

ORDINANCE NO. 26-

**AN ORDINANCE APPROVING PAYMENT OF COSTS FOR UPGRADES
TO TRAFFIC SIGNAL IMPROVEMENTS TO BE CONSTRUCTED AT THE
INTERSECTION OF OGDEN AVENUE AND IROQUOIS AVENUE**

RECITALS

1. **WHEREAS**, pursuant to an Owner's Acknowledgement and Acceptance Agreement for Kirkland Ogden Subdivision (Costco Wholesale Warehouse) approved by City of Naperville Ordinance 20-086, recorded with the DuPage County Recorder as Document No. R2020-105072 (the "**OAA**"), Costco Wholesale Corporation ("**Costco**") agreed to undertake certain traffic signal improvements at the corner of Ogden Avenue and Iroquois Avenue as directed by IDOT (the "**Ogden/Iroquois Traffic Signal Improvements**").

2. **WHEREAS**, the Ogden/Iroquois Traffic Signal Improvements required by the Illinois Department of Transportation ("**IDOT**") pursuant to Section 7.1.2 of the OAA include modernization of traffic signal equipment, including but not limited to traffic signal mast arms and poles at the intersection of Ogden Avenue and Iroquois Avenue.

3. **WHEREAS**, the City has requested Costco to install the Ogden/Iroquois Traffic Signal Improvements required by IDOT with certain upgrades so that said Improvements align with the requirements of the Ogden Avenue Corridor Enhancement Initiative, approved by the City on February 6, 2008 by Ordinance 08-025, including decorative enhancements to the traffic signal mast arms and poles as well as illuminated street signs (the "**Traffic Signal Upgrades**").

4. **WHEREAS**, Costco has agreed to install the Ogden/Iroquois Traffic Signal Improvements as enhanced by the Traffic Signal Upgrades subject to payment by the

City for that portion of the costs attributable to the Traffic Signal Upgrades not required by IDOT but requested by the City.

5. **WHEREAS**, Costco issued bids for the work required by the Ogden/Iroquois Traffic Signal Improvements and selected the lowest responsible bidder to perform that work. The costs of the Traffic Signal Upgrades were then requested from the low bidder which came in at one hundred and thirty-five thousand, six hundred and sixty-nine dollars (\$135,669.00) and which costs align with the amount paid for a recent traffic signal enhancement project at the adjacent intersection of Ogden Avenue and Naperville Wheaton Road.

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

SECTION 1: The foregoing Recitals are incorporated as though fully set forth in this Section 1.

SECTION 2: Upon written direction from the City Engineer, the City Finance Director is hereby authorized to remit payment to Costco Wholesale Corporation for actual costs incurred in an amount not to exceed one hundred and thirty-five thousand, six hundred and sixty-nine dollars (\$135,669.00) for the Traffic Signal Upgrades described herein. The City Manager shall have the authority to approve contingency payments not to exceed five percent (5%) of the costs defined herein.

SECTION 3: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal

Code. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance prior its execution by the City Mayor and the City Clerk.

SECTION 4: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2026.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2026.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk