



Legislation Text

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**INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE COUNTY OF DUPAGE AND THE CITY OF CHICAGO  
CONCERNING INSTALLATION AND  
OPERATION OF CERTAIN NAVIGATIONAL AID FACILITIES SUPPORTING  
O'HARE INTERNATIONAL AIRPORT  
DELEGATION OF SIGNATORY AUTHORITY**

WHEREAS, the City owns and operates O'Hare International Airport and is implementing the O'Hare Modernization Program ("OMP") which includes construction of the new Runway 9R-27L extension and related improvements; and

WHEREAS, to support operations of new Runway 9R-27L, the City is completing installation of various navigational aid systems which are intended for transfer to the United States Department of Transportation, Federal Aviation Administration ("FAA") to support operation of the airfield and runway systems, and which said navigational aid systems will include installation of an approach light and sequenced flashing system ("ALSF") serving new Runway 9R-27L, including support structure (collectively, the "ALSF Facility"); and

WHEREAS, federal design requirements for spacing of ALSF system elements for Runway 9R-27L necessitate the installation of certain permanent improvements, including the ALSF Facility, underneath and through the CH 8/York Road right-of-way and upon certain County-owned land adjacent to and abutting CH 8/York Road right-of-way at the southwest corner of the intersection of CH 8/York Road at Supreme Drive and located within the municipal limits of the Village of Bensenville (the "County Parcel"); and

WHEREAS, the County and City acknowledge that certain easements to the Village of Bensenville were identified within the County Parcel, including an identified ten-foot (10') sidewalk easement and an identified ten foot (10') water main easement; and

WHEREAS, the County and City further acknowledge that currently the County Parcel has not been improved with any sidewalk improvements or water main facilities within the identified easement areas; and

WHEREAS, the County and City, through discussions with the Village of Bensenville additionally acknowledge that there are no pending or imminent plans by the Village of Bensenville for installation of sidewalk or water main improvements within the identified easement areas within the County Parcel, however longer term the Village does envision a sidewalk or multi-use path within the County Parcel; and

WHEREAS, discussions are ongoing for accommodations of a future Village multi-use path outside the limits of the ALSF Facility; and

WHEREAS, as a result of such coordination, the final approved plans for the ALSF Structure will include a system of elevated structure and pedestrian bridge decking constructed upon piers and the installation of underground low and high voltage wireline and related equipment which is consistent with the County preserving the underlying compensatory stormwater storage retention and floodway utility of the County Parcel, and further consistent with planned improvement and expansion of roadway elements within the York Road right-of-way; and

WHEREAS, the City has further obtained necessary permit approvals from the FAA, the Illinois Department of Natural Resources (“IDNR”), and the Illinois State Toll Highway Authority (“Tollway”), each approving the City’s installation of the ALSF Structures in such form and manner; and

WHEREAS, to accommodate the City's effort toward achieving the timely approvals for commencement of Runway 9R-27L flight operations, the County and City have prepared an agreement setting forth the terms and conditions of the City’s Runway 9R-27L ALSF System improvements as it affects the County Parcel and York Road right-of-way and operations currently and, in the future, subject to resolution of the Village’s long-term plans for a multi-use path; and

WHEREAS, the County by virtue of its power set forth in the “Counties Code” (55 ILCS 5/5-1001 *et seq.*) and the “Illinois Highway Code” (605 ILCS 5/5-101 *et seq.*) and the City by virtue of its power set forth in the “O’Hare Modernization Act” (620 ILCS 65/5, *et seq.*) and set forth in the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*) are authorized to enter into an agreement for the ALSF Facility; and

WHEREAS, the City Council of the City has further authorized entry into an agreement pursuant to that Ordinance approved on April 11, 2007 (Journal of Proceedings of the City Council of the City of Chicago, pages 102492 - 102497); and

WHEREAS, the County and City are empowered to enter into an agreement pursuant to the authority granted in the Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*, and in Article VII, Section 10, of the Illinois Constitution of 1970; and

WHEREAS, the City has procured the elevated structure and pedestrian bridge decking necessary for the ALSF Facility to be constructed and is ready to begin work, subject to resolution of the Village of Bensenville’s future multi-use path accommodations; and

WHEREAS, in order to facilitate a timely implementation of the ALSF Facility construction and commencement of Runway 9R-27L flight operations, the DuPage County Board finds it appropriate to authorize the DuPage County Division of Transportation Director to execute an agreement, substantially the same as the agreement in Exhibit A, between the County and City for the ALSF Facility and appurtenance, subject to the resolution of the Village of Bensenville future multi-path accommodation.

NOW, THEREFORE, BE IT RESOLVED, that the DuPage County Board authorizes the DuPage County Division of Transportation Director to execute an agreement, substantially the same as the agreement in Exhibit A, between the County and City for the construction, installation, and future maintenance of the ALSF Facility and appurtenances within CH 8/York Road right of way and County Parcel.

Enacted and approved this 14th day of March, 2023 at Wheaton, Illinois.

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DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest: \_\_\_\_\_  
JEAN KACZMAREK, COUNTY CLERK