RESOLUTION

WHEREAS, the City of DeKalb is located in the County of DeKalb, State of Illinois, wishes to allow construction of a PCC surfaced commercial entrance 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; now THEREFORE, be it resolved by the City of DeKalb, County of DeKalb, State of Illinois.

FIRST: 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 as shown on enclosed detailed plans.

SECOND: Upon completion of the commercial entrance by the contractor 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 contractor to obtain a bond and a comprehensive general liability insurance policy in acceptable amounts and will require the contractor to add the State of Illinois as an additional insured on both policies.

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

FOURTH: That the proper officers of the City of DeKalb are hereby instructed and authorized to sign said permit in behalf of the City of DeKalb.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 22nd day of April 2019 and approved by me as Mayor on the same day. Passed by an 8-0 roll call vote. Aye: Finucane, Stupegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none. Absent: Jacobson.

ATTEST:

LYNN FAZEKAS, City Clerk

JERRY SMITH, Mayor

I, LYNN A. FAZEKAS, City Clerk, hereby certify the above to be a true copy of the resolution passed by the City Council of the City of DeKalb, County of DeKalb, State of Illinois.

Dated this 22nd day of April A.D. 2019.

LYNN A. FAZEKAS, City Clerk

RESOLUTION #: 2019-067
DATE:    April 17, 2019
TO:       Bill Nicklas, City Manager
FROM:     Zac Gill, City Engineer
SUBJECT: Supporting the Issuance of a Permit from the Illinois Department of Transportation Authorizing McDonald’s to Proceed with Work to Reconstruct the Commercial Entrance at 805 W. Lincoln Highway.

I. Summary

A private developer is requesting approval for the redevelopment of the McDonald’s entrance on Lincoln Highway, which includes reconstructing a PCC surfaced entrance. The commercial entrance is located within State Highway Route 38, and by law is under the jurisdiction and control of the Illinois Department of Transportation (IDOT), requiring a permit before work may proceed. IDOT is requiring City concurrence and support of the conditions of the permit, which must be done in the resolution format IDOT provides.

II. Background

The commercial entrance on 805 W. Lincoln Highway is anticipated to be redeveloped in the year 2019. A portion of the commercial entrance is located under State Highway Route 23 and by law, is under the jurisdiction and control of IDOT, requiring a permit before work may proceed.

As part of the permit application process, IDOT requires a signed resolution by Council as the guarantor that work will be performed in accordance with the conditions of the permit as granted by IDOT. Staff is requesting approval of this resolution to allow the redevelopment of the McDonald’s to proceed as scheduled.

III. Community Groups/Interested Parties Contacted

The redevelopment of the McDonald’s will service community members and tourists who visit the restaurant by providing satisfactory access. The public and the city will benefit from the more aesthetically pleasing and useful common entrance. This item will be discussed at the April 22nd, 2019 City Council meeting to provide an opportunity for public input.
IV.  Legal Impact

A portion of the reconstruction of the PCC surfaced commercial entrance on 805 W. Lincoln Highway is part of the State Highway Route 23 and by law, is under the jurisdiction and control of IDOT, requiring a permit before work may proceed. As part of the permit application process, IDOT requires a signed resolution by Council as the guarantor that work will be performed in accordance with the conditions of the permit as granted by IDOT.

V.   Financial Impact

The approved reconstruction of the PCC surfaced commercial entrance on 805 W. Lincoln Highway will be solely funded by the private developer. There is no financial impact associated with the City of DeKalb or IDOT for the work done on W. Lincoln Highway (State Highway Route 38).

VI.   Options

1. Approve this resolution in support of the permit from IDOT authorizing the McDonald’s to proceed with work to reconstruct a PCC surfaced commercial entrance on 805 W. Lincoln Highway.

2. Do not resolve to support a permit from IDOT authorizing the McDonald’s to proceed with work to reconstruct a PCC surfaced commercial entrance on 805 W. Lincoln Highway.

VII.   Recommendation

Approve the resolution in support of the permit from IDOT authorizing the McDonald’s to proceed with work to reconstruct a PCC surfaced commercial entrance on 805 W. Lincoln Highway under the jurisdiction and control of IDOT.
February 1, 2019

City of DeKalb/McDonalds
c/o Watermark Engineering
2631 Gingerwoods Parkway - Suite 100
Aurora, IL 60502

PERMIT APPLICATION
Route: IL 38
County: DeKalb
Type of Work: Sidewalk Upgrade (ADA)

Dear Sir or Madam:

Please execute the attached forms according to the following directions:

1. All signatures must be in ink on all copies.
2. Mailing address to be shown where indicated.
3. Fill in date permit is signed by you in the spaces provided above your signature.
4. Have a disinterested party witness your signature on permit form by signing name in space after printed word "Witness" at the left of form. If the permit is in the city or village's name, an authorized city or village official must sign the permit.
5. If Highway Permit Bond forms are included, sign all three original copies and have executed by a reputable bonding company. (Personal bond or a letter of credit is not acceptable.) Please attach the name and address of the local agency through which you received the permit bond.
6. If a temporary construction permit is proposed, we will require a letter from the local municipality guaranteeing that occupancy permits from the municipality will not be granted until after a permanent entrance permit has been issued.
7. If traffic signals are required as part of this permit, then a city/state agreement is needed for the cost and maintenance of the proposed traffic signals before the permit will be issued by the department.
8. The attached application should be returned to this office for approval by September 1, 2019. To perform work within highway right of way without an approved permit is in violation of state law.

