



MEMORANDUM

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

FROM: William R. Gray, Director of Public Works
Gale L. Jamison, Assistant City Engineer

DATE: April 19, 2012

RE: Intergovernmental Agreement with the Urbana Park District for Multi-use Pathway Construction in Weaver Park
(Main Street Illinois Transportation Enhancement Program (ITEP) Grant)

ISSUES AND DISCUSSION:

The City of Urbana has been awarded an ITEP Grant to facilitate the installation of on-street bike lanes and sidewalk and ramp improvements to comply with American with Disabilities Act (ADA) regulations on Main Street from Grove Street to Dewey Street at the east corporate limits. The improvements also included the extension of an eight foot wide multi-use pathway along the north side of Weaver Park adjacent to Main Street. The existing Main Street right-of-way adjacent to Weaver Park is not adequate to accommodate the proposed pathway. In order to conform with the intent of the Land and Water Conservation Fund (LAWCON) grant under which the Urbana Park District acquired the land for Weaver Park, there can be no change in ownership of the land by granting of right-of-way or permanent easement. It will be necessary for the proposed pathway within Weaver Park to be constructed within the limits of a temporary construction easement granted to the City of Urbana. Also due to conditions to the use of ITEP funds for the construction of the pathway within Weaver Park, the Illinois Department of Transportation is requiring that an intergovernmental agreement be entered into between the City of Urbana and the Urbana Park District that provides that the Park District shall assume the maintenance responsibility for the pathway for a period of twenty (20) years upon completion of the construction and acceptance of the completed pathway. The proposed intergovernmental agreement is attached to this document and was considered and is acceptable to the Urbana Park District Board. The proposed pathway is shown on the attachment to the Intergovernmental Agreement and is located so as to complement the proposed Weaver Park Master Plan.

FISCAL IMPACT:

The construction of the proposed pathway was included in the project grant application and the ITEP Grant will fund the construction of five feet of the width of the pathway. The Urbana Park District has agreed to fund the additional three feet of the construction and the cost of the installation of concrete pads for benches and trash receptacles at selected locations.

RECOMMENDATION:

It is recommended that the City Council approve the attached **RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE URBANA PARK DISTRICT FOR CONSTRUCTION OF A MULTI-USE PATH ACROSS WEAVER PARK.**

RESOLUTION NO. 2012-04-023R

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE
URBANA PARK DISTRICT FOR CONSTRUCTION OF A MULTI-USE PATH
ACROSS WEAVER PARK

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 a multi-use path
across Weaver 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.

Motion was made by Alderman _____, seconded by Alderman
_____ that the Resolution be adopted.

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 OF A MULTI-USE PATH
ACROSS WEAVER PARK BETWEEN THE CITY OF URBANA AND
THE URBANA PARK DISTRICT

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

WHEREAS, the proposed project limits extend along Main Street from Grove Street to Dewey Street and include construction of American with Disabilities Act (ADA) compliant ramps at all intersections; removal and replacement of brick and concrete sidewalks in selected locations; and construction of new concrete sidewalks where currently non-existent, including the construction of an eight-foot-wide sidewalk within the limits of Weaver Park to make a pedestrian connection to the future park trail system and the residential neighborhood east of the park; and,

WHEREAS, the project is to be partially funded by Illinois Transportation Enhancement Program (ITEP) grant funds; and,

WHEREAS, in order to conform with the intent of the Land and Water Conservation Fund (LAWCON) grant under which the Park District acquired the land for Weaver Park, there can be no change in ownership of the land, and the sidewalk within Weaver Park will be constructed within the limits of a temporary construction easement granted to the City ; and,

WHEREAS, due to conditions to the use of ITEP funds for the construction of the sidewalk within Weaver Park, an intergovernmental agreement with the Park District is required providing that the Park District shall assume the maintenance responsibility for the shared use path for a period of twenty (20) years upon completion of the construction and acceptance of the completed sidewalk.

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

1. 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 multi-use path and pads for park benches, all as described more fully in Attachment B.

2. The City agrees to construct the multi-use path and pads for benches as described in Attachment B in accordance with specifications stated therein.

3. Since ITEP funds can be utilized for only five (5) feet of the eight-foot-wide multi-use path, the Park District agrees to reimburse the City for three-eighths (3/8) of the actual costs incurred by the City (other than salaries and employees) in the construction of the multi-use path and pads for park benches as described in Attachment B within sixty (60) days of the completion of the construction.

4. The Park District agrees to maintain and keep the multi-use path in good repair for a minimum period of twenty (20) years from the date of completion of the construction.

5. 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: _____

GRANTOR(S): Urbana Park District, County of Champaign, State of Illinois
PARCEL NO.: 91-21-15-101-003 and 91-21-15-101-004
ADDRESS: Administration Office – Leal Park, 303 West University Avenue, Urbana, IL 61801
PHONE: 217-367-1536
PROJECT: Main Street Bike Lanes and Pedestrian Improvements

GRANT OF TEMPORARY CONSTRUCTION EASEMENT

The undersigned Grantor(s), for and in consideration of the benefits derived, do hereby grant, convey, and dedicate to the Grantee, the City of Urbana, a Municipal Corporation in the County of Champaign, State of Illinois, or its authorized agent, a temporary construction easement and access for ingress and egress upon aforesaid property for the purpose of constructing an eight-foot-wide multi-use path and pads for park benches within the limits of Weaver Park.

