



## 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:** May 10, 2012

**RE:** 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)

### ISSUES AND DISCUSSION:

City staff has performed the design for the reconstruction of Philo Road south of Windsor Road to the southern City Corporate Limits. The project shall include 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 will also include necessary drainage and utility improvements. The construction will be funded with State of Illinois Motor Fuel Tax funds and final construction documents are to be submitted to the Illinois Department of Transportation and the County Engineer for review and approval. The project is included in the Capital Improvement Plan and City staff plans to bid and commence project construction work this summer, and complete work by December 31, 2012.

South Philo Road is included in the **Intergovernmental Agreement between the City of Urbana and the County of Champaign Concerning the Jurisdictional Transfer and Maintenance of Certain Roads and Other Matters** dated May 16, 1996 referred to as the City/County Fringe Road Agreement. The Fringe Road Agreement allowed for the sharing of all local public costs and was clarified in a supplemental agreement, dated April 17, 1996 and signed by the County Engineer on May 1, 1996, that the City and the County would share on a 50/50 basis any local improvement costs for Philo Road. (See attached.)

**FISCAL IMPACT:**

The estimated total project construction cost is One Million One Hundred Thousand dollars. Per the terms of the proposed Intergovernmental Agreement the City and County agree to each pay 50% of the costs of the actual construction cost of the project. The cost to the City would be \$550,000. State Motor Fuel Tax funds are budgeted for this project.

During construction Urbana shall provide the lead Resident Engineer to oversee the project and the County shall provide an engineer on the job to perform construction inspection duties. Costs incurred by either Champaign County or Urbana to oversee construction shall not be included as part of the local cost share.

**RECOMMENDATION:**

It is recommended that the City Council approve the attached **RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF CHAMPAIGN CONCERNING THE FUNDING FOR THE RECONSTRUCTION OF PHILO ROAD (PHILO ROAD SOUTH OF WINDSOR ROAD TO CITY LIMITS).**

RESOLUTION NO. 2012-05-031R

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE  
COUNTY OF CHAMPAIGN CONCERNING THE FUNDING FOR THE  
RECONSTRUCTION OF PHILO ROAD

(Philo Road South of Windsor Road to City Limits)

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

Section 1.

An Intergovernmental Agreement Concerning the Funding for the Reconstruction  
of Philo Road South of Windsor Road to City Limits, between the City of  
Urbana and the County of Champaign, 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 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”), on this \_\_\_\_\_ day of \_\_\_\_\_ 2012, in consideration of the following premises and terms:

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 and the County find it to be in the public’s best interest and best interest of their constituents to prepare a design including the preparation of plans and specifications of Philo Road south of Windsor Road to City Limits.

WHEREAS, Urbana and the County find it to be in the best interest of the public to design and reconstruct the section of Philo Road south of Windsor Road to the City Corporate limits as shown on “Exhibit A” of this Agreement and approved by Resolution # \_\_\_\_\_ of the Champaign County Board on \_\_\_\_\_, 2012; and

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 shall perform the design for the reconstruction of Philo Road south of Windsor Road to the City Corporate Limits. The project shall include 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 will also include necessary drainage and utility improvements. The construction will be funded with Motor Fuel Tax funds and final construction documents will be submitted to the Illinois Department of Transportation and the County Engineer for review and approval.

During construction Urbana shall provide the lead Resident Engineer to oversee the project and the County shall provide an engineer on the job to perform construction inspection duties. Costs incurred by either Champaign County or Urbana to oversee construction shall not be included as part of the local cost share.

**Section 2.**     Commencement of Work

The City and County agree to reasonably cooperate to allow the city staff to bid and commence project construction work by July 1, 2012, and complete work by December 31, 2012.

**Section 3.**     Project Funding

The parties agree that the estimated total project construction cost is One Million One Hundred Thousand dollars { \$ 1,100,000 }. The City and County agree to each pay 50% of the costs of the actual construction cost of the project associated therewith.

**Section 4.**     Invoices and Payments

The City will be responsible for the Project and shall invoice the County for the County's share of the Project costs. The County shall pay invoices within thirty {30} days of receipt. The City shall provide reasonable documentation to the County regarding the actual cost of the work as costs are incurred.

**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.**     Termination

The parties agree that, if the construction per Attachment 1 has not begun by December 31, 2012, this Agreement shall terminate without further action by the parties.

