

ORDINANCE NO. 2014- 4

**AN ORDINANCE APPROVING AGREEMENT FOR THE JURISDICTONAL
TRANSFER OF ROADWAYS WITH THE STATE OF ILLINOIS DEPARTMENT OF
TRANSPORTATION (PRESENT WORTH VALUE) FOR THE VILLAGE OF CHAPIN,
MORGAN COUNTY, ILLINOIS**

WHEREAS, the State of Illinois Department of Transportation has made certain improvements to U.S. Highway 67 including the construction of a four lane divided highway;

WHEREAS, the State of Illinois Department of Transportation desires to transfer to the Village of Chapin jurisdictional control over the following section of highway: Future Old U.S. 67 from Bethel Lane (TR 93) to Old 67 Spur 13.44, in its entirety as follows:

- Mile Station 10.032 to 10.625 / Construction Station 524+75.00 to 556+00.00
- Mile Station 11.533 to 12.394 / Construction Station 3+00.00 to 48+50.00
- Mile Station 0.000 to 0.417 / Construction Station 60+00.00 to 63+00.00 and 97+85.00 to 116+85.00;

more particularly described and illustrated in the attached *Jurisdictional Transfer Agreement*, marked as **Appendix 1**;

WHEREAS, the State of Illinois Department of Transportation agrees to pay a lump sum of \$575,000.00 to the Village of Chapin as consideration for the Village taking over jurisdictional control of the section of highway; and

WHEREAS, the corporate authorities of the Village of Chapin deem it advisable and in the best interest of the Village's residents to enter into the *Jurisdictional Transfer*

Agreement and to assume jurisdictional control of the roadways described in the *Agreement*.

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, as follows:

Section 1. The foregoing recitals are adopted and incorporated herein by this reference as if they had been restated verbatim.

Section 2: The *Jurisdictional Transfer Agreement*, a copy of which is attached hereto as **Appendix 1**, is approved and accepted by the corporate authorities of the Village of Chapin. The Village, subject to the terms and conditions set forth in the *Agreement*, including the receipt of \$575,000.00, shall take over jurisdictional control of the following section of highway: Future Old U.S. 67 from Bethel Lane (TR 93) to Old 67 Spur 13.44, in its entirety as follows:

- Mile Station 10.032 to 10.625 / Construction Station 524+75.00 to 556+00.00
- Mile Station 11.533 to 12.394 / Construction Station 3+00.00 to 48+50.00
- Mile Station 0.000 to 0.417 / Construction Station 60+00.00 to 63+00.00 and 97+85.00 to 116+85.00;

more particularly described and illustrated in the *Agreement*.

Section 3: The Village President and Village Clerk are directed to execute the *Jurisdictional Transfer Agreement* and any additional instruments on behalf of the Village of Chapin as necessary to effectuate the terms and conditions of the *Agreement*.

Section 4: This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

Passed and Approved by the President and Board of Trustees of the Village of
Chapin, Morgan County, Illinois, on the 9 day of July, 2014.

Kenneth L Drake Jr
Ken Drake, Village President

Attest:

Rhea Drake
Rhea Drake, Village Clerk

STATE OF ILLINOIS)
)ss
COUNTY OF MORGAN)

CERTIFICATION

I, Rhea Drake, Clerk of the Village of Chapin, Morgan County, Illinois, do hereby certify that the foregoing and attached copy of Ordinance No. 2014- 4 is a true and correct copy of an ordinance passed by the President and Board of Trustees of the Village of Chapin at a meeting of said Board of Trustees held on the 9 day of July, 2014, as appears from the original ordinance now on file in my office.

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of the Village of Chapin, this 9 day of July, 2014.

Rhea Drake
Rhea Drake, Village Clerk

(SEAL)

APPENDIX 1

**JURISDICTIONAL TRANSFER
AGREEMENT**

This Agreement is entered into this ____ day of _____, A.D., 2014 by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called the STATE, and the VILLAGE OF CHAPIN, in the State of Illinois, hereinafter called the LOCAL AGENCY.

WITNESSETH

This AGREEMENT will be identified as:

- STATE Job Number C-96-232-14 and LOCAL AGENCY Section 14-00001-00-JT and PPS Number 6-06211-0000 (FY 15).

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

I. THE LOCAL AGENCY AGREES:

1. Funds received through this AGREEMENT will be deposited into the LOCAL AGENCY'S Motor Fuel Tax account and expended in accordance with Motor Fuel Tax standards, policies and procedures.
2. If applicable, to maintain, for a minimum of three (3) years after the completion of any contracts, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract. The contract and all books, records and supporting documents related to the contract shall be available for review and audit by the Auditor General or other STATE auditors; and the LOCAL AGENCY agrees to cooperate fully with any audit conducted by the Auditor General or other STATE auditors and to provide full access to all relevant materials. Failure to maintain the books, records and

supporting documents required by this section shall establish a presumption in favor of the STATE for the recovery of any funds paid by the STATE under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.

3. The jurisdiction and maintenance of any projects, in which these funds are expended on, will remain the responsibility of the LOCAL AGENCY.
4. To accept jurisdiction and maintenance 21 calendar days after the execution of this AGREEMENT of the following section of highway in its present condition:
 - Future Old U.S. 67 from Bethel Lane (TR 93) to Old 67 Spur 13.44, in its entirety as follows:
 - Mile Station 10.032 to 10.625 / Construction Station 524+75.00 to 556+00.00
 - Mile Station 11.533 to 12.394 / Construction Station 3+00.00 to 48+50.00
 - Mile Station 0.000 to 0.417 / Construction Station 60+00.00 to 63+00.00 and 97+85.00 to 116+85.00

as described in Exhibit A, attached hereto and made a part hereof and as described in previous Agreement No. JT 611-001 not attached.

