

SANGAMON COUNTY, ILLINOIS

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ORDINANCE  
NUMBER 16-07

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**AN ORDINANCE APPROVING CERTAIN AGREEMENTS WITH THE STATE OF  
ILLINOIS FOR GOLDENROD DRIVE**

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THOMAS S. GRAY, Village President  
PAT SCHAD, Village Clerk

KEN BOYLE, JR.  
MARK CLAYTON  
DAVID KIMSEY  
NINA LINDHORST  
MATT MAU  
JOE SCHATTEMAN  
Village Trustees

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Chatham  
on 2-23, 2016

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62705

ORDINANCE NO. 16- 07

AN ORDINANCE APPROVING CERTAIN AGREEMENTS WITH THE STATE OF ILLINOIS FOR GOLDENROD DRIVE

**WHEREAS**, the Village of Chatham (“Village”), Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code; and

**WHEREAS**, the Village desires to work with the State of Illinois on the construction of Goldenrod Drive; and

**WHEREAS**, the Corporate Authorities of the Village find it in the best interests of the Village to enter into the necessary agreements with the State of Illinois regarding the Goldenrod Drive construction project.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Chatham, County of Sangamon, as follows:

**Section 1.** Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

**Section 2.** Approval of Goldenrod Drive Agreements. Subject to legal review and approval, the Board of Trustees of the Village hereby authorize the Village President to enter into all contracts and agreements deemed necessary by the State of Illinois to continue the Goldenrod Drive construction project.

**Section 3.** Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

**Section 4.** Repeal and Savings Clause. All ordinances or parts of ordinances in conflict

herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this ordinance.

**Section 5. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 23 day of FEB, 2016.

	YES	NO	ABSENT	PRESENT
KEN BOYLE, JR.	✓			
MARK CLAYTON			✓	
DAVID KIMSEY	✓			
NINA LINDHORST	✓			
MATT MAU	✓			
JOE SCHATTEMAN	✓			
THOMAS S. GRAY	NA			
TOTAL	5	0	1	0

**APPROVED** by the President of the Village of Chatham, Illinois this 23 day of FEB, 2016

*Thomas S. Gray*

Thomas S. Gray, Village President

Attest: *Pat Schad*  
 Pat Schad, Village Clerk

FAP Route 662 (IL 4) and Polecat  
Creek Rd. /Goldenrod Dr.  
Sections D6 2015-1 HSRRR &  
D6 2015-1A HSRR  
City Section \_\_\_\_\_  
Sangamon County  
Contract Nos. 72G95 & 72I11  
Agreement JN 616-004  
Project Nos. C-96-066-14 & C-96-  
024-16

AGREEMENT

This agreement entered into this 23 day of FEB, 2016, by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION hereinafter called the STATE, and the VILLAGE OF CHATHAM in Sangamon County of the State of Illinois, hereinafter called the VILLAGE.

WITNESSETH:

WHEREAS, the STATE in order to facilitate the free flow of traffic and insure safety to the motoring public, is desirous of constructing a new highway-rail at-grade crossing to replace the existing at-grade crossing at Spruce Street at the Union Pacific Railroad tracks (AAR DOT #294 335B, RR Milepost 194.76), constructing approximately 1,189 lineal feet of new roadway to be called Goldenrod Drive as approaches to the new at-grade crossing (sta. 42+20.71 to sta. 54+09.72 located on the new Goldenrod Drive as shown on the final construction plans), permanently closing said existing at-grade crossing at Spruce Street, improving 0.223 miles (1,177.00 lineal feet) of IL 4, improving approximately 0.134 miles (708.16 lineal feet) of Polecat Creek Road, constructing 0.191 miles (1,008.31 lineal feet) of new bike path, sidewalk work for compliance with the Americans with Disabilities Act (ADA), and traffic signal and lighting installations at the intersection of IL 4 with Polecat Creek Road/new Goldenrod Drive. Additional improvements include the placement of pavement markings, seeding, relocating utilities and storm sewers, and by performing all other work necessary to complete the improvement in accordance with the approved plans and specifications, to be known as F.A.P. Route 662 (IL 4) and Polecat Creek Rd/Goldenrod Dr, Sections D6 2015-1 HSRR and D6 2015-1A HSRR; and

