



LEGAL DIVISION
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Memorandum

DATE: July 11, 2003
TO: Mayor Satterthwaite and the Urbana City Council
FROM: Gale Jamison
RE: Ordinance Relating to Inspection and Maintenance
of the Saline Ditch (At North Lincoln Avenue
Bridge)

As part of the North Lincoln Avenue improvements, the City has committed to building a new bridge over the Saline Ditch at a location north of Somer Drive and south of Saline Court. The Saline Ditch is under the jurisdiction of the Illinois Department of Natural Resources ("DNR"), which has the authority to issue or deny permits for constructing the bridge. The DNR now requires, as a condition of issuing permits for bridge construction, that a taxing body commit to performing the regular inspections and maintenance of the ditch channel and banks in relation to the bridge.

Attached is a proposed ordinance by which the City would agree to perform the required inspections and maintenance. The details of the inspection and maintenance to be done are as required by the DNR.

Budget impact: Minimal to none, because the City would perform regular maintenance of the bridge, even in the absence of this ordinance, as part of its obligation to maintain its infrastructure.

Options:

1. Approve. This would enable the Lincoln Avenue bridge project to go forward. Staff recommends this option.
2. Amend and approve as amended. Depending on the amendments this could render the city's commitment inadequate to satisfy the DNR, with the result that the permits would not be granted. Should the council wish to pass an ordinance with amendments, staff recommend that staff be given the opportunity to discuss the amendments with the DNR, in order to assess the impact of such amendments.

3. Reject. This would cause at least a delay, and quite likely prevent the construction of the bridge.

ORDINANCE NO. 2003-07-070

AN ORDINANCE RELATING TO MAINTENANCE OF THE SALINE DITCH

(AT NORTH LINCOLN AVENUE BRIDGE)

WHEREAS, the City of Urbana desires to construct a new bridge by which Lincoln Avenue would cross the saline ditch; and

WHEREAS, because the bridge crosses the saline branch, which is under the jurisdiction of the Illinois Department of Natural Resources ("IDNR"), which has authority to grant or deny permits for construction of the bridge; and

WHEREAS, as a condition of issuing permits for the construction of the bridge, the IDNR requires that a taxing district assume responsibility for certain maintenance of the channel in relation to the bridge.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the City of Urbana shall perform maintenance within the saline drainage ditch in relation to the area where the Lincoln Avenue bridge will cross the saline drainage ditch, to include mowing of ditch banks, removal of vegetation, removal of obstructions within the ditch, and removal of accumulations of silt and sediment within the ditch in the area of the bridge. In addition, the City shall insure that any damage to the ditch or extraordinary maintenance caused by the construction of the new Lincoln Avenue bridge and the related reshaping of the ditch shall be performed by the City of Urbana or its contractors.

Section 2. Further, this ordinance does not authorize or require the City to assume from the Beaver Lake Drainage District the usual and customary functions of the Drainage District under the Illinois Drainage Code (70 ILCS 605) in relation to the saline drainage ditch.

PASSED by the City Council this _____ day of _____,
_____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Tod Satterthwaite, Mayor