



## Legislation Text

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File #: 24-0009, Version: 1

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**TO:** Mayor Richard C. Irvin and City Council

**FROM:** Tim Weidner, P.E., Engineering Coordinator

**DATE:** January 11, 2024

**SUBJECT:**

A Resolution approving the Fifth Amendment to the Intergovernmental Agreement between the City of Aurora, the City of Naperville, and the Naperville Township Road District to widen North Aurora Road in the vicinity of the CN Railway Crossing and to appropriate \$3,136,378.00 of MFT Funds for the project.

**PURPOSE:**

To obtain council approval for a resolution approving the Fifth Amendment to the Intergovernmental Agreement (IGA) between the City of Aurora, the City of Naperville, and the Naperville Township Road District to widen North Aurora Road in the vicinity of the CN Railway Crossing. To appropriate Motor Fuel Taxes (MFT) by Illinois Department of Transportation (IDOT) Resolution for MFT Section No. 17-00321-00-BR.

**BACKGROUND:**

The project is a joint multi-jurisdictional project with the City of Aurora, City of Naperville, and Naperville Township Road District to improve the regional transportation network. The City of Naperville is the lead on this project.

This is an ongoing project that began in 2006 with Phase 1 preliminary engineering. The original IGA was approved by City Council in 2006 (R06-168). Phase 1 was completed and accepted by IDOT in 2016. In 2015, Council approved the First Amendment to the IGA that covered the land acquisition for the project, which is being called "Phase II" of the project (R15-069). In 2017, Council approved the Second Amendment to the IGA that covered the design engineering and stormwater management fees, which is being called "Phase III" of the project (R17-067). In 2021, Council approved the Third Amendment to the IGA that covered additional costs needed to complete the "Phase II" and "Phase III" portions of the project (R21-163). The additional costs in 2021 included a design engineering supplement (including additional land acquisition services), utility relocation design engineering, and additional land acquisition costs. In 2022, Council approved the Fourth Amendment to the IGA that covered additional costs needed to complete the "Phase II" and "Phase III" portions of the project (R22-304).

The current boundary agreement between the City of Aurora and City of Naperville commits the City to completing the land acquisition and design engineering process, designated as "Phase II" and "Phase III" as described above. This Fifth amendment commits the City to budgeting our local share for the Construction and Construction Engineering portion of the project and officially move forward

the final phase of this project. The project will still have to be let by Illinois Department of Transportation and awarded.

By starting and/or completing these prior phases, the project was in a better position to apply for federal funding for construction when it became available. Currently the project has been programmed for \$15M in Illinois Commerce Commission (ICC) and \$20.1M in Surface Transportation Project - Shared Fund (STP-SF) federal funds. A total of \$35,100,000.00 in state and federal funds, which is an increase of approximately \$13.3M from the Fourth amendment to the IGA. The project team continues to look for additional funding opportunities for all aspects of the project.

**DISCUSSION:**

As discussed, this is the Fifth Amendment to the IGA which primarily covers the final "Phase IV" of the project, including Construction, Construction Engineering and Utility Relocation. There are also some funds to complete "Phase II" and "Phase III" of the project.

The Fifth Amendment to the Intergovernmental Agreement is attached as Exhibit '1' and provides additional detail.

In an attempt to make this the final and all-encompassing IGA, Naperville proposed the creation of a NAR Project Team with representatives from the Township, Aurora and Naperville. As agreements are drafted with the railroads and utility companies the NAR Project Team would review them, and once all team members agree that an agreement is in order, the chief executives of each agency sign the agreements. This IGA delegates the authority to sign those documents to the chief executives, removing the need to go back to City Council to sign those individual agreements. However, if the agreements will cause the local agency to exceed the obligation as described in this resolution, city staff will bring the agreement to City Council for approval.

Per the attached IGA, the City's estimated local obligation is \$3,136,387 and will be paid out over the next four (4) years as described in the attached exhibit. Funds are available in the 2024 approved budget per the below and additional funds will need to be included in the 2025, 2026 and the 2027 budgets:

GB017	North Aurora Road Underpass	203-4060-431.76-66	\$500,000.00
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IDOT requires a Resolution to appropriate the MFT funds prior to their expenditure for approved projects. The Resolution for Improvement - BLR 09110 (Exhibit '2') appropriating MFT funds in the amount of \$3,136,378.00 is attached. This \$3,136,378.00 amount includes a 15% contingency above current estimated costs as described in the IGA. If this \$3,136,378.00 amount does not cover the final local share costs for the project, another resolution will need to be considered by City Council for approval to expedite any additional funding.

Exhibit 3 is various maps and exhibits from the open house Naperville held in July 2022, which were previously shared with the City Council. The construction dates are no longer accurate.

**IMPACT STATEMENT:**

A detour will be required for a portion of the project. See Exhibit 3 for additional information. The timing of the detour is unknown and will depend on when the project goes to letting.

**RECOMMENDATIONS:**

Please forward this resolution to the Finance Committee for their review and recommendation.

cc: Finance Committee



CITY OF AURORA, ILLINOIS

RESOLUTION NO. \_\_\_\_\_  
DATE OF PASSAGE \_\_\_\_\_

A Resolution approving the Fifth Amendment to the Intergovernmental Agreement between the City of Aurora, the City of Naperville, and the Naperville Township Road District to widen North Aurora Road in the vicinity of the CN Railway Crossing and to appropriate \$3,136,378.00 of MFT Funds for the project.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City desires to construct the widening of North Aurora Road under the CN Railway crossing; and

WHEREAS, The City has partnered with the City of Naperville and Naperville Township Road District to complete such construction, and

WHEREAS, there is a need to appropriate Motor Fuel Tax funds for this agreement for Section 17-00321-00-BR the amount of \$3,136,378.00, a copy of which resolution is attached hereto and incorporated herein as Exhibit '2', and

WHEREAS, the 2024 City Budget provides the \$500,000.00 of MFT funds for the 2024 obligation in account no. 203-4060-431.76-66 (GB017, North Aurora Road Underpass) and future City budgets will include the remainder up to the \$3,136,378.00 amount.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aurora, Illinois, as follows: that the Mayor and Clerk are hereby authorized to execute the Fifth Amendment to the Intergovernmental Agreement between the City of Aurora, the City of Naperville, and the Naperville Township Road District to widen North Aurora Road in the vicinity of the CN Railway Crossing, attached to this Resolution as Exhibit '1'; and further

BE IT RESOLVED, that three million one hundred thirty six thousand three hundred seventy eight

dollars (\$3,136,378.00) of available MFT Funds, Motor Fuel Tax Section Number 17-00321-00-BR shall be and hereby is appropriated for the purposes set forth in this resolution; and further

BE IT RESOLVED, that the Mayor and the Clerk respectively, shall be and hereby are directed to execute all the aforementioned documents on behalf of the City and any other documents required to carry the purposes of this resolution into execution, including, but not limited to the document entitled "Resolution for Improvement Under the Illinois Highway Code, Form (BLR 09110)" attached to this Resolution as Exhibit '2'.