

**FIRST AMENDMENT  
TO INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE COUNTY OF DU PAGE AND THE CITY OF DARIEN  
FOR RETAINING WALL CONSTRUCTION ALONG CH 31/PLAINFIELD ROAD  
FROM CASS AVENUE TO LINDEN AVENUE**

This FIRST AMENDMENT to the Intergovernmental Agreement, between the County of DuPage and the City of Darien, (hereinafter referred to as "FIRST AMENDMENT"), concerning Retaining Wall Construction along CH 31/Plainfield Road from Cass Avenue to Linden Avenue, is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2025, between the County of DuPage (hereinafter referred to as the "COUNTY"), a body corporate and politic, with offices at 421 North County Farm Road, Wheaton, Illinois and the City of Darien (hereinafter referred to as the "CITY"), a municipal corporation with offices at 1702 Plainfield Road, Darien Illinois 60561. The COUNTY and the CITY are hereinafter sometimes individually referred to as a "PARTY" or together as the "PARTIES".

**RECITALS**

WHEREAS, the COUNTY and CITY entered into an Intergovernmental Agreement, dated September 26, 2023, (hereinafter referred