



## Legislation Details (With Text)

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**On agenda:** 1/16/2024      **Final action:**

**Title:** Adopt the 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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. Fifth IGA

Date	Ver.	Action By	Action	Result
1/16/2024	1	City Council	adopted	Pass

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Adopt the 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

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** William J Novack, Director/City Engineer

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

The City of Naperville, the City of Aurora, and Naperville Township (originally the Naperville Township Road District) entered into an intergovernmental agreement ("IGA") on April 18, 2006 to initiate a project to widen a portion of North Aurora Road from Pennsbury Lane to Frontenac Road which is located at different points in Naperville, Aurora, and Naperville Township (the "Project"). The City of Naperville was named as lead local agency for the Project. The Project will result in North Aurora Road being widened 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 to alleviate the flooding that occurs beneath the bridge.

The First, Second, Third, and Fourth Amendments to the IGA provided for next steps for the three

governmental partners to accomplish each phase of the Project including land acquisition and design engineering. As part of the Project, an existing Wisconsin Central Ltd. railroad bridge (previously owned by the E,J,&E) will need to be demolished and reconstructed and two pipelines will need to be relocated and modified.

#### DISCUSSION:

The proposed Fifth Amendment to the IGA ("Fifth IGA") provides for financial commitments by each governmental partner to move forward with the final stage of the Project, including utility relocation, construction engineering, and construction, as well as establishing ongoing ownership and maintenance responsibilities for certain components of the Project upon its completion.

The North Aurora Road Underpass project has received a total of \$35.1 million of outside funding from two different sources:

- 1.) \$20,134,341 from the Chicago Metropolitan Agency for Planning (CMAP) - Federal Surface Transportation Program Fund.
- 2.) \$15,000,000 from the Illinois Commerce Commission (ICC) - Grade Crossing Protection Fund.

The estimated total project cost for utility relocation, construction engineering and construction is \$41 million. After accounting for the outside funding mentioned above, the estimated remaining costs for those purposes to be shared by the City of Naperville, the City of Aurora, and Naperville Township, are as follows:

- 1.) Construction Engineering: \$670,752
- 2.) Construction
  - a. Utility Relocations: \$2,025,150
  - b. Construction: \$3,960,833
- 3.) Prior costs incurred for utility relocation design and wetland banking: \$474,021
- 4.) Total local share: \$7,130,756

Timing for this Project is critical since if it is not bid in 2024 we will be in jeopardy of losing \$20.1 million of outside funding. Without that funding, the Project will not be feasible. There are still several agreements that must be completed and approved prior bidding construction for the Project (which will be done by the Illinois Department of Transportation). To facilitate this, the Fifth IGA establishes an "NAR Project Team" with staff representation from all three governmental partners; the two cities and the township. Upon the recommendation of the NAR Project Team, the Fifth IGA authorizes the chief administrative officer from each entity to sign the remaining agreements as long as all members of the Project Team agree.

The Fifth IGA also includes a funding level that each entity is committed to for utility relocation, construction engineering and construction of this Project. If the actual total costs exceed the estimated local share provided for in the IGA, an amendment of the 5<sup>th</sup> IGA will be required which will be required to be approved by each public body.

Staff recommends adopting the attached 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.

**FISCAL IMPACT:**

CIP #: BR005

Construction engineering and construction costs will be expensed to the Engineering and Infrastructure accounts listed below as a part of the capital improvement project BR005 - North Aurora Road Underpass at the CN Railroad. The 2024 budget includes \$12,200,000 for engineering and construction costs.

The City of Naperville, City of Aurora, and Naperville Township will share the responsibilities for payment of the local share as defined in the Fifth IGA. The City of Naperville will pay all invoices and seek reimbursement from the City of Aurora and Naperville Township on a semi-annual basis. Funding is available as part of CIP #: BR005 - North Aurora Road Underpass. Funding is available as part of CIP #: BR005 - North Aurora Road Underpass

Account Number	Fund Description	Total Budget Amount
30282200-531301	Capital Projects Fund	\$3,225,010
30282200-551502	Capital Projects Fund	\$29,448,000