9. **Return all three signed original copies to the address shown above for approval by the Regional Engineer.** When approved, the completed permit and permit bond will be forwarded to the applicant.

10. If the work covered by this permit includes construction of additional lanes, turn lanes, median crossovers 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.

If additional information or clarification is required, please contact Rich Ballerini, Permit Section Chief, at 815-434-8490 or e-mail DOT.D3.Permits@illinois.gov.

Sincerely,

Kevin Marchek, P.E.
Region Two Engineer,

By: Wayne L. Phillips, P.E.
Program Development Engineer
Highway Permit

District Serial No. ____________________________

Whereas, I (We) ________________________________________________________________________, 2631 Gingerwoods Parkway – Suite 100
City of DeKalb/McDonalds (Name of Applicant)
c/o Watermark Engineering (Mailing Address)
(Aurora) (City)
IL 60502 (State) hereinafter termed the Applicant,

request permission and authority to do certain work herein described on the right-of-way of the State Highway
known as __________________________________________________________________________, 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 805 W LINCOLN HIGHWAY

Upon approval this permit authorizes the applicant to locate, construct, operate and maintain at the above mentioned
location, sidewalk upgrades (ADA) as shown on the attached plans which become a part hereof.

The applicant shall notify Sean Melborg, Field Engineer, Phone: 815-895-4551 or the District Permit Section, Phone: 815-
434-8490 twenty-four hours in advance of starting any work covered by this permit.

This work shall be done according to the cross section shown on the attached sketch, and at no place between the edge of
the pavement and the ditch line shall the drive be higher than the edge of pavement.

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

(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 ______________ , ______
Witness __________________________________________________________________________
________________________________________________________ Mailing Address
________________________________________________________ City State

________________________________________________________ Mailing Address
________________________________________________________ City State

________________________________________________________

SIGN AND RETURN TO: Regional Engineer

Approved this __________ day of ______________ , ______
Department of Transportation

BY: ____________________________
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, flags, 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, 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.

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.
ROUTE TO:

Community Development Department:
- City Manager (Bill Nicklas)
- CD Director ()
- Principal Planner (Dan Olson)
- Building Division (Thaddeus Mack)

Departments & Agencies:
- City Engineer (Zac Gill)
- Public Works Admin (Bryan Faivre)
- Water Division ()
- Street Operations Division ()
- Fire Department (Jeff McMaster/Fire Prev. Officer)
- Sanitary District (Mark Eddington / Mike Holland)
- Legal (Dean Frieders)
- Police (Gene Lowery/Steve Lekkas/John Petragallo)
- Park District (Mat Emken/Amy Doll)
- School District (Jamie Craven)
- Other

APPLICANT REQUEST:
- Annexation Agreement
- Annexation
- Rezoning
- P.D./Subdivision (Preliminary Plan/Plat)
- P.D./Subdivision (Final Plan/Plat)
- Street/Alley Vacation
- Special Use
- Site Plan Review
- Building Permit Review
- Other

Routing Date: February 28, 2019
Comment Return Deadline: March 14, 2019
Plan Review Meeting Date: None

RETURN COMMENTS TO:
- Dan Olson

Please submit comments via an e-mail or memo in WORD format, Times New Roman style and 12-font, and return with this form.

Project Name: McDonald's Remodel - 805 W. Lincoln Highway
Applicant: McDonald's
Location of Subject Property: 805 W. Lincoln Highway

REVIEW CONCLUSIONS:
- □ Approved as Submitted
- □ Conditionally Approved (see attached)
- □ Not Approved (see attached)
- □ Resubmission of Plans Required

Reviewed by (sign): ___________________________ Date: ___________________________
TRANSMITTAL LETTER

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<td>Steve Simak</td>
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<tr>
<td>To:</td>
<td>Dan Olson</td>
<td>RE:</td>
<td>McDonald's - DeKalb</td>
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<td>CITY OF DEKALB</td>
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We transmit:

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Via:

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- [ ] Overnight Delivery
- [ ] In-House Delivery
- [ ] Client Pick-up

For Your:

- [ ] Approval
- [ ] Review/Comment
- [ ] Information/Use
- [ ] As Requested

Print Size:

- [ ] 11x17
- [ ] 18x24
- [ ] 24x36
- [ ] 30x42
- [ ] Other

Remarks: Dan, please find four original copies of the IDOT permit application completed by IDOT Region 2. Please note item #4 that these are to be signed by an authorized city official. The note mentions 3 copies, but please have all 4 copies signed and returned to our office. Please contact me if you have any questions.

CC: Joe Coconato, McDonald's
    Dan Olson, Watermark Engineering

Joe.Coconato@us.mcd.com
dolson@watermark-engineering.com

Please contact us at once if enclosures are other than as noted

2631 Ginger Woods Parkway • Suite 100 • Aurora, IL • 60502
phone 630-375-1800 • fax 630-236-9800 • www.watermark-engineering.com