenance of an Eight-Foot-Wide Sidewalk across Crystal Lake Park

Attached please find a copy of the Intergovernmental Agreement with the Urbana Park District for Construction and Maintenance of an Eight-Foot-Wide Sidewalk across Crystal Lake Park, which includes modifications proposed by the Urbana Park District and approved by the Committee of the Whole at its June 8, 2015 meeting. All changes are shown in red; deletions are stricken through.

RESOLUTION NO. 2015-06-028R

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE URBANA PARK DISTRICT FOR CONSTRUCTION AND MAINTENANCE OF AN EIGHT-FOOT-WIDE SIDEWALK ACROSS CRYSTAL LAKE PARK

WHEREAS, the City is a home-rule unit of local government pursuant to Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq. enables the parties here to enter into agreements among themselves and provide authority for intergovernmental cooperation; and,

WHEREAS, the City and the Park District seek to enter into this Agreement for the construction and maintenance of a sidewalk; and

WHEREAS, the sidewalk proposed to be constructed by the City and maintained by the Park District pursuant to this Agreement shall be located on property owned by the Park District and shall extend along Broadway Avenue from Stebbins Drive to Oakland Avenue; and

WHEREAS, the Park District will have the option to extend the length of the sidewalk along Broadway Avenue from Oakland Avenue to the entrance to the Crystal Lake Park Family Aquatic Center and the Anita Purvis Nature Center, near Thompson Street, provided sufficient funds are available from the Park District to do so; and

WHEREAS, an intergovernmental agreement with the Park District is required to define the construction costs and maintenance responsibilities for the eight-foot-wide sidewalk upon completion of the said construction and acceptance of the completed sidewalk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

An Intergovernmental Agreement for the construction of an eight-foot-wide sidewalk across Crystal Lake Park, between the City of Urbana and the Urbana Park District, in substantially the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2.

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

Ayes: _____

Nays: _____

Abstentions: _____

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor

AN INTERGOVERNMENTAL AGREEMENT
FOR THE CONSTRUCTION AND MAINTENANCE
OF AN EIGHT-FOOT-WIDE SIDEWALK
ACROSS CRYSTAL LAKE PARK BETWEEN THE CITY OF URBANA AND
THE URBANA PARK DISTRICT

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is entered into by and between the City of Urbana, a municipal corporation (“City”), and the Urbana Park District (“Park District”).

WHEREAS, the City is a home-rule unit of local government pursuant to Article VII, Section of the Illinois Constitution of 1970; and

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq. enables the parties here to enter into agreements among themselves and provide authority for intergovernmental cooperation; and,

WHEREAS, the City and the Park District seek to enter into this Agreement for the construction and maintenance of a sidewalk; and

WHEREAS, the sidewalk proposed to be constructed by the City and maintained by the Park District pursuant to this Agreement shall be located on property owned by the Park District and shall extend along Broadway Avenue from Stebbins Drive to Oakland Avenue and shall be compliant in all respects with the Americans with Disability Act (ADA); and,

WHEREAS, the Park District has the option to extend the length of the sidewalk along Broadway Avenue from Oakland Avenue to the entrance to the Crystal Lake Park Family Aquatic Center and the Anita Purvis Nature Center, near Thompson Street, provided sufficient funds are available from the Park District to do so; and,

WHEREAS, an intergovernmental agreement with the Park District is required to define the construction costs and maintenance responsibilities for the eight-foot-wide sidewalk upon completion of the said construction and acceptance of the completed sidewalk.

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

1. All recitals set forth above are incorporated herein and made a part thereof.

12. The Park District hereby grants to the City the attached Temporary Construction Easement (Attachment A) to enter upon the property described therein for the purpose of constructing an eight-foot-wide sidewalk and pads for park benches, all as described more fully in Attachment B.

23. The City agrees to complete construction plans, details, and technical specifications (“Contract Documents”) for the construction of the sidewalk and pads for the benches as described in Attachment B. Prior to construction bidding, the City and Park District shall jointly review and approve the completed construction plans, details and technical specifications. The City shall also provide the Park District a completed cost estimate, construction plan, estimate of construction duration, and information regarding any impact on pedestrian, bicycle and vehicle traffic. The City and Park District agree that some elements of the construction plan may require adjustment or refinement following approval, which will be mutually agreed upon by the parties.

4. The City agrees to let the sidewalk work for bidding and award the contract to the lowest bidder that is prequalified with the Illinois Department of Transportation in the relevant types of work associated with the construction of the sidewalk. The City agrees to provide construction observation services for the construction of the sidewalk.

35. The City agrees to require insurance from the low bid contractor in accordance with the technical specifications: for the City and the Park District and indemnification for the City and Park District from any claims, liability or judgement resulting from or caused by the negligence or willful conduct of the contractor. The City agrees to reference the Illinois

Department of Transportation Standard Specifications for Road and Bridge Construction, adopted January 1, 2012, and subsequent Supplemental Specifications and Recurring Special Provisions, adopted January 1, 2015, for the purposes of specifying Division 100 General Requirements and Covenants which will govern potential disputes, or defaults of the contract between the City and contractor awarded the construction of the sidewalk.

4. The Park District agrees to and shall reimburse the City the actual costs incurred by the City (other than city staff salaries) in the construction of the eight-foot-wide sidewalk and pads for park benches as described in Attachment B within sixty (60) days of the completion of the construction. The costs to construct the sidewalk along Broadway Avenue from Stebbins Drive to Oakland Avenue are expected to be no more than \$200,000 and the sidewalk along Broadway Avenue from Oakland Avenue to the park entrance near Thompson Street are expected to be no more than \$75,000.

5. The City and Park District agree to perform a final inspection of the completed sidewalk in accordance with the guidelines established within the Contract Documents.

5. The Park District agrees to ~~maintain~~ be responsible for maintaining and ~~keep~~ keeping the eight-foot wide sidewalk in good repair from the date of completion of the construction.

6. This Agreement shall become effective on the date by which both parties have approved the agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement.

City of Urbana, Illinois,

Urbana Park District,

Laurel Lunt Prussing, Mayor

Michael W. Walker, Board President

Date: _____

Date: _____