



CERTIFIED MAIL

18-014

# Illinois Department of Transportation

Office of Highways Project Implementation / Region 3 / District 4  
401 Main Street / Peoria, Illinois 61602-1111

February 5, 2018

PROJECT SUPPORT  
JOINT AGREEMENT  
FAP Route 646 (IL 40)  
Section: (43-1-CS)RS-4,SW  
Peoria County  
Location: Resurfacing and sidewalk improvements on IL 40 from  
Pennsylvania Avenue to Corrington Avenue  
Agreement No. JN-418-002  
Contract No. 68D15  
Catalog No. 035399-00D

Mr. Bill Lewis  
Assistant Director of Public Works  
City of Peoria Engineer  
3505 North Dries Lane  
Peoria, Illinois 61604-1210

Dear Mr. Lewis:

Enclosed is one original counterpart of the fully executed Joint Agreement, which describes the above-captioned project for the improvement of IL Route 40 from Pennsylvania Avenue to Corrington Avenue, and the degree to which the state and the city of Peoria will be participating.

If you have any questions regarding this Joint Agreement, please feel free to contact our Agreements Unit at (309) 671-3496.

Sincerely,

*Kensil A Garnett (KSD)*

Kensil A. Garnett, P.E.  
Region Three Engineer

RH:tdp\S:\MGR1\WINWORD\Progdev\Agreements\Letters\Local Agency\JN418002a.docx

Enclosure(s)

cc: Studies & Plans (R. Nolte)  
Local Roads (T. Sassine)  
Programming (T. Worsfold)  
Agreements (R. Hopper)

FAP Route 646 (IL 40)  
Section: (43-1-CS)RS-4,SW  
City Section: 17-00375-88-TL  
Peoria County  
Resurfacing and sidewalk improvements  
on IL 40 from Pennsylvania Ave. to  
Corrington Ave.  
Job No. C-94-058-16  
Contract No. 68D15  
Catalog No.: 035399-00D  
Agreement No.: JN-418-002

### AGREEMENT

This Agreement, entered into this 2nd day of February A.D., 2018, by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION hereinafter called the STATE, and the CITY OF PEORIA, of the State of Illinois, hereinafter called the CITY.

### WITNESSETH

WHEREAS, the STATE, in order to facilitate the free flow of traffic and ensure safety to the motoring and pedestrian public, is desirous of improving approximately 1.16 miles (6,130 feet) of Knoxville Avenue [FAP Route 640 (Illinois Route 40), State Section (43-1-CS)RS-4,SW, CITY Section 17-00375-88-TL] by milling, patching, and resurfacing Illinois Route 40 from Pennsylvania Avenue to Corrington Avenue, providing two 11-foot through traffic lanes in each direction, a 10-foot bi-directional center turn lane and auxiliary lanes, by modernizing traffic signals at the IL Route 40 intersections with McClure, Thrush, Nebraska, and Richmond Avenues, reconstructing ADA ramps at the signalized intersections, reconstructing existing manholes, constructing concrete curb and gutter, sidewalk, drainage improvements, and by performing all work necessary to complete the improvement in accordance with the approved plans and specifications; and

WHEREAS, the CITY is desirous of said improvements in that same will be of immediate benefit to the motoring and pedestrian public and permanent in nature;

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

1. The STATE agrees to make the surveys, 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 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 CITY, as hereinafter stipulated.
3. It is mutually agreed by and between the parties hereto that the estimated cost proration for this improvement is as follows:

<u>TYPE OF WORK</u>	<u>FHWA COST (%)</u>	<u>STATE COST (%)</u>	<u>CITY COST (%)</u>	<u>TOTAL COST</u>
<b>Modernize Traffic Signals at:</b>				
IL 40/McClure; IL 40/Thrush; IL 40/Nebraska; IL 40/Richmond	215,200 (80)	26,900 (10)	26,900 (10)	269,000
Preliminary Eng. (5%)	0	12,105 (90)	1,345 (10)	13,450
Construction Eng. (10%)	21,520 (80)	2,690 (10)	2,690 (10)	26,900
<b>Sidewalk Removal and Replacement</b>				
Preliminary Eng. (5%)	0	17,760 (80)	4,440 (20)	22,200
Construction Eng. (10%)	0	1,776 (80)	444 (20)	2,220
<b>Remaining Construction</b>				
Preliminary Eng. (5%)	1,460,800 (80)	365,200 (20)	0	1,826,000
Construction Eng. (10%)	0	91,300 (100)	0	91,300
Construction Eng. (10%)	146,080 (80)	36,520 (20)	0	182,600
<b>TOTALS</b>	<b>\$1,843,600</b>	<b>\$555,139</b>	<b>\$36,041</b>	<b>\$2,434,780</b>