In consideration of the grant of the temporary construction easement hereinabove contained, the Grantor(s) and Grantee hereby agree as follows:

The Grantee will indemnify and save harmless the Grantor(s), their administrators, and assigns, from any and every claim, demand, suit, damage, and payment thereof, in respect thereto, or in respect of any of them with reference to injury to persons or damage to property caused by any of the work performed by the Grantee under this grant, and will require its contractors to so indemnify and save harmless the said Grantor(s), their heirs, executors, administrators, and assigns.

The Grantee, in consideration of this conveyance, does promise, covenant and agree with the Grantor(s) that any other surface of said real estate, disturbed as a result of said project, shall be restored to its reasonable original condition prior to completion of the construction. The Grantee shall restore all dislocation of surface and satisfy all damages sustained by such surface or adjacent property of the Grantor(s), resulting from any fault on the part of the Grantee, its agents or employees, in the construction of said improvement.

The Grantee shall, within its reasonable power and authority, demonstrate its best efforts to help insure completion of the project by the end of year 2013, and shall demonstrate due effort for the timely surface restoration of all disturbed areas.

The right, temporary easement and privilege granted herein shall terminate upon completion of said surface restoration and the initial maintenance of the same.

Said easement is shown on the attached sketch, which is considered a part hereof.

Dated this _____ day of _____, 2012

Grantor Urbana Park District

Accepted

By _____
Michael W. Walker, Board President

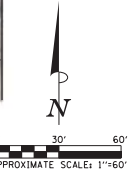
Grantee, City of Urbana

By _____
William Gray
Director of Public Works

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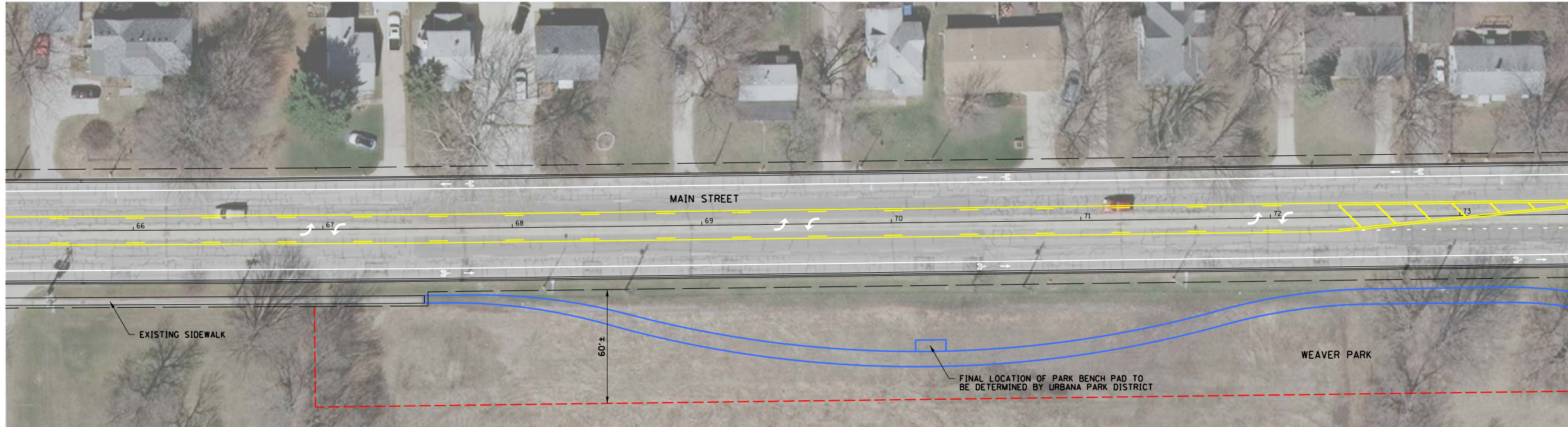
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STATE OF ILLINOIS
 DEPARTMENT OF TRANSPORTATION

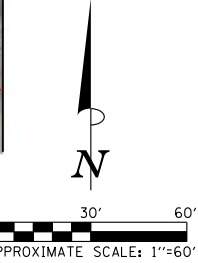
ATTACHMENT A
 TEMPORARY CONSTRUCTION EASEMENT

APPROXIMATE SCALE : 1"=60' MAIN STREET BIKE LANES AND PEDESTRIAN IMPROVEMENTS

F.A.U. SITE	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
7124	09-00483-01-RS	CHAMPAIGN	2	2
CITY OF URBANA		CONTRACT NO.		
FED. ROAD DIST. NO.		ILLINOIS FED. AID PROJECT		



MATCH LINE



LEGEND				
	PROPOSED MULTI-USE PATH			
	APPROXIMATE EXISTING RIGHT-OF-WAY			
	APPROXIMATE TEMPORARY CONSTRUCTION EASEMENT			

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DATE -	REVISED -

STATE OF ILLINOIS
 DEPARTMENT OF TRANSPORTATION

**ATTACHMENT B
 PROPOSED WEAVER PARK MULTI-USE PATH**

APPROXIMATE SCALE : 1"=60' MAIN STREET BIKE LANES AND PEDESTRIAN IMPROVEMENTS

F.A.U. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
7124	09-00483-01-R5	CHAMPAIGN	1	1
CITY OF URBANA		CONTRACT NO.		
FED. ROAD DIST. NO.	ILLINOIS	FED. AID PROJECT		