

RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT FOR THE UPGRADE OF THE INTERSECTION OF COUNTY LINE ROAD AND HAEGERS BEND ROAD BY AND BETWEEN THE VILLAGE OF BARRINGTON HILLS AND THE STATE OF ILLINOIS

WHEREAS, the Village of Barrington Hills (“Barrington Hills”) located in the Counties of Cook, Kane, Lake and McHenry in the State of Illinois, is a home rule municipality; and

WHEREAS, the State of Illinois acting through its Department of Transportation (“IDOT”) is an Illinois body politic; and

WHEREAS, Section 10 of Article VII of the Constitution of the State of Illinois provides authority for units of local governmental to contract or otherwise associate among themselves to obtain or share services and to exercise, combine or transfer any power or function not prohibited by law or ordinance; and

WHEREAS, the Intergovernmental Cooperation Act (the “Act”), 5 ILCS 220/5, provides that units of local government are authorized “to perform any governmental service, activity or undertaking or to combine, transfer, or exercise any powers, functions, privileges, or authority which any of the public agencies entering into the contract is authorized by law to perform...except...where specifically and expressly prohibited by law”; and

WHEREAS, the President and Board of Trustees of the Village of Barrington Hills deem it advisable, necessary, appropriate, and in the public interest and find that it would best serve the public and corporate purposes for which the Village of Barrington Hills is organized for this Village to enter into an Agreement with IDOT for the design, construction and sharing of expense in connection with the upgrade of the traffic signals at the intersection of County Line Road and Haegers Bend Road in Barrington Hills on substantially the terms and conditions set forth in the Agreement, a copy of which is attached hereto and expressly made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Barrington Hills, located in the Counties of Cook, Kane, Lake and McHenry in the State of Illinois, a home rule municipality as follows:

Section 1: Recitals. The foregoing recitals are hereby incorporated into this Resolution as findings of the President and Board of Trustees.

Section 2: Authorization. Under authority vested in the President and Board of Trustees of the Village of Barrington Hills pursuant to Article VII, Section 10 of the 1970 Constitution of the State of Illinois and the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., and the ordinances of the Village of Barrington Hills, the President and Board of Trustees hereby authorize and approve the execution of the Agreement substantially in the form attached hereto and made part hereof as Exhibit A.

Section 3: Execution and Delivery. The President and Village Clerk of the Village of Barrington Hills are hereby authorized and directed to execute and deliver to all of the other parties, an Agreement substantially in the form of Exhibit A and to do all things necessary and essential, including the execution of any other documents and certificates to accomplish the agreement hereinabove authorized and set forth in the Agreement.

Section 4: Effective Date. This Resolution shall be in full force an effect from and after its approval and publication according to law.

APPROVED THIS ____ **day of** _____, **2011**

AYES:_____ **NAYS:**_____ **ABSENT:**_____

ATTEST:

Village Clerk

Village President

Exhibit A

AGREEMENT

THIS AGREEMENT entered into this _____ day of _____ A.D., by and between the STATE OF ILLINOIS, acting by and through its Department of Transportation, hereinafter called the STATE, and the Village of Barrington Hills, County of McHenry, of the State of Illinois, hereinafter called the VILLAGE.

WITNESSETH

WHEREAS, the STATE is proposing to upgrade the traffic signals on the state highways with Light-Emitting-Diode (LED) modules, Uninterruptible Power Supply (UPS) and Countdown Pedestrian Signals (CD Ped). This LED upgrade project will require cost participation similar to the federal Highway Safety Improvement Program (HSIP). State funds will be used for 90% of the traffic signal upgrade costs with the remaining 10% split based on the proportionate share of approach leg jurisdiction.

WHEREAS, the VILLAGE is desirous of said improvement in that same will be of immediate benefit to the VILLAGE, and permanent in nature; and,

WHEREAS, the intersection(s) of County Line @ Haegers Bend lies within the corporate limits of the VILLAGE.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. The STATE agrees to prepare plans and specifications, receive bids, award the contract, furnish engineering inspection during construction, and cause the improvement to be built in accordance with the plans, specifications, and contract. The STATE also agrees to pay all construction and engineering costs subject to reimbursement by the VILLAGE as hereinafter stipulated.
2. The VILLAGE agrees to approve the plans and specifications by letter or resolution prior to the STATE advertising for the work to be performed hereunder.
3. It is mutually agreed that the proportional participation for the construction costs and engineering costs of this improvement shall be as follows:

	Improvement Cost	State Cost	McHenry County Cost	Kane County Cost	Village Cost
County Line @ Haegers Bend	\$50,000.00 (Signal upgrades)	\$45,000.00 (90%)	\$2,500.00 (5%)	\$1250.00 (2.5%)	\$1250.00 (2.5%)
Engineering (15%)		\$6,750.00	\$375.00	\$187.50	\$187.50
TOTAL COST		\$51,750.00	\$2,875.00	\$1,437.50	\$1,437.50

	EVP Relocation Cost	State Cost	McHenry County Cost	Kane County Cost	Village Cost	Fire Protection Dist. Cost
County Line @ Haegers Bend	\$500.00 (phasing unit)	\$0 (0%)	\$0 (0%)	\$0 (0%)	\$0 (0%)	\$500.00 (100%)
Engineering (15%)		\$0	\$0	\$0	\$0	\$75.00
TOTAL COST		\$0	\$0	\$0	\$0	\$575.00

*The **relocation** of existing EVP Equipment at the intersection of: County Line @ Haegers Bend is the responsibility of the **Algonquin-LITH FIRE PROTECTION DISTRICT** and is estimated to be \$500.00 (+15% engineering) for a total of \$575.00.

4. It is mutually agreed that the VILLAGE will reimburse the STATE in an amount equal to the VILLAGE'S share of the actual cost as determined in accordance with Item #3 above. It is mutually agreed that upon award of the contract for this improvement, the VILLAGE will pay to the Department of Transportation of the State of Illinois, in a lump sum from any funds allotted to the VILLAGE. An amount equal to 80% of its obligation incurred under this Agreement, and will pay to the said Department the remainder of its obligation (including any non-participating costs for FA projects) in a lump sum, upon completion of the project based upon final costs.
5. Upon acceptance by the Department of Transportation of the traffic signal improvement included herein, the financial responsibility for maintenance and electrical energy for the operation of the traffic signals shall remain as outlined in the current Master Agreement between the Village of Barrington Hills and the Department of Transportation.
6. The actual maintenance will be performed by the STATE with its own forces or through an ongoing contractual agreement.
7. Payment by the STATE of any or all of its share of maintenance and energy costs is contingent upon the STATE receiving adequate funds in its annual appropriation.
8. The STATE retains the right to control the sequence of timing on the traffic signals.
9. The STATE will be responsible for maintenance of lane line and median line markings. The VILLAGE will be responsible for maintenance of crosswalk and stop line markings under their jurisdiction.
10. The VILLAGE agrees to exercise its franchise right to cause private utilities to be relocated at no expense to the STATE.
11. This agreement shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

VILLAGE OF BARRINGTON HILLS

By: _____
PRESIDENT

Date: _____

ATTEST:

CLERK

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: _____
Diane M. O'Keefe, P.E.
Deputy Director of Highways,
Region One Engineer

Date: _____

PLAN APPROVAL

WHEREAS, in order to facilitate the improvement at the intersection(s) County line @ Haegers Bend, VILLAGE OF BARRINGTON HILLS hereby approves the plans and specifications for the proposed traffic signal improvements at the said intersection(s) above.

APPROVED:

By: _____
VILLAGE ENGINEER

Date: _____

ATTEST:

Clerk

SEAL