Participation and reimbursement shall be predicated on the percentages shown above for the specified work. Cost shall be determined by multiplying the final quantities times contract unit prices plus 15% for construction and preliminary engineering. Participation toward the traffic signal items shown above shall not exceed 125% of their estimated construction and engineering cost.

4. The CITY has passed a resolution appropriating sufficient funds to pay its share of the cost of this improvement, a copy of which is attached hereto as "Exhibit A" and made a part of hereof. The CITY further agrees that upon award of the contract for this improvement, the CITY will pay to the DEPARTMENT OF TRANSPORTATION of the STATE OF ILLINOIS in a lump sum from any funds allotted to the CITY, an amount equal to 80% of its obligation incurred under this Agreement, and will pay to the 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 CITY 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 A" proves to be insufficient, to cover said cost.

5. The CITY agrees to provide written approval of that portion of the plans and specifications relative to the CITY's financial and maintenance obligations described herein, prior to the STATE's advertising for the aforescribed proposed improvement.
6. The CITY has adopted and will put into effect an appropriate ordinance, prior to the STATE's advertising for the proposed work to be performed hereunder, or shall continue to enforce an existing ordinance, requiring that parking be prohibited within the limits of this improvement, a copy of which is attached hereto as "Exhibit B", and will in the future prohibit parking at such locations on or immediately adjacent to this improvement as may be determined necessary by the STATE from traffic capacity studies.
7. The CITY has adopted and will put into effect an appropriate ordinance, prior to the STATE's advertising for the proposed work to be performed hereunder, or shall continue to enforce an existing ordinance, prohibiting the discharge of sanitary sewage and industrial waste water into any storm sewers constructed as a part of this improvement, a copy of which is attached hereto as "Exhibit C".
8. Prior to the STATE advertising for the work proposed hereunder, the disposition of encroachments will be cooperatively resolved with representatives from the CITY and the STATE.

The CITY has adopted and will put into effect an appropriate ordinance, prior to the STATE's advertising for the proposed work to be performed hereunder, or shall continue to enforce an existing ordinance, relative to the disposition of encroachments and prohibiting, in the future, any new encroachments within the limits of the improvements, a copy of which is attached as "Exhibit D".

9. The CITY 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 IL Route 40 without the consent of the STATE.
10. The CITY shall exercise its franchise rights to cause private utilities to be relocated, if required, at no expense to the STATE.
11. The CITY 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.
12. All CITY owned utilities, on STATE right-of-way within the limits of this improvement, which are to be relocated/adjusted under the terms of this Agreement, will be relocated/adjusted in accordance with the applicable portions of the Accommodation of Utilities of Right-of-Way, 92 Ill. Adm. Code 530.
13. The CITY agrees to obtain from the STATE an approved permit for the facility, and to abide by all conditions set forth therein.
14. Upon final field inspection of the improvement and so long as IL Route 40 (Knoxville Avenue) is used as a State Highway, the STATE agrees to maintain or cause to be maintained the center turn lane, to two through traffic lanes lying on either side of the center turn lane, the right-turn lane from southbound Knoxville Avenue to westbound I-74, the northbound auxiliary lane between Pennsylvania Avenue and Richmond Avenue, and the curb and gutter adjacent to those traffic lanes to be maintained by the STATE.

15. Upon final field inspection of the improvement, the CITY agrees to maintain or cause to be maintained those portions of the improvement which are not maintained by the STATE, including sidewalks, parkways, crosswalk and stopline markings, CITY owned utilities including appurtenances thereto, highway lighting including furnishing the electrical energy therefore and shall maintain the storm sewers and appurtenances by performing those functions necessary to keep the sewer in a serviceable condition including cleaning sewer lines, inlets, manholes, and catch basins along with the repair or replacement of inlet, manhole and catch basins' frames, grates or lids. The maintenance, repair and/or reconstruction of storm sewers constructed as part of this improvement beyond the aforescribed responsibilities shall be that of the STATE.

