

RESOLUTION NO. 23-

A RESOLUTION APPROVING A SLEEVE DESIGN ENGINEERING REIMBURSEMENT AGREEMENT WITH ENBRIDGE ENERGY LIMITED PARTNERSHIP FOR THE NORTH AURORA ROAD RIGHT-OF-WAY PROJECT

1. **WHEREAS**, the City of Naperville (“**City**”), is the lead agency for a project which has been undertaken by the City, the City of Aurora, and the Naperville Township Road District (now Naperville Township), hereinafter referenced together as the “**Road Authority**”, to replace and widen the existing highway underpass at North Aurora Road at the Elgin, Joliet, & Eastern Railway Company’s Railroad crossing (the “**Project**”); and
2. **WHEREAS**, as part of the Project it is necessary to relocate a gas pipeline (the “**Pipeline**”) owned by the Enbridge Energy, Limited Partnership (“**Enbridge**”).
3. **WHEREAS**, on May 19, 2021, the City and Enbridge entered into a reimbursement agreement for Enbridge to perform a Class 4 Estimate which explored the conceptual feasibility of two options to relocate the Pipeline and removing the hand-operated main line valve MLV-406.83-6-V. The Class 4 Estimate was completed and a preliminary Pipeline relocation design agreed upon.
4. **WHEREAS**, on June 15, 2022, the City entered into a reimbursement agreement with Enbridge for Enbridge to prepare preliminary engineering design plans for relocation of the Pipeline.
5. **WHEREAS**, prior to Enbridge proceeding with the option selected as part of the Class 4 Estimate, the City undertook a third-party assessment of the proposed Enbridge option (the “**Constructability Options Analysis Report**”).
6. **WHEREAS**, in response to the Constructability Options Analysis Report, Enbridge proposed an alternative construction option referenced as the sleeve option (the

“Sleeve Option”) and provided an estimated cost to design and prepare bids for the Sleeve Option.

7. **WHEREAS**, the City, on behalf of the Road Authority, now desires Enbridge to undertake design engineering and preparation of bid materials for the Sleeve Option as set forth in the “Sleeve Design Engineering Reimbursement Agreement” attached hereto as **Exhibit A**.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, COUNTIES OF DUPAGE AND WILL, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: The foregoing Recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Resolution shall be deemed incorporated and made part hereof.

SECTION 2: The Sleeve Design Engineering Reimbursement Agreement attached hereto as **Exhibit A** between the City of Naperville, on behalf of the Road Authority, and Enbridge Energy, Limited Partnership, is hereby approved subject to minor technical and substantive revisions as may be approved by the City Attorney.

SECTION 3: The City Manager is hereby authorized to execute, and the Interim City Clerk to attest, the Sleeve Design Engineering Reimbursement Agreement between the City of Naperville and Enbridge Energy, Limited Partnership as provided herein.

SECTION 4: This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Nancy Bright
Interim City Clerk