

AUTHORIZING THE CITY OF DEKALB TO EXECUTE A ROUTE 38 PERMIT FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF CARROLL AVENUE SIGNAL AND ENTRANCES BY CONTRACTORS FOR THE DEKALB POLICE STATION ON WEST LINCOLN HIGHWAY.

WHEREAS, the City of DeKalb, located in the County of DeKalb, State of Illinois, wishes to allow construction of an upgraded signal and entrances at Carroll Avenue and IL 38 (West Lincoln Highway) which by law comes under the jurisdiction and control of the Department of Transportation of the State of Illinois; and,

WHEREAS, a permit from said Department is required before said work can be legally undertaken by said City of DeKalb by contractors constructing improvement for the Police facility at Route 38 and Carroll Avenue; now,

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL of the City of DeKalb, Illinois, as follows:

Section 1. That we do hereby request from the Department of Transportation, State of Illinois, a permit authorizing the City of DeKalb to proceed with the work herein described and shown on enclosed detailed plans.

Section 2. Upon completion of the upgraded signal and entrances and acceptance by the City, the City guarantees that all work has been performed in accordance with the conditions of the permit to be granted by the Department of Transportation of the State of Illinois. Further, The City will hold the State of Illinois harmless for any damages that may occur to persons or property during such work. The City will require the developer to obtain a bond and comprehensive general liability insurance policy in acceptable amounts and will require the developer to add the State of Illinois as an additional insured on both policies.

Section 3. That we hereby state that the proposed work is not to be performed by the employees of the City of DeKalb.

Section 4. That the proper officers of the City of DeKalb are hereby instructed and authorized to sign said permit on behalf of the City of DeKalb, and to execute any and all other documentation required with relation to said permit and permission, including amendments or modifications to the proposed permit.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting held on the 22nd day of April 2013 and approved by me as Mayor on the same day. Passed on the Consent Agenda by roll call vote 8-0. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary, Povlsen.

ATTEST:

Diane K. Wright

DIANE K. WRIGHT, City Clerk



Kris Povlsen

KRIS POVLSSEN, Mayor



200 South Fourth Street
DeKalb, Illinois 60115
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Engineering Memo #2013-ENG009

DATE: April 17, 2013

TO: Mayor
City Council

FROM: Mark Biernacki, City Manager
T. J. Moore, Director of Public Works

BY: Joel Maurer, Asst. Director of Public Works – Building and
Engineering

SUBJECT: Resolution authorizing Route 38 Highway permit for West Lincoln
Highway at Carroll Avenue signal and entrance construction for
Police Station

STRATEGIC GOALS: Enhance Public Safety for our Community and our Residents

I. Summary:

The new police station construction at 700 West Lincoln Highway is expected to be completed this fall. The police station main entrance aligns with the Carroll Avenue signalized intersection that is being upgraded, thus City improvements are necessary within the state highway right of way. A state highway utility permit through the Illinois Department of Transportation is required for this work. The Public Works Department recommends approval of the resolution to follow terms of an IDOT permit for the new police station.

II. Background:

In November 2012, a bid was awarded to Thorne Electric Inc. for police station improvements at the Carroll Avenue intersection with Route 38. An approved state highway utility permit must be issued before the contractor can upgrade the Carroll Avenue signal and construct new entrances within Route 38, with terms agreed to by the City to provide safe and quality construction under inspection by City forces. The Public Works Engineering Division staff will be monitoring the construction completed by Thorne Electric Inc.

III. Community Groups/Interested Parties Contacted:

The police station entrance work and Carroll Avenue signal upgrade work has been submitted to IDOT and the utility permit is the final step to assure the contractor is following traffic control safety procedures and properly backfills and replaces street pavement so no settlement occurs. The project was bid in November and the actual construction will start in May for completion late summer in time for opening the new police station. Right of way has been acquired for the work and IDOT geometric approvals of the entrances and signal upgrades are expected once the resolution is processed for the City agreeing to conditions of work within the state highway.