The CITY 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 IL Route 40. Drainage facilities, if any, at the aforementioned side roads located with the STATE right-of-way shall be the joint maintenance responsibility of the State and the CITY unless there is an agreement specifying different responsibilities.

16. Upon acceptance by the STATE of the traffic signal work included herein the responsibility for maintenance and energy shall continue to be as outlined in the Master Agreement executed by the STATE and the CITY on July 1, 2011.
17. The parties hereby mutually agree that the obligations of the parties will cease immediately without penalty 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.
18. 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 three years subsequent to execution of the Agreement.
19. The CITY certifies that its correct Federal Taxpayer Identification Number is 37-6001761 and the CITY is doing business as a municipality whose mailing address is 419 Fulton Street, Peoria, Illinois 61602.

FAP Route 646 (IL 40)  
Section: (43-1-CS)RS-4,SW  
City Section: 17-00375-88-TL  
Peoria County  
Resurfacing and sidewalk improvements  
on IL 40 from Pennsylvania Ave. to  
Corrington Ave.  
Job No. C-94-058-16  
Contract No. 68D15  
Catalog No.: 035399-00D  
Agreement No.: JN-418-002

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

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: Kensil A Garnett (KSD)  
Kensil A. Garnett  
Region Three Engineer

Date: 02/02/18

CITY OF PEORIA

By: Patrick Urich  
Patrick Urich, City Manager

Date: 2/1/18

Attest: Beth Ball  
Beth Ball, City Clerk

REVIEWED AND APPROVED

By: Donald E. Leist  
Donald Leist, Corporation Counsel

By: Scott Reeise  
Scott Reeise, Public Works Director

(SEAL)

FAP Route 646 (IL 40)  
State Section (43-1-CS)RS-4,SW  
City Section 17-00375-88-TL  
Peoria County  
Resurfacing and sidewalk improvements on IL 40 from  
    Pennsylvania Avenue to Corrington Avenue.  
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Contract No. 68D15  
Catalog No. 035399-00D

I approve the portions of the final plans for the above-captioned project that pertain to the maintenance obligations of the city of Peoria.



\_\_\_\_\_  
Patrick Urich, City Manger

2/1/18

\_\_\_\_\_  
Date





## TIN CERTIFICATION

The CITY certifies that:

1. The number shown on this form is the CITY's correct taxpayer identification number (or the CITY) is waiting for a number to be issued to them), and
  
2. The CITY is not subject to backup withholding because: (a) the CITY is exempt from backup withholding, or (b) the CITY has not been notified by the Internal Revenue Service (IRS) that the CITY is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that the CITY no longer subject to back-up withholding, and
  
3. The CITY's person with signatory authority for this AGREEMENT is a U. S. person (including a U.S. resident alien).

**Taxpayer Identification Number:**      37-6001761

**Legal Status**

- |   |   |
|---|---|
| <input type="checkbox"/> Individual   | <input checked="" type="checkbox"/> Government  |
| <input type="checkbox"/> Sole Proprietor  | <input type="checkbox"/> Nonresident Alien  |
| <input type="checkbox"/> Partnership/Legal Corporation  | <input type="checkbox"/> Estate or Trust  |
| <input type="checkbox"/> Tax-exempt   | <input type="checkbox"/> Pharmacy (Non Corp.)   |
| <input type="checkbox"/> Corporation providing or billing medical and/or health care services     | <input type="checkbox"/> Pharmacy/Funeral home /Cemetery                                  |
| <input type="checkbox"/> Corporation NOT providing or billing medical and/or health care services | <input type="checkbox"/> Limited Liability Company (select applicable tax classification) |
| <input type="checkbox"/> Other _____  | <input type="checkbox"/> D= Disregarded entity  |
|   | <input type="checkbox"/> C= Corporation   |
|   | <input type="checkbox"/> P= Partnership   |

Signature \_\_\_\_\_ Date \_\_\_\_\_

EXHIBIT B

AN ORDINANCE AMENDING SCHEDULE "A" OF THE TRAFFIC CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA,  
ILLINOIS:

Section 1. Pursuant to Section 19-89 of the Municipal Code of Peoria, the operator of a vehicle shall not park such vehicle at any time upon the public way in the area indicated:

Public Way

North Knoxville Avenue  
(both sides)

Limits

From Armstrong Avenue  
to Corrington Avenue

Section 2. The foregoing item is hereby added at the end of Schedule "A" of the Traffic Code.