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

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

1. The STATE agrees to make the surveys, obtain all necessary rights of way, prepare plans and specifications, receive bids and award the contract, furnish engineering inspection during construction and cause the improvement to be built in accordance with the plans, specifications and contract.
2. The STATE agrees to pay for all right-of-way, construction and engineering costs, subject to reimbursement by the VILLAGE as hereinafter stipulated.
3. It is mutually agreed by and between the parties hereto that the estimated cost and cost proration for this improvement is as follows:

Type of Work	State		City		Total
	Cost	%	Cost	%	
All construction costs excluding the following:	\$ 3,640,000	100	NA	NA	\$ 3,640,000
Water Main 100% Local	NA	NA	\$ 150,000	100	\$ 150,000
Tax Increment Financing 100% Local	NA	NA	\$ 500,000	100	\$ 500,000
<b>Sub Total</b>	\$ 3,640,000		\$ 650,000		\$ 4,290,000
P&C Engineering 15%	\$ 546,000	100	NA	NA	\$ 546,000
P&C Engineering 15% for Water Main	NA	NA	\$ 22,500	100	\$ 22,500
<b>Total</b>	\$ 4,186,000		\$ 672,500		\$ 4,858,000

Participation and reimbursement shall be predicated by the percentages shown above for the specified work. Cost shall be determined by multiplying the final quantities multiplied by the contract unit prices plus 15% for construction and preliminary engineering.

4. The VILLAGE and the STATE have agreed to the jurisdictional transfer with land rights of the newly constructed Goldenrod Drive between IL 4 and South Main Street from east thru edge of pavement on IL 4 (approx 20' RT of IL 4 centerline at sta. 124+95.80) easterly 1,189 lin ft to west thru edge of pavement on S. Main St. (approx 12.5' LT of S. Main St. CL at sta. 605+00.00), in its entirety as described in the "Local Agency – State Jurisdictional Transfer" document (BLR 05210), attached hereto as "Exhibit A and B" and made a part hereof.
5. Upon final field inspection of the improvement, the VILLAGE agrees to maintain or cause to be maintained the new Goldenrod Drive as described in Article 4 above, in its entirety.
6. The VILLAGE has agreed to grant the STATE Temporary Easement onto Parcel 6T30598TE, attached hereto as "Exhibit C" and made a part hereof, for bike path construction and existing roadway removal.
7. Upon completion of construction, the VILLAGE shall assume jurisdiction and maintenance of the newly constructed Bike Path between the newly constructed Goldenrod Drive and Spruce Street (from sta. 900+28.11 north-northeastward for approximately 1,008.31 lineal feet to the south end of the existing bike path at sta. 910+36.42), including the Permanent Easement onto Parcels 6T30599 & 6T30599PE, in its entirety, attached hereto as "Exhibit D" and made a part hereof.

8. The VILLAGE has passed a resolution appropriating sufficient funds to pay its share of the cost for this improvement, a copy of which is attached hereto as "Exhibit E" and made a part hereof.
9. The VILLAGE further agrees that upon award of the contract for this improvement, the VILLAGE OF CHATHAM will pay to the DEPARTMENT OF TRANSPORTATION of the STATE OF ILLINOIS in a lump sum from any funds allotted to the VILLAGE of an amount equal to 80% of its obligation incurred under this AGREEMENT, and will pay to the said DEPARTMENT the remainder of the obligation (including any non-participating costs on FA Projects) in a lump sum, upon completion of the project based upon final costs.
10. The VILLAGE further agrees to pass a supplemental resolution to provide necessary funds for its share of the cost of this improvement if the amount appropriated in "Exhibit E" proves to be insufficient, to cover said cost.
11. The VILLAGE has adopted and shall enforce "Chapter 72: Parking Schedules" of the Chatham, Illinois Municipal Code of Ordinances requiring that parking be prohibited within the limits of this improvement, and will in the future prohibit parking at such locations on or immediately adjacent to this improvement as may be determined necessary by the STATE from traffic capacity studies.
12. The VILLAGE has adopted and shall enforce "Chapter 51: Combined Waterworks and Sewer System" of the Chatham, Illinois Municipal Code of Ordinances, prohibiting the discharge of sanitary sewage and industrial waste water into any storm sewers constructed as a part of this improvement.
13. The VILLAGE has adopted and shall enforce "Chapter 95: Streets and Sidewalks" of the Chatham, Illinois Municipal Code of Ordinances, prohibiting any new encroachments within the limits of this improvement.
14. The VILLAGE agrees not to permit driveway entrance openings to be made in the curb, as constructed, or the construction of additional entrances, private or commercial, along IL 4 (FAP Route 662) without the consent of the STATE.
15. The VILLAGE shall exercise its franchise rights to cause private utilities to be relocated, if required, at no expense to the STATE.
16. The VILLAGE agrees to cause its utilities installed on right of way after said right of way was acquired by the STATE or installed within the limits of a roadway after the said roadway's jurisdiction was assumed by the STATE, to be relocated and/or adjusted, if required, at no expense to the STATE.
17. All VILLAGE owned utilities, on STATE right of way within the limits of this improvement, which are to be relocated/adjusted under the terms of this Agreement, will be relocated/adjusted in accordance with the applicable portions of the "Accommodation of Utilities of Right of Way of the Illinois State Highway System." (92 Ill. Adm. Code 530).
18. The VILLAGE agrees to obtain from the STATE an approved permit for the facility, and to abide by all conditions set forth therein.
19. Upon final field inspection of the improvement and so long as IL 4 (FAP 662) is used as a State Highway, the STATE agrees to maintain or cause to be maintained and to retain jurisdiction of the two through traffic lanes lying one on either side of the centerline, each

