

RESOLUTION NO. 24-

A RESOLUTION APPROVING THE FIFTH AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF NAPERVILLE, THE CITY OF AURORA, AND NAPERVILLE TOWNSHIP TO REPLACE AND WIDEN THE EXISTING HIGHWAY UNDERPASS ON NORTH AURORA ROAD AT THE ELGIN, JOLIET, & EASTERN RAILWAY COMPANY'S RAILROAD CROSSING

1. **WHEREAS**, the City of Naperville, the City of Aurora, and Naperville Township (individually referenced herein as “**Party**” and together as “**Parties**”) have worked together since 2006 on a project to widen a portion of North Aurora Road from Pennsbury Lane to Frontenac Road located at different points in Naperville, Aurora, and Naperville Township (the “**Project**”). The Project will widen North Aurora Road to accommodate two 12-foot through lanes in each direction with an 18-foot grass median; an 8-foot bike bath on the south side of the roadway; a 5-foot sidewalk on the north side of the roadway; and drainage improvements which should alleviate the flooding at the railroad underpass. The City of Naperville is the lead local agency for the Project.
2. **WHEREAS**, the Project includes several components in addition to roadway improvements, including but not limited to replacement of a bridge owned by Wisconsin Central Ltd. (previously the Elgin, Joliet, & Eastern Railway Company) as well as the relocation and modification of two pipelines and one overhead power transmission line in the vicinity of the planned improvements.
3. **WHEREAS**, the initial intergovernmental agreement (“**Intergovernmental Agreement**”) for the Project was entered into by the Parties on April 18, 2006, and the First, Second, Third and Fourth Amendments to that Intergovernmental Agreement have provided for next phases of the Project.

4. **WHEREAS**, the proposed Fifth Amendment to the Intergovernmental Agreement provides for financial commitments by each Party to move forward with the Project, including but not limited to utility relocation, construction engineering, and construction as well as identifying ongoing ownership and maintenance responsibilities for certain components of the Project upon its completion.

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

SECTION 1: The Fifth Amendment to the Intergovernmental Agreement between the City of Naperville, the City of Aurora, and Naperville Township to Replace and Widen the Existing Highway Underpass on North Aurora Road at the Elgin, Joliet, & Eastern Railway Company’s Railroad Crossing (the “**Fifth Intergovernmental Agreement**”) attached to this Resolution as **Exhibit A** is hereby approved subject to minor technical and substantive revisions as may be approved by the City Attorney.

SECTION 2: The Mayor and City Clerk are directed to execute said Fifth Intergovernmental Agreement on behalf of the City.

SECTION 3: This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn Portner
City Clerk