Section 3. All other ordinances in conflict with establishment of this ordinance are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS,  
this 18th day of April, A.D., 1972.

APPROVED:

Ralph Mittz  
Mayor

ATTEST:

William D. Kumpf  
City Clerk

EXAMINED AND APPROVED:

Alvane Stone  
Corp. Corporation Counsel

# EXHIBIT C

- CODE

## Chapter 31 - WATER, SEWERS, SEWAGE DISPOSAL AND DRAINS

### ARTICLE II. - SEWERS AND SEWAGE DISPOSAL

#### DIVISION 1. GENERALLY

##### **Sec. 31-29. Responsibilities and powers of director.**

The director shall be responsible for enforcing the provisions of this article. He is also hereby authorized to promulgate such rules and regulations as may be necessary to supplement this article for effective enforcement, provided that such rules and regulations shall not be valid until they have been filed in the office of the city clerk for not less than ten days before their respective effective dates.

(Code 1957, § 34-13)

##### **Sec. 31-30. Establishment of sewer districts.**

The city council may establish by ordinance sewer districts in specific geographic locations, within or without the boundaries of the city, which may contain direct or indirect connections with the sewage systems of the city, and which may contain sewage systems and sewage treatment plants operated and maintained either by the city or by the Greater Peoria Sanitary District in accordance with the terms of an agreement or agreements between the city and the Greater Peoria Sanitary District.

(Code 1957, § 34-16)

##### **Sec. 31-31. Access to records.**

The Illinois EPA and the United States EPA or their authorized representatives shall have access to any books, documents, papers and records of the city which are applicable to the city system of user charges for the purpose of making audits, examinations, excerpts and transcriptions thereof to ensure compliance with the terms of special and general conditions of any state grant, agreement and rules of any state loan or regulations and conditions of any federal grant.

(Code 1957, § 34-26)

##### **Sec. 31-32. Private means of disposal.**

No person shall use septic tanks or other private means of sewage disposal where a public sewer is reasonably available. If a person has made use of a septic tank or other private means of sewage disposal prior to a public sewer being available to that person, not later than one year after a public sewer becomes reasonably available to him, he shall discontinue use of whatever private means of disposal he has and shall connect on to the public sewer.

(Code 1957, § 34-5.1)

##### **Sec. 31-33. Discharge of sewage into stormwater sewers.**

No person shall discharge or cause to be discharged any sewage or industrial wastewater into any connection with any sewer or drain designated by the director, for the exclusive conveyance of stormwater.

(Code 1957, § 34-6)

##### **Sec. 31-34. Discharge of steam into sewers.**

No person shall discharge steam into any sewer or drain.

## EXHIBIT D

Sec. 26-11. - Public ways to be kept free of encumbrances, etc.

The streets, avenues, alleys and sidewalks of the city shall be kept free and clear of all encumbrances and encroachments, and for the use of the public, and shall not be used or occupied in any other way than as provided in this chapter.

(Code 1957, § 36-12)