IV. Legal Impacts

The resolution by the City and highway permit conditions required by IDOT are standard permit procedures required of similar projects undertaking work in the state right-of-way. No City employees will actually be doing the work as Thorne Electric Inc. was the low bidder approved to complete the work. Thorne Electric Inc. must abide by the construction permit conditions under the inspection by City staff of such work.

V. Financial Impact:

None.

VI. Alternatives:

1. Approve the resolution and the police station highway permit can be fully executed and the construction can go forward.
2. Do not approve the resolution relating to the IDOT highway permit and the police station project cannot be completed.

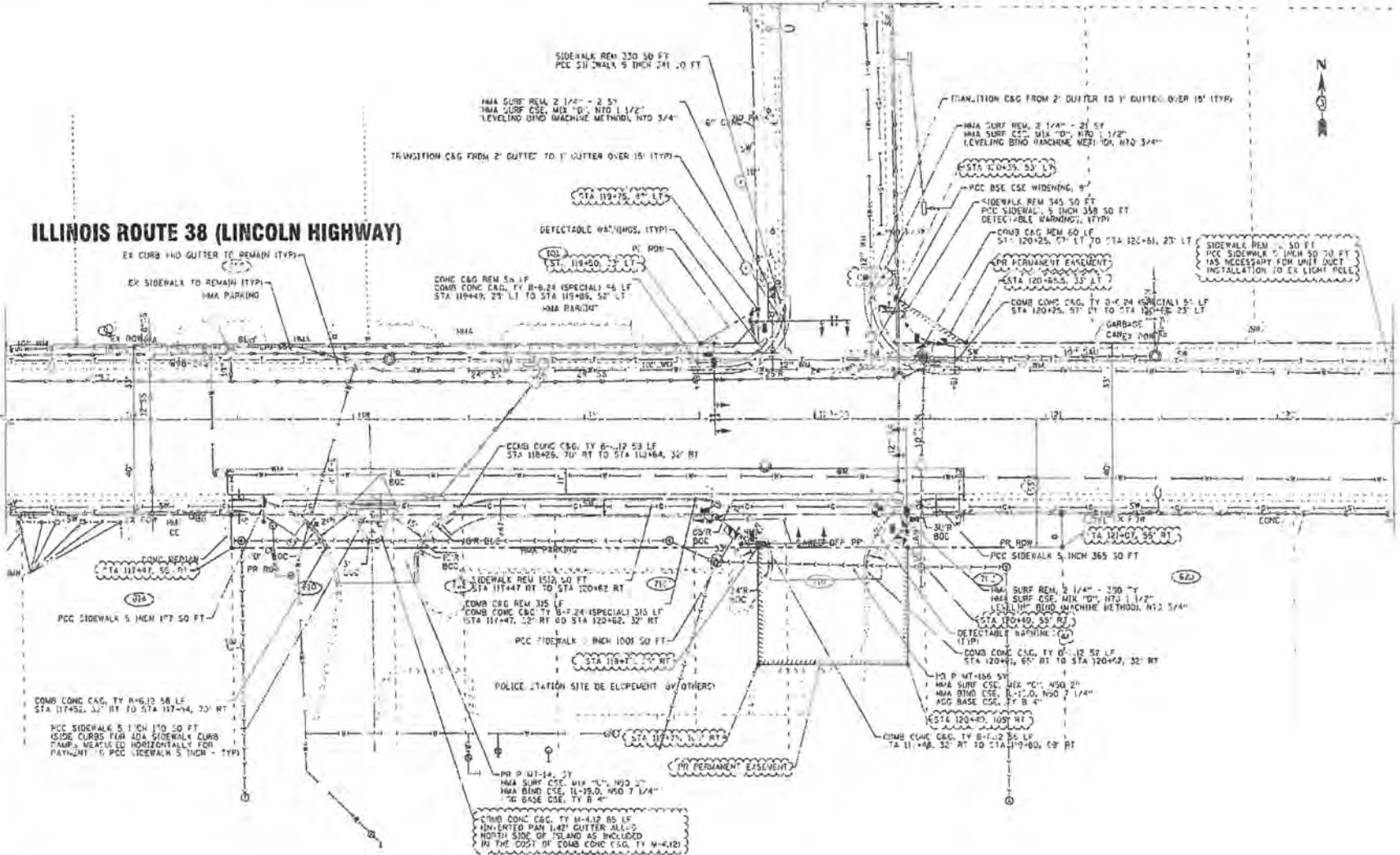
VII. Recommendation:

The staff recommends approval of the resolution for the highway permit so the police station project can be completed.

attachments

CARROLL AVENUE

ILLINOIS ROUTE 38 (LINCOLN HIGHWAY)



NOTE:
ALL DIMENSIONS, STATIONS AND OFFSETS ARE TO EDGE OF PAVEMENT UNLESS SPECIFIED OTHERWISE.

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DESIGNED BY	DATE	PROJECT NO.	SCALE
DRAWN BY	REVISED	JOB NO.	
CHECKED BY	DATE		
IN CHARGE			

CITY OF DEKALB, ILLINOIS
POLICE STATION SITE ACCESS
ILLINOIS ROUTE 38 (LINCOLN HIGHWAY) AND CARROLL AVENUE

GEOMETRIC PLAN

CITY SECTION	COUNTY	DATE
SCALE	CONTRACT NO.	



Illinois Department of Transportation

Highway Permit

L-13180

District Serial No. _____

Whereas, I (We) City of DeKalb
c/o Baxter & Woodman, 1788 Sycamore Road
(Name of Applicant) (Mailing Address)

DeKalb IL 60115 hereinafter termed the Applicant,
(City) (State)

request permission and authority to do certain work herein described on the right-of-way of the State Highway known as IL Route 38, Section _____, from Station * _____ to Station _____ DeKalb _____ County. The work is described in detail on the attached plan or sketch and/or as follows:

* LOCATED AT CARROLL AVENUE

Upon approval this permit authorizes the applicant to locate, construct, operate and maintain at the above mentioned location, one (1) full access police station entrance with upgraded traffic signals, one (1) right-in/right-out police station entrance and other related improvements as shown on the attached plans which become a part hereof.

The applicant shall notify Mike Piacenti, Field Engineer, Phone: 815-875-2287 or the District Permit Section, Phone: 815-434-8490 twenty-four hours in advance of starting any work covered by this permit.

The state right of way shall be left in good condition. (No advertising matter shall be placed on the state right of way).

The petitioner, their successors, or assigns, shall maintain that portion of the driveway on state right of way in such a manner satisfactory to the department, otherwise the department will maintain the shoulders included in the entrance driveways to the same standard that exists on adjacent shoulders, and if necessary, such areas will be restored to the original cross section and earth shoulders.

(SEE ATTACHED SPECIAL PROVISIONS)

All work authorized by this permit shall be completed 180 days after the date this permit is approved, otherwise the permit becomes null and void.

This permit is subject to the conditions and restrictions printed on the reverse side of this sheet.

This permit is hereby accepted and its provisions agreed to this _____ day of APRIL, 2013

Witness _____

Signed _____

Applicant

223 SOUTH 4TH ST, SUITE A

Mailing Address

DEKALB

City

IL 60115

State

Mailing Address

City

State

SIGN AND RETURN TO: Regional Engineer _____

Approved this _____ day of _____

Department of Transportation

BY: _____

Deputy Director of Highways, Regional Engineer

First: The Applicant represents and warrants that he/she is the party in interest respecting this Permit and that he/she is the agent in fact with authority to bind all parties in interest to the obligations and undertakings agreed to in this Permit. The Applicant represents and warrants that the property lines shown on the attached plan sheet(s) or sketch are true and correct, and that all proposed work is accurately depicted thereon.