**Section 9.**     Amendment

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

**Section 10.**    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  
1776 East Washington 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:***

***Date of County Board Approval:***

\_\_\_\_\_  
**City Attorney**

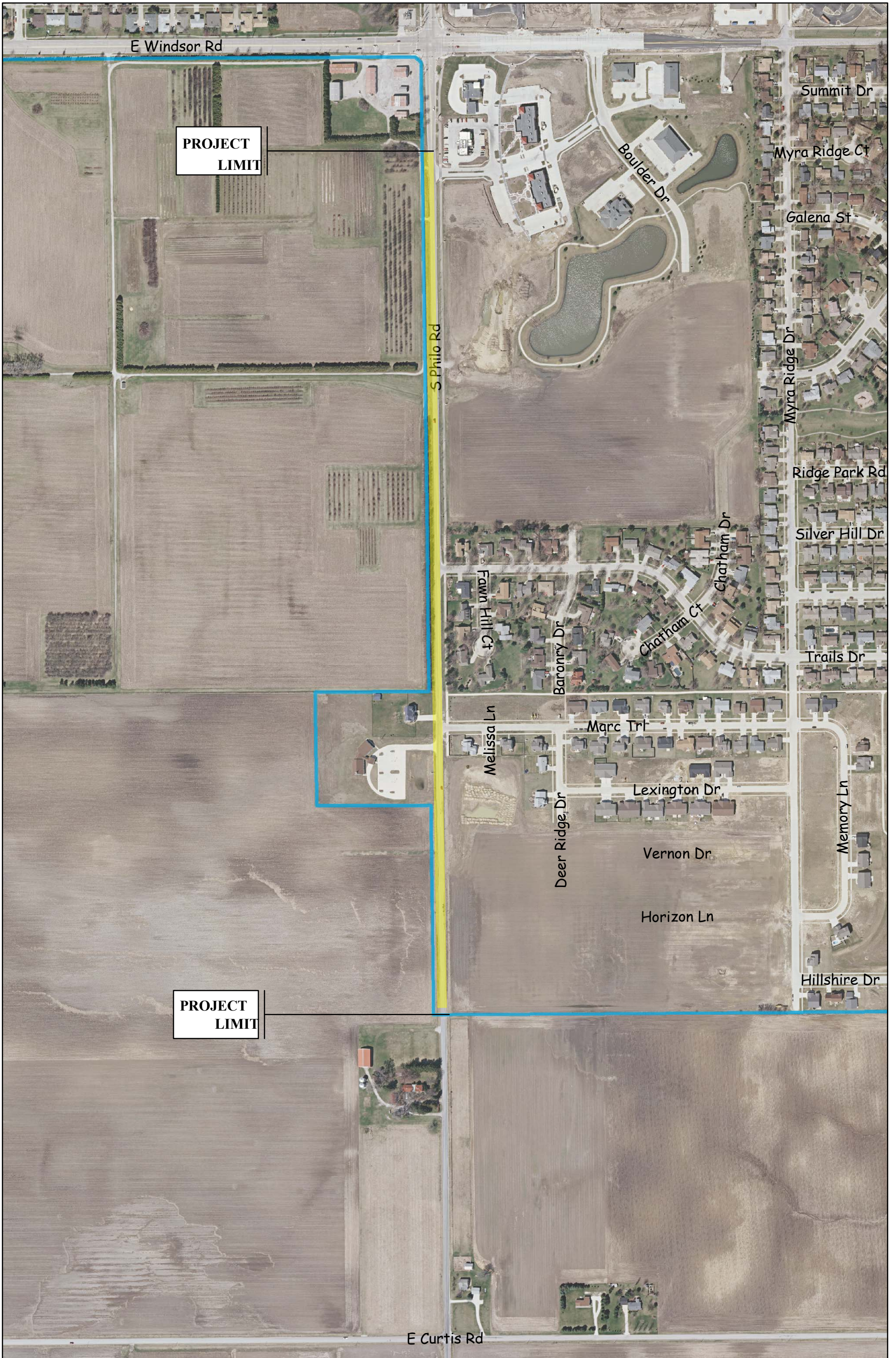
**Date:** \_\_\_\_\_

***Date of City Council Approval:***

**Date:** \_\_\_\_\_

\* \* \*

EXHIBIT A



S. Philo Road (E. Windsor Rd to S. Corporate Limits)

