

FAP Route 352  
Illinois Route 137 (Buckley Road)  
State Section: 56N-4  
Lake County  
Job No. : Agreement No.: JN-111-064  
Contract No.: 60K19

AGREEMENT

This Agreement entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_A.D, by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION hereinafter called the STATE, and the County of Lake of the State of Illinois, hereinafter called the COUNTY.

WITNESSETH:

WHEREAS, the STATE in order to facilitate the free flow of traffic and insure safety to the motoring public, is desirous of improving approximately 710 lineal feet of Illinois Route 137 (Buckley Road), (FAP Route 352, Illinois Route 137, STATE Section 56N-4, State Contract 60K19) by providing a roadway widening and resurfacing project which shall consist of HMA base course widening, pavement patching, milling of existing HMA surface, placement of polymerized leveling binder and HMA surface course, placement of thermoplastic pavement markings, traffic signal replacement and all incidental and collateral work necessary to complete the improvement as shown on the plans and as described herein.; and

WHEREAS, the COUNTY is desirous of said improvement in that same will be of immediate benefit to the COUNTY residents and permanent in nature;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

**DRAFT**

1. The STATE agrees to make the surveys, obtain all necessary rights of way, prepare plans and specifications, receive bids and award the contract, furnish engineering inspection during construction and cause the improvement to be built in accordance with the approved plans, specifications and contract.
2. The STATE agrees to pay for all right of way, construction and engineering costs, including the cost of railroad adjustments, subject to reimbursement by the COUNTY as hereinafter stipulated.
3. It is mutually agreed by and between the parties hereto that the estimated cost and cost proration for this improvement is as shown on Exhibit A.
4. The COUNTY has passed a resolution appropriating sufficient funds to pay its share of the cost for this improvement, a copy of which is attached hereto as "Exhibit B" and made a part hereof.

The COUNTY further agrees that upon award of the contract for this improvement, the COUNTY will pay to the STATE, in a lump sum from any funds allotted to the COUNTY, an amount equal to 80% of its obligation incurred under this AGREEMENT, and will pay to said DEPARTMENT the remainder of the obligation (including any non-participating costs on FA Projects) in a lump sum, upon completion of the project based upon final costs.

The COUNTY further agrees to pass a supplemental resolution to provide necessary funds for its share of the cost of this improvement if the amount appropriated in "Exhibit B" proves to be insufficient, to cover said cost.

5. The COUNTY has adopted a resolution, will send a letter, or sign the Plan Approval page which is part of this document, prior to the STATE advertising for the work to be performed hereunder, approving the plans and specifications as prepared.
6. The COUNTY agrees not to permit driveway entrance openings to be made in the curb, as constructed, or the construction of additional entrances, private or commercial, along Illinois Route 137 without the consent of the STATE.
7. The COUNTY agrees to cause its utilities installed on right of way after said right of way was acquired by the STATE or installed within the limits of a roadway after the said roadway's jurisdiction was assumed by the STATE, to be relocated and/or adjusted, if required, at no expense to the STATE.
8. Upon final field inspection of the improvement and so long as Illinois Route 137 (Buckley Road) is used as a STATE Highway, the STATE agrees to maintain or cause to be maintained the median, the through traffic lanes lying on either side of the median, the left-turn and right turn lanes, and the curb and gutter stabilized shoulders and ditches adjacent to those traffic lanes and turn lanes.
9. The COUNTY further agrees to continue its existing maintenance responsibilities on all side road approaches under its jurisdiction, including all left and right turn lanes on said side road approaches, up to the through edge of pavement of Illinois Route 137 (Buckley Road). Drainage facilities, if any, at the aforementioned side roads located within the STATE right-of-way shall be the joint maintenance responsibility of the STATE and the COUNTY unless there is an agreement specifying different responsibilities.

10. Upon acceptance by the STATE of the traffic signal work included herein, the financial responsibility for the maintenance and electrical energy charges for the operation of the traffic signal shall be proportioned as follows:

<u>Intersection</u>	<u>Maintenance</u>	<u>Elect. Energy</u>
Illinois Route 137 (Buckley Road) @ O'Plaine Road		
STATE Share	( 100 )%	( 100 )%
COUNTY Share	( 0 )%	( 0 )%

It is mutually agreed that the actual traffic signal maintenance will be performed by the STATE, either with its own forces or through an ongoing contractual agreement.

The STATE retains the right to control the sequence and timing of the traffic signals.

Payment by the STATE of any or all of its share of maintenance and energy costs is contingent upon the STATE receiving adequate funds in its annual appropriation.

Obligations of the STATE and the COUNTY will cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available funds for this contract.

This AGREEMENT and the covenants contained herein shall be null and void in the event the contract covering the construction work contemplated herein is not awarded within the three years subsequent to execution of the agreement.

This Agreement shall be binding upon and to the benefit of the parties hereto, their successors and assigns.

COUNTY OF LAKE

By: \_\_\_\_\_  
(Signature)

By: \_\_\_\_\_  
(Print or Type)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Clerk

(SEAL)

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Diane O'Keefe  
Region One Engineer

Date: \_\_\_\_\_

PLAN APPROVAL

WHEREAS, in order to facilitate the improvement of Illinois Route 137 known as Buckley Road, State Section 56N-4, the COUNTY agrees to that portion of the plans and specifications relative to the COUNTY's financial and maintenance obligations described herein, prior to the STATE's advertising for the aforescribed proposed improvement.

Approved \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**Exhibit A**  
**ESTIMATE OF COST & PARTICIPATION**

Type of Work	FEDERAL		STATE		COUNTY		VILLAGE		TOTAL	
	COST	%	COST	%	COST	%	COST	%	COST	%
All roadway work excluding the following:										
P&C Engineering (15%)	\$ 404,000	80%	\$ 101,000	20%	\$	%	\$	%	\$ 505,000	%
<b>TRAFFIC SIGNALS</b>	\$ 60,600	80%	\$ 15,150	20%	\$	%	\$	%	\$ 75,750	%
ILL. Route 137 (Buckley Road) @ O'Plaine	\$ 224,000	80%	\$ 28,000	10%	\$ 14,000	5%	\$ 14,000	5%	\$ 280,000	5%
P&C Engineering (15%)	\$ 33,600	80%	\$ 4,200	10%	\$ 2,100	5%	\$ 2,100	5%	\$ 42,000	5%
<b>TOTAL</b>	\$ <b>722,200</b>		\$ <b>148,350</b>		\$ <b>16,100</b>	\$	\$ <b>16,100</b>	\$	\$ <b>902,750</b>	%

\*Note: The COUNTY's participation shall be predicated on the percentages shown above for the specified work. The COUNTY's cost shall be determined by multiplying the final quantities times contract unit price plus 15% for construction and preliminary engineering.