# EXHIBIT D

## Sec. 26-16. - Removal of obstructions from streets, etc.

- (a) The owner of any building, fence, porch, steps, gallery or other obstruction which may be erected or placed upon any street, avenue, alley or sidewalk or other public ground of the city shall remove the same, upon written notice of the director of public works, within a reasonable time.
- (b) Whenever the owner of any building, fence or other obstruction upon any street avenue, alley, sidewalk or public ground in the city shall refuse or neglect to remove the same for a period of ten days, after notice, as prescribed in subsection (a) of this section, such obstruction shall be deemed a nuisance, and it shall be lawful for the director of public works, and it is hereby made his duty, to remove, or cause the same to be removed or taken down, at his discretion, and the expense thereof shall be recoverable of the owner. No person shall oppose or resist the execution of the orders of the director of public works in such regard. If the owner cannot be readily found for the purpose of such notice, such obstruction shall be deemed a nuisance and shall be removed as herein provided.
- (c) It shall be unlawful to place large items of personal property, excluding motor vehicles and including but not limited to portable basketball hoops, on the streets and rights-of-way of the City of Peoria. Large items of personal property, excluding motor vehicles and including but not limited to portable basketball hoops, which are found on city streets and rights-of-way and which items do not have identification as to ownership of those items, shall be considered abandoned and subject to removal by the police department and/or the public works department. Items which identify their owner are also not allowed on the streets and rights-of-way of the city, but the city shall give such notice as may be reasonable to said owner prior to removing the object as abandoned. The city shall be entitled to move said personal property onto the property of the indicated owner. A person who violates this subsection shall be subject to a fine of not less than \$75.00 and no more than as provided in section 1-5 of this Code for each offense.
- (d) Abandoned personal property confiscated by the city may be redeemed by the rightful owner upon payment of a fee of \$100.00, said fee calculated to cover the city's cost in removing and storing the item. Any citizen who desires may request a hearing before a designee of the city manager to contest whether the item of personal property was properly removed as abandoned property. Said hearing shall be held within 21 days of the request for a hearing.

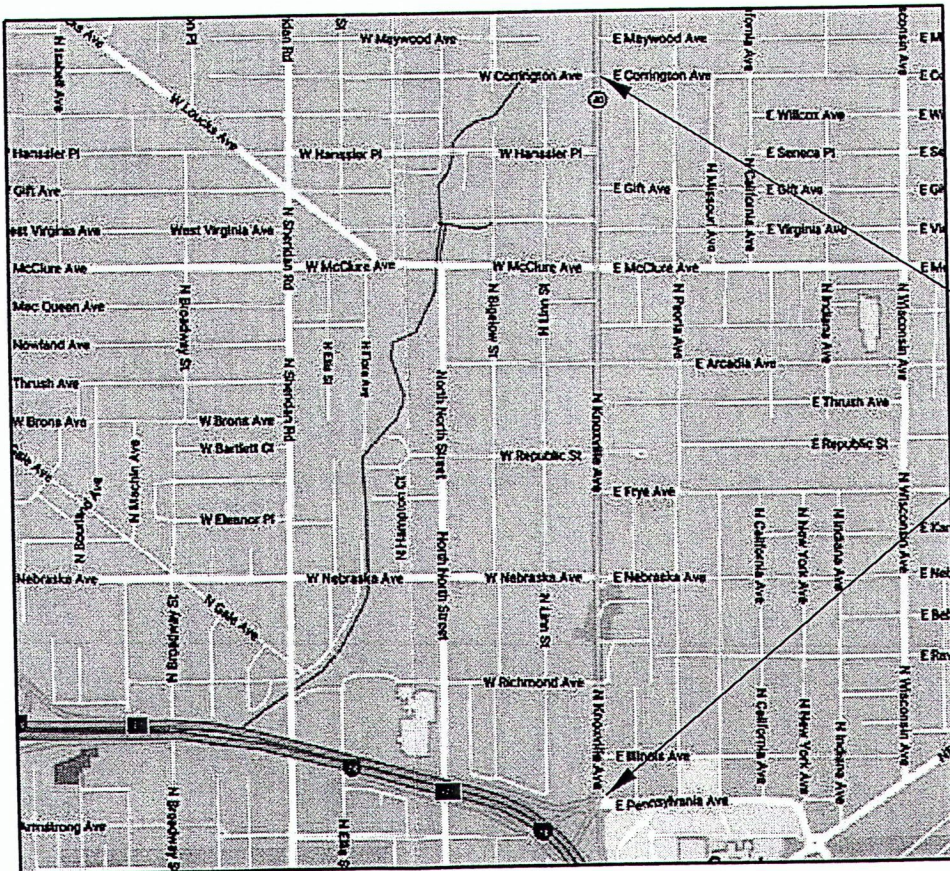
(Code 1957, § 36-16; Ord. No. 15806, § 1, 7-5-05)

# LOCATION MAP

## FAP ROUTE 646 (IL 40) SECTION (43-1-CS)RS-4,SW PROJECT \_\_\_\_\_

3P

PEORIA COUNTY  
C-94-058-16



PROJECT LIMITS: IL 40 (KNOXVILLE AVE.) FROM  
PENNSYLVANIA AVE. TO CORNINGTON AVE.