lane being 12 feet and variable in width, the southbound center left-turn lane, the northbound center left-turn lane, and the curb and gutter or stabilized shoulders and ditches adjacent to those traffic lanes to be maintained by the STATE.

20. Upon final field inspection of the improvement, the VILLAGE agrees to maintain or cause to be maintained those portions of the improvement which are not maintained by the STATE, including VILLAGE owned utilities including appurtenances thereto, highway lighting including furnishing the electrical energy therefore, and shall maintain the storm sewers and appurtenances by performing those functions necessary to keep the sewer in a serviceable condition including cleaning sewer lines, inlets, manholes, and catch basins along with the repair or replacement of inlet, manhole and catch basins' frames, grates or lids, plus structural failures to a maximum length of 12 feet between adjacent manholes. The STATE shall share cost of the maintenance, except as aforescribed, repair and/or reconstruction of the joint use sewer(s) to the same proportioning as the sewers initial construction costs.
21. Upon acceptance by the STATE of the new traffic signal installation, the financial responsibility for the maintenance and electrical energy charges for the operation of the traffic signals shall be proportioned as follows:

<b>Intersection: IL 4 @Polecat Creek Road/ Goldenrod Drive</b>		
	Maintenance	Electrical Energy
STATE share:	50%	50%
VILLAGE share:	50%	50%

22. It is mutually agreed that the actual traffic signal maintenance will be performed by the STATE, either with its own forces or through an ongoing contractual agreement. It is further agreed that the traffic signals shall be maintained to the standard described in the 2009 Edition of the Illinois Manual of Uniform Traffic Control Devices, Part 4, Section 4D.02, a copy of which is attached hereto as "Exhibit F" and made a part hereof.
23. Upon acceptance by the STATE of the new traffic signal installation included herein, the responsibility for maintenance and energy outlined above shall become a part of the Master Agreement executed by the STATE and the VILLAGE on May 6, 2011.
24. The VILLAGE further agrees to continue its existing maintenance responsibilities on all side road approaches under its jurisdiction, including all left and right turn lanes on said side road approaches, up to the through edge of pavement of IL 4. Drainage facilities, if any, at the aforementioned side roads located with the STATE right-of-way shall be the maintenance responsibility of the VILLAGE unless there is an agreement specifying different responsibilities.
25. The VILLAGE agrees to provide written approval of that portion of the plans and specifications relative to the VILLAGE financial and maintenance obligations described herein, prior to the STATE'S advertising for the aforescribed proposed improvement, a copy of which is attached as "Exhibit G" and made a part hereof.
26. Obligations of the STATE and VILLAGE will cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available funds for this contract.

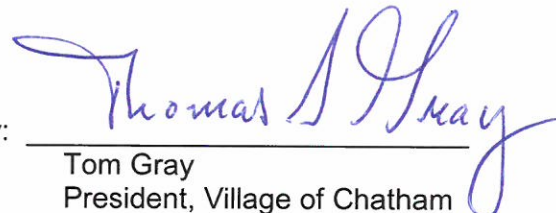
27. Under the penalties of perjury the VILLAGE certifies that 37-6002010 is their correct Federal Taxpayer Identification Number and they are doing business as a governmental entity.