Second: The proposed work shall be located and constructed to the satisfaction of the Regional Engineer or his/her duly authorized representative. No revisions or additions shall be made to the proposed work on the right-of-way without the written permission of the Regional Engineer. The Applicant agrees to complete all work to the standards and specifications identified by the Regional Engineer or his/her authorized representative as a condition of granting this Permit. The Applicant agrees to furnish all labor, equipment and material, and do all work and pay all costs associated with the work authorized by this Permit. The Applicant agrees to restore any and all damaged portions of the highway right-of-way to the condition satisfactory to the Regional Engineer or his/her authorized representative including, but not limited to, all landscape restoration. The Applicant shall not trim, cut or in any way disturb any trees or shrubbery along the highway without the approval of the Regional Engineer or his/her duly authorized representative. Any and all documents, writings and notes reflecting or identifying the standards, specifications, understandings and conditions applicable to the performance of the permitted work required by the Regional Engineer or his/her authorized representative are hereby incorporated into this Permit by reference as though fully set forth herein.

Third: The Applicant shall at all times conduct the work in such a manner as to minimize hazards to vehicular and pedestrian traffic. Traffic controls and work site protection shall be in accordance with the applicable requirements of Part 6 (Temporary Traffic Control) of the Illinois Manual on Uniform Traffic Control Devices and with the traffic control plan if one is required elsewhere in the permit. All signs, barricades, flaggers, etc., required for traffic control shall be furnished by the Applicant. The work may be done on any day except Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Work shall be done only during daylight hours.

Fourth: The work performed by the Applicant is for the bona fide purpose expressed and not for the purpose of, nor will it result in, the parking or servicing of vehicles on the highway right-of-way. Signs located on or overhanging the right-of-way shall be prohibited.

Fifth: The Applicant shall engage in only the proposed work approved herein, and subject to the hazards incident to such activities, assumes all risks associated therewith. The Applicant assumes full and strict liability for the actions of itself, all parties in interest, its agents and employees, contractors, subcontractors and consultants. The Applicant and all parties in interest shall save, defend, hold harmless and indemnify the State of Illinois and each of its officers, agents, employees, invitees and others associated with it from and against any and all suits, claims, actions, losses, injuries, damages, judgments and expenses that are based on, or that arise or are alleged to have arisen out of the performance of the work approved herein, including, but not limited to, any act, willful or intended, or negligence of the Applicant and any party in interest, its agents and employees, contractors, subcontractors and consultants whether at law, in equity or common law. In the event the Applicant or any party in interest fails, neglects, or refuses to comply with any provision of this indemnity, the State of Illinois may take any action necessary to protect itself from liability, including any action to pay, settle, compromise and procure the discharge thereof, in which case the Applicant or any party in interest, jointly and severally, shall be liable and bound unto the State of Illinois for any and all expenses related thereto, including attorney's fees.

Sixth: The State reserves the right to make such changes, additions, repairs and relocations within its statutory limits to the facilities constructed under this permit or their appurtenances on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening or maintaining of the highway and/or provide proper protection to life and property on or adjacent to the State right-of-way. However, in the event this permit is granted to construct, locate, operate and maintain utility facilities on the State right-of-way, the Applicant, upon written request by the Regional Engineer, shall perform such alterations or change of location of the facilities, without expense to the State, and should the Applicant fail to make satisfactory arrangements to comply with this request within a reasonable time, the State reserves the right to make such alterations or change of location or remove the work, and the Applicant agrees to pay for the cost incurred.

Seventh: This permit is effective only insofar as the Department has jurisdiction and does not presume to release the Applicant from compliance with the provisions of any existing statutes or local regulations relating to the construction of such work.

Eighth: The Construction of access driveways is subject to the regulations listed in the "Policy on Permits for Access Driveways to State Highways." If, in the future, the land use of property served by an access driveway described and constructed in accordance with this permit changes so as to require a higher driveway type as defined in that policy, the owner shall apply for a new permit and bear the costs for such revisions as may be required to conform to the regulations listed in the policy. Utility installations shall be subject to the "Policy on the Accommodation of Utilities on Right-of-Way of the Illinois State Highway System."

