

**RESOLUTION R-04-14**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND ADDENDUM TO AN  
AGREEMENT DATED SEPTEMBER 10, 2002 BETWEEN  
THE STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION, THE CITY OF  
WHEATON, AND THE COUNTY OF DUPAGE  
FOR PHASE I PRELIMINARY ENGINEERING OF THE INTERSECTION OF ROOSEVELT  
ROAD (ILLINOIS ROUTE 38) AT COUNTY FARM ROAD**

WHEREAS, the State of Illinois, the City of Wheaton, and the County of DuPage executed an agreement on September 10, 2002 and an addendum on November 6, 2008, for the purpose of jointly initiating Phase I Preliminary Engineering for an improvement of the intersection of Roosevelt Road (Illinois Route 38) at County Farm Road; and

WHEREAS, since the execution of the aforementioned agreement and addendum, it has been determined that additional funds are necessary to complete the Phase I Preliminary Engineering; and

WHEREAS, the State, the City, and the County are still desirous of the Phase I Preliminary Engineering in that same will benefit all parties.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that the Mayor is hereby authorized to execute a second addendum to the agreement dated September 10, 2002 between the State of Illinois Department of Transportation, the City of Wheaton, and the County of DuPage for Phase I Preliminary Engineering of the intersection of Roosevelt Road (Illinois Route 38) at County Farm Road.

ADOPTED, this 21<sup>st</sup> day of January, 2014.

  
Mayor

ATTEST:

  
City Clerk

Ayes:

Roll Call Vote

Councilman Prendiville

Councilman Rutledge

Councilman Saline

Mayor Pro Tem Suess

Councilwoman Pacino Sanguinetti

Councilman Scalzo

Nays:

None

Absent:

Mayor Gresk

Motion Carried Unanimously

FAP 347 (Illinois Route 38)  
at County Farm Road  
State Section: 2001-165 I  
DuPage County  
C-91-506-01  
Agreement No.: JN-108-519

## SECOND ADDENDUM AGREEMENT

THIS SECOND ADDENDUM AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014 A.D., by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called the STATE, the City of Wheaton, hereinafter called the CITY, and the County of DuPage, of the State of Illinois, hereinafter called the COUNTY.

### WITNESSETH:

WHEREAS, the STATE, the CITY, and the COUNTY, executed an Agreement on September 10<sup>th</sup>, 2002 and an Addendum Agreement on November 6<sup>th</sup>, 2008, for purpose of jointly initiating Phase I Preliminary Engineering for the improvement of the intersection of Illinois Route 38 (FAP 347) at County Farm Road, known as FAP Route 347, State Section: 2001-165 I, City Section: 01-00093-00-ES, County Section: 00-00179-15-ES, State Job No.: C-91-506-01; and

WHEREAS, since the execution of the aforementioned Agreement and Addendum Agreement, it has been determined that additional funds in the amount of \$22,819.25 is required to complete the Phase I Preliminary Engineering; and

WHEREAS, the STATE, the CITY, and the COUNTY are still desirous of the Phase I Preliminary Engineering in that same will be of benefit to all parties;

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

1. That Page 3, Item 4 of the aforementioned Agreement is revised as follows:

It is mutually agreed by and between the parties hereto that the estimated cost of the Phase I Preliminary Engineering is \$362,073.25.

2. That Page 3, Item 5 of the aforementioned Agreement is revised as follows:

The STATE agrees to reimburse the COUNTY for 33.3% of the cost of the Phase I Preliminary Engineering for only the engineering related to the intersection of Illinois Route 38 at County Farm Road. The STATE's financial participation shall be up to a maximum of \$95,106.40.

THIS SECOND ADDENDUM AGREEMENT shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

ATTEST:

DUPAGE COUNTY

\_\_\_\_\_  
Gary A. King, County Clerk

By \_\_\_\_\_  
Daniel J. Cronin, Chairman,  
DuPage County Board


(SEAL)

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

ATTEST:

  
\_\_\_\_\_  
City Clerk

CITY OF WHEATON

By   
\_\_\_\_\_  
Mayor  
Date: 1-22-14

(SEAL)

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Ann L. Schneider  
Secretary of Transportation

By: \_\_\_\_\_  
Omer A. Osman  
Director of Highways/Chief Engineer

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

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

State Job Number: C-91-506-01  
Agreement No.: JN-108-519