II. IT IS MUTUALLY AGREED:

1. The STATE agrees to pay the LOCAL AGENCY a lump sum total of \$ 575,000, upon execution of this AGREEMENT.
2. This Agreement shall be binding upon and inure to the benefits of the parties, their successors and assigns.
3. Obligations of the STATE shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or applicable Federal Funding source fails to appropriate or otherwise make available funds for the work contemplated herein.

RESOLUTION

WHEREAS, the Village of Chapin will accept jurisdiction and maintenance of the following road in its present condition:

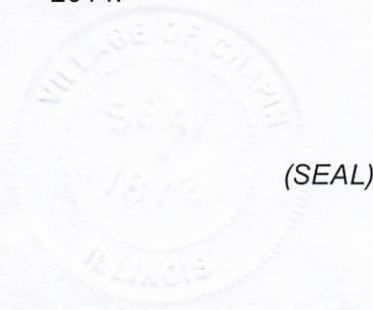
- Future Old U.S. 67 from Bethel Lane (TR 93) to Old 67 Spur 13.44, in its entirety as follows:
 - Mile Station 10.032 to 10.625 / Construction Station 524+75.00 to 556+00.00
 - Mile Station 11.533 to 12.394 / Construction Station 3+00.00 to 48+50.00
 - Mile Station 0.000 to 0.417 / Construction Station 60+00.00 to 63+00.00 and 97+85.00 to 116+85.00

WHEREAS, the Illinois Department of Transportation will pay the Village of Chapin a lump sum total of \$575,000.00 per the agreement identified as State Job Number C-96-232-14 and Village of Chapin Section 14-00001-00-JT and PPS Number 6-06211-0000 (FY 15).

THEREFORE, be it resolved that the Village Board empowers the Village President to enter into an agreement with the State of Illinois, acting through its Department of Transportation, to accept jurisdiction of the above-stated route in the Village of Chapin. The above roadway will become part of the municipality's highway system.

I, Rhea Drake, Village Clerk in and for the Village of Chapin in the State of Illinois, do hereby certify the foregoing to be a true, perfect, and complete copy of a resolution adopted by the Village Board at its regular meeting held at Chapin, Illinois on July 9, 2014.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Village at my office in Chapin, Illinois in said Village this 9 of July, A.D., 2014.



Rhea Drake
Rhea Drake
Village Clerk

Addendum 2



Local Agency		Type of Systems Transfer	
Municipality:	Village of Chapin	Type 1	Type 2
Township/Road District:		From: State Highway System	From: Local Highway System
County:		To: Local Highway System	To: State Highway System
Section Number:	14-00001-00-JT	Indicate Type of Systems Transfer: 1	

The above local agency, and the State of Illinois, acting by and through its Department of Transportation, agree to transfer the jurisdiction of the designated location in the manner indicated above under **Type of Systems Transfer**.

Location Description

Name Future Old U.S. 67 Route FAP ??? Length 1.871 miles
 Termini from Bethel Lane (TR 93) to Old 67 Spur 13.44 (Mile Station 10.032 to 10.625 / Construction Station 524+75.00 to 556+00.00, Mile Station 11.533 to 12.394 / Construction Station 3+00.00 to 48+50.00, and Mile Station 0.000 to 0.417 / Construction Station 60+00.00 to 63+00.00 and 97+85.00 to 116+85.00), in its entirety.

This transfer does does not include Structure No. N/A

The transfer does does not include a transfer to land rights (4-508). If it does, attach letter of intent approved by the Department.

WHEREAS, the authority to enter into this contract is granted the STATE by Section 4-409 of the Illinois Highway Code and the authority to make changes in the State Highway System is granted the State under Section 2-101 of the Illinois Highway Code.

Include for Municipalities Only

WHEREAS, the authority to make changes to the Municipal Street System is granted to the Municipality by Section 7-101 of the Illinois Highway Code.

NOW THEREFORE IT IS AGREED that the corporate authority of said municipality will pass an ordinance providing for the transfer of the above location and shall attach hereto and make a part hereof a copy of a location map as Addendum No. 1 and a copy of the ordinance as Addendum No. 2, and

Include for Counties Only

WHEREAS, the authority to make changes to the County Highway System is granted to the County by Section 5-105 of the Illinois Highway Code.

NOW THEREFORE IT IS AGREED that the County Board of said County will pass a resolution providing for the transfer of the above location and shall attach hereto and make a part hereof a copy of a location map as Addendum No. 1 and a copy of the resolution as Addendum No. 2, and

Include for Township/Road Districts Only

WHEREAS, the authority to make changes to the Township/Road District System is granted to the Highway Commissioner under Section 6-201.3 of the Illinois Highway Code and said Highway Commissioner shall attach hereto and make a part hereof a copy of a location map as Addendum No. 1, and

IT IS MUTUALLY AGREED, that this jurisdictional transfer will become effective 21 calendar days after:

(check one)

- Final Inspection by the State (Type)
- Acceptance by the State
- Execution of Agreement
- Approval of Land Conveyance
- Other: _____

Supplements

Additional information and/or stipulations, if any, are hereby attached and identified below as being a part of this jurisdictional transfer.

Supplement Resolution, location map, and plan sheets
 (Insert supplement numbers of letters and page numbers, if applicable.)

IT IS FURTHER AGREED, that the provisions of this jurisdictional transfer shall be binding and inure to the benefit of the parties hereto, their successors and assigns.

OLD US 67
JURISDICTIONAL TRANSFER
BETHEL LANE (TR 93) TO
CHAPIN CEMETARY (OLD RTE 67 SPUR 13.44)
MORGAN COUNTY