Ninth: If the work covered by this permit includes construction of additional lanes, turn lanes, median cross-overs or traffic signals on, along or adjacent to a highway under Department jurisdiction, the permittee shall use only contractor(s) approved by the Department of Transportation for the performance of said work on the State highway. A contractor currently prequalified by the Department in the work rating governing the said work shall be approved. Prior to the commencement of the said work on the State highway, the applicant shall furnish the Regional Engineer a copy of the contractor's current Certificate of Eligibility, or, if the permittee proposes to use a contractor not currently prequalified by the Department, information satisfactory to the Department evidencing the contractor's qualification and ability to perform the said work. No work on the State highway shall be performed until the Department issues an approval of the proposed contractor.

SPECIAL PROVISIONS

All turf areas which are disturbed during the course of this work shall be restored to the original line and grade and be promptly seeded in accordance with Standard State Specifications.

Whenever any of the work under this permit involves any obstruction or hazard to the free flow of traffic in the normal traffic lanes, plans for the proposed method of traffic control must be submitted to and approved by the Regional Engineer at least 72 hours, and preferably longer, before the start of work.

All traffic control shall be in accordance with the State of Illinois Manual of Uniform Traffic Control Devices and amendments thereof. It should be noted that standards and typical placement of devices shown in the Uniform Manual are minimums. Many locations may require additional or supplemental devices.

The petitioner agrees to furnish the necessary barricades, lights, and flagmen for the protection of traffic.

Traffic shall be maintained at all times.

The applicant agrees to notify the Department of Transportation upon completion of work covered under the terms and conditions of this permit so that a final inspection and acceptance can be made.

To avoid any revisions to the work completed under the highway permit, the applicant should insure the conditions and restrictions of this permit, the applicable supplemental permit specifications and permit drawing are fully understood.

If this permit work is contracted out, it will be the responsibility of the applicant to furnish the contractor with a copy of this highway permit, as the applicant will be responsible for the contractor's work.

A copy of approved permit shall be present on job site at all times the work is in progress.

The department reserves the right to reject or accept any contractor hired by the applicant.

To ensure the fulfillment of the obligations assumed by the applicant, this permit is bonded by the _____ in the amount of eighty thousand (\$80,000.00) dollars for a period of five years after the date of approval.

No person, firm, corporation or institution, public or private, shall discharge or empty any type of sewage, including the effluent from septic tanks or other sewage treatment devices, or any other domestic, commercial or industrial waste, or any putrescible liquids, or cause the same to be discharged or emptied in any manner into open ditches along any public street or highway, or into any drain or drainage structure installed solely for street or highway drainage purposes.

The excavation under the pavement shall be replaced with controlled low strength material and the pavement replaced in accordance with pavement replacement details. All excess material shall be removed from the highway right of way.

All excavations shall be promptly backfilled, thoroughly tamped and any excess material removed from the state right of way (including rock exposed during backfilling operations). Mounding or crowning of backfill will not be permitted.

The diameter of any bored hole shall not be more than one inch larger than the outside diameter of the pipe.

Boring of pipe over six inches in diameter shall be accomplished with an auger and following pipe. Borings six inches and under may be accomplished by either jacking or auger and following pipe method.

The tunneling under the pavement shall be properly braced and promptly backfilled with dry sand or screenings and thoroughly tamped.

Excavation adjacent to the edge of pavement shall be shored to prevent caving if the distance is less than ten feet plus the depth of excavation from the edge of pavement.

It is the applicant's responsibility for insuring that all requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and Division of Public Water Supplies have been satisfied.

All material or equipment stored along the highway shall be placed as remote as practical from the edge of pavement in a manner to minimize its being a hazard to errant vehicles or an obstacle to highway maintenance. If material is to be stored on the highway right of way for more than two weeks prior to installation, written approval must be obtained from the department.

Restoration of pavement in kind shall be accomplished as soon as practicable and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either temporary repair or the restoration shall be rebuilt upon notification by the department.