ORDINANCE 2014-020    Passed: June 23, 2014

AUTHORIZING THE CITY MANAGER TO
NEGOTIATE AND EXECUTE AN
INTERGOVERNMENTAL PERMIT WITH
NORTHERN ILLINOIS UNIVERSITY
RELATING TO THE INSTALLATION OF
NORMAL ROAD IMPROVEMENTS FOR BUS
SERVICE.

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with those
powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code,
65 ILCS 5/1-1-1, et. seq.; and,

WHEREAS, the City of DeKalb currently maintains the Unified Development Ordinance which
relates to the development standards applicable within the City of DeKalb, and also maintains
certain other restrictions applicable to the use and maintenance of City streets and related public
improvements; and,

WHEREAS, Northern Illinois University has recently contacted the City and requested that the
City work with the University to expeditiously approve the construction of a public improvement
to enable busses to queue along Normal Road to provide a protected location for pedestrians to
enter and exit busses in an orderly fashion, and the City has determined that such project is
appropriate in order to properly and adequately protect the public health, safety, welfare and
morals; and,

WHEREAS, the above-described project is contemplated to include a number of related issues
pertaining to public utilities, the construction of improvements, the policing of the affected areas
of Normal Road and related issues, and in order to accommodate the construction schedule
proposed by the University, the City is hereby authorizing the City Manager to negotiate and
approve permit with the University pertaining to the improvements, subject to the following
terms and conditions;

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb,
DeKalb County, Illinois, as follows:

Section 1. Permit Authorized.

The City Manager of the City of DeKalb is hereby authorized to negotiate, execute and
thereafter perform all actions necessary to effectuate a permit with Northern Illinois University
relating to the construction of a proposed bus-related improvement on Normal Road, in the City
of DeKalb, subject to the following terms and conditions:

A. The bus lane is conceptually depicted on the attached Exhibit A. The City
Manager is and shall be authorized to utilize any City resources to review such
plan, and is further authorized to approve of such plan (subject to any revisions
recommended by any City personnel), without requirement of further City
Council or Planning and Zoning Commission action or approval, and with staff
being authorized to issue all permits or permissions required for the construction.

B. The costs of constructing any portion of the public improvements required shall
be borne exclusively by Northern Illinois University. Other than the costs
associated with the City’s review of the proposed plans, the University shall bear
all costs associated with the process.

C. The permit shall allow the University to proceed with the construction of the
improvements after approval by the City Manager (with staff recommendations),
and shall exempt the proposed improvement from further process or permit
application with the City. The University shall otherwise be responsible for
compliance with any applicable laws or regulations. The University shall also
promulgate a proposed bus route for approval by the City, and the City Manager
may include such terms in the permit as are deemed advisable relating to bus
routings.

D. The permit shall specify that the University: a) shall indemnify and hold harmless
the City from any claims arising out of the design, construction or subsequent use
of the improvements; b) shall be responsible for any repairs to existing roadways
necessitated by the construction of the improvements; c) shall be responsible for
the maintenance of any public improvements (water, sewer, storm sewer, etc.)
within that portion of Normal Road that the improvements are being constructed
within or adjacent to; d) shall be responsible for providing primary police patrol
and related services to the affected portion of Normal Road; e) shall be
responsible for restriping Normal Road from Lincoln Highway to Lucinda Street
(and thereafter as necessary); f) shall develop plans that comply with the
applicable provisions of the Manual on Uniform Traffic Control Devices and
applicable accessibility guidelines; g) shall be required to obtain City approval for
the construction of any improvements (including but not limited to bus shelters) in
the public right of way; and, h) shall be responsible for the future maintenance,
snowplowing, repair or resurfacing of the affected portions of Normal Road,
subject to such terms as the parties may agree upon.

E. The permit may also include provisions whereby the University assumes
responsibility for the maintenance of additional water mains or public utilities in
the area of the proposed improvement or on surrounding areas of the University
campus.

F. The permit shall include such other terms, conditions, restrictions, waivers or
approvals as the City Manager shall determine to be appropriate and/or necessary
in order to carry out the purpose of this Ordinance, namely, to permit the
University to construct a proposed improvement substantially in the format as
depicted on Exhibit A, following review and approval of said plans. The City
Manager may also waive any of the foregoing conditions if determined by her to
be in the best interests of the City.

G. The City Manager shall also be authorized to refuse to execute a permit and/or
refuse to authorize the improvement if the parties are unable to reach consensus
on the terms of the permit or the design of the improvements.

Section 2. All ordinances or portions thereof in conflict with this ordinance are hereby repealed.
**Section 3.** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

**Section 4.** This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: June 24, 2014. Effective date: July 4, 2014.


**ATTEST:**

[Signature]

ELIZABETH E. PEERBOOM, City Clerk

[Signature]

JOHN A. REY, Mayor