This AGREEMENT and the covenants contained herein shall be null and void in the event the contract covering the construction work contemplated herein is not awarded within the three years subsequent to execution of the agreement.

This agreement shall be binding upon and to the benefit of the parties hereto, their successors and assigns.

Attest:  
  
Clerk

(SEAL)

By:   
Tom Gray  
President, Village of Chatham

Date: 2-23-16

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Jeffrey M. South, P.E.  
Region Four Engineer

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



MUNICIPAL  
CERTIFICATE

STATE OF ILLINOIS     )  
                                  )SS  
COUNTY OF SANGAMON)

I, Pat Schad, City Clerk, in and for the VILLAGE of Chatham of the State of Illinois, hereby certify that Tom Gray, President of the Village of Chatham, was duly authorized to execute the foregoing Agreement on behalf of the Village Board of the Village of Chatham, pursuant to a resolution adopted by the Village Board at a meeting on \_\_\_\_\_, 2016.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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City Clerk  
(SEAL)

**Exhibits A & B**

*(insert form BLR 05210 and Location Map for the new Goldenrod Drive here)*

**Exhibit C**

*(insert Right-of-Way plat sheet for Parcel No. 6T30598TE)*

**Exhibit D**

*(insert Right-of-Way plat sheet for Parcel Nos. 6T30599 &6T30599PE)*

**Exhibit E**

**FUNDING RESOLUTION**

FAP Route 662 (IL 4) and Polecat  
Creek Rd. /Goldenrod Dr.  
Sections D6 2015-1 HSRRR &  
D6 2015-1A HSRR  
City Section \_\_\_\_\_  
Sangamon County  
Contract Nos. 72G95 & 72I11  
Agreement JN 616-004  
Project Nos. C-96-066-14 & C-96-  
024-16

WHEREAS, the VILLAGE OF CHATHAM has entered into an AGREEMENT with the STATE OF ILLINOIS, for the construction a new highway-rail at-grade crossing to replace the existing at-grade crossing at Spruce Street at the Union Pacific Railroad tracks (AAR DOT #294 335B, RR Milepost 194.76), constructing approximately 1,189 lineal feet of new roadway to be called Goldenrod Drive as approaches to the new at-grade crossing (sta. 42+20.71 to sta. 54+09.72 located on the new Goldenrod Drive as shown on the final construction plans), permanently closing said existing at-grade crossing at Spruce Street, improving 0.223 miles (1,177.00 lineal feet) of IL 4, improving approximately 0.134 miles (708.16 lineal feet) of Polecat Creek Road, constructing 0.191 miles (1,008.31 lineal feet) of new bike path, sidewalk work for compliance with the Americans with Disabilities Act (ADA), and traffic signal and lighting installations at the intersection of IL 4 with Polecat Creek Road/new Goldenrod Drive. Additional improvements include the placement of pavement markings, seeding, relocating utilities and storm sewers, and by performing all other work necessary to complete the improvement in accordance with the approved plans and specifications, to be known as F.A.P. Route 662 (IL 4) and Polecat Creek Rd/Goldenrod Dr, Sections D6 2015-1 HSRR and D6 2015-1A HSRR; and

WHEREAS, in compliance with the aforementioned AGREEMENT, it is necessary for the VILLAGE OF CHATHAM to appropriate sufficient funds to pay its share of the said cost of the improvement

NOW, THEREFORE, BE IT RESOLVED, that there is hereby appropriated the sum of SIX HUNDRED SEVENTY TWO THOUSAND FIVE HUNDRED DOLLARS, AND NO CENTS (\$672,500.00), or so much thereof as may be necessary, from any money now or hereafter allotted to the Village of Chatham to pay its share of the cost of this improvement as provided in the AGREEMENT; and,

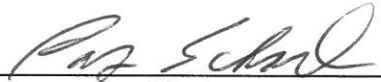
BE IT FURTHER RESOLVED, that upon award of the contract for this improvement, the VILLAGE OF CHATHAM will pay to the Department of Transportation of the State of Illinois in a lump sum from any funds allotted to the VILLAGE OF CHATHAM an amount equal to 80% of its obligation incurred under this Agreement, and will pay to the said DEPARTMENT the remainder of the obligation in a lump sum, upon completion of the project based upon final costs.

