

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: Brown; Jacobsson; Madigan; Marlin; Roberts; Smyth

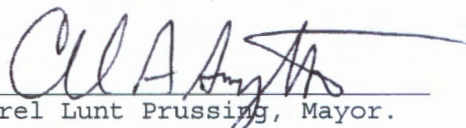
Nays:

Abstain:

PASSED BY THE CITY COUNCIL this 21st Day of July, 2014.


Phyllis D. Clark, City Clerk.

APPROVED BY THE MAYOR OF THE CITY OF URBANA, ILLINOIS this 21st Day of
July, 2014.


Laurel Lunt Prussing, Mayor.