



## Legislation Text

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File #: 21-0789, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Adopt the resolution approving the Third Amendment to the Intergovernmental Agreement between the City of Naperville, the City of Aurora and the Naperville Township for the additional land acquisition and additional design engineering for the North Aurora Road Underpass

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Matt Calpin, Project Engineer

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

N/A

#### **BACKGROUND:**

In 2015, Naperville, Aurora and the Naperville Township initiated the land acquisition process to acquire the necessary right-of-way and construction easements for the reconstruction and widening of the North Aurora Road Underpass at the EJ&E Railroad (currently, the Canadian National Railway). In 2016, Naperville, Aurora and the Naperville Township initiated design engineering to develop a final design for the project.

The City of Naperville entered into an Intergovernmental Agreement with the City of Aurora and the Naperville Township to share in the costs associated with improving the North Aurora Road Underpass. The original agreement and subsequent amendments one and two defined the general scope of the project and identified that the project would consist of multiple phases of work. The first amendment of the agreement provided for the distribution of costs associated with land acquisition necessary for the completion of the project. The second amendment of the agreement provided for equal distribution of costs associated with design engineering of the project.

#### **DISCUSSION:**

During the detailed design process for the project and discussions with the railroads, the need for the following additional land acquisition and engineering activities was identified:

- Acquiring an additional construction easement and renewal of previous expiring temporary construction easements Burlington Northern Santa Fe (BNSF) railroad.
- Design of a retaining wall modification along the BNSF tracks to accommodate the track spur adjustment adjacent to the underpass structure.
- Redesign of the roadway profile west of the underpass to accommodate the relocation of the Enbridge petroleum gas pipeline. (City Council approved a reimbursement agreement with Enbridge on May 18, 2021 through agenda Item 21-0645).
- Resubmittal of the design documents with the latest revisions to the Illinois Department of Transportation (IDOT) for an additional review.

The proposed third amendment to the intergovernmental agreement provides for an equal distribution of additional costs associated with land acquisition, land acquisition services, and design engineering for completion of the project. Staff recommends adopting a resolution approving the Third Amendment to the Intergovernmental Agreement between the City of Naperville, the City of Aurora, and the Naperville Township for the additional land acquisition and design engineering associated with the North Aurora Road Underpass improvements.

A change order to the design contract with the City's design consultant for the additional scope of work described above has been submitted through a separate agenda item.

**FISCAL IMPACT:**

As defined in the third amendment to the intergovernmental agreement between the City of Aurora, Naperville Township, and the City of Naperville for the project, each party is responsible for one-third of the total cost of land acquisition, land acquisition services, and design engineering. The percentage of funding for which each agency is responsible to pay has not changed from the original Intergovernmental Agreement and subsequent amendments. Funding is available as part of CIP #: BR005 - North Aurora Road Underpass