BE IT FURTHER RESOLVED that the VILLAGE OF CHATHAM agrees to pass a supplemental resolution to provide necessary funds for its share of the cost of this improvement if the amount appropriated herein proves to be insufficient to cover said cost.

STATE OF ILLINOIS       )  
  )SS  
COUNTY OF SANGAMON)

I, PATRICK SCHAD, Clerk in  
and for the VILLAGE OF CHATHAM, hereby certify  
the foregoing to be a true, perfect and complete  
copy of the resolution adopted by the President and  
Village Board at a meeting on 2-23,  
2016.

IN TESTIMONY WHEREOF, I have hereunto set  
my seal this 23 day of FEB 2016.



Clerk

(SEAL)

## Exhibit F

### Manual of Uniform Traffic Control Devices

#### Section 4D.02 Responsibility for Operation and Maintenance

*Guidance:*

*01 Prior to installing any traffic control signal, the responsibility for the maintenance of the signal and all of the appurtenances, hardware, software, and the timing plan(s) should be clearly established. The responsible agency should provide for the maintenance of the traffic control signal and all of its appurtenances in a competent manner.*

*02 To this end the agency should:*

- A. Keep every controller assembly in effective operation in accordance with its predetermined timing schedule; check the operation of the controller assembly frequently enough to verify that it is operating in accordance with the predetermined timing schedule; and establish a policy to maintain a record of all timing changes and that only authorized persons are permitted to make timing changes;*
- B. Clean the optical system of the signal sections and replace the light sources as frequently as experience proves necessary;*
- C. Clean and service equipment and other appurtenances as frequently as experience proves necessary;*
- D. Provide for alternate operation of the traffic control signal during a period of failure, using flashing mode or manual control, or manual traffic direction by proper authorities as might be required by traffic volumes or congestion, or by erecting other traffic control devices;*
- E. Have properly skilled maintenance personnel available without undue delay for all signal malfunctions and signal indication failures;*
- F. Provide spare equipment to minimize the interruption of traffic control signal operation as a result of equipment failure;*
- G. Provide for the availability of properly skilled maintenance personnel for the repair of all components; and*
- H. Maintain the appearance of the signal displays and equipment.*

**Exhibit G**

FAP Route 662 (IL 4) and Polecat  
Creek Rd. /Goldenrod Dr.  
Sections D6 2015-1 HSRRR &  
D6 2015-1A HSRR  
City Section \_\_\_\_\_  
Sangamon County  
Contract Nos. 72G95 & 72I11  
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024-16

**PLAN APPROVAL**

WHEREAS, the VILLAGE OF CHATHAM has entered into an AGREEMENT with the STATE OF ILLINOIS, for the for the construction a new highway-rail at-grade crossing to replace the existing at-grade crossing at Spruce Street at the Union Pacific Railroad tracks (AAR DOT #294 335B, RR Milepost 194.76), constructing approximately 1,189 lineal feet of new roadway to be called Goldenrod Drive as approaches to the new at-grade crossing (sta. 42+20.71 to sta. 54+09.72 located on the new Goldenrod Drive as shown on the final construction plans), permanently closing said existing at-grade crossing at Spruce Street, improving 0.223 miles (1,177.00 lineal feet) of IL 4, improving approximately 0.134 miles (708.16 lineal feet) of Polecat Creek Road, constructing 0.191 miles (1,008.31 lineal feet) of new bike path, sidewalk work for compliance with the Americans with Disabilities Act (ADA), and traffic signal and lighting installations at the intersection of IL 4 with Polecat Creek Road/new Goldenrod Drive. Additional improvements include the placement of pavement markings, seeding, relocating utilities and storm sewers, and by performing all other work necessary to complete the improvement in accordance with the approved plans and specifications, to be known as F.A.P. Route 662 (IL 4) and Polecat Creek Rd/Goldenrod Dr, Sections D6 2015-1 HSRR and D6 2015-1A HSRR.

The VILLAGE OF CHATHAM hereby gives written approval of that portion of the plans and specifications relative to the CITY financial and maintenance obligations.

APPROVED this 23 day of FEB, 2016

By: Thomas D Gray  
Tom Gray  
President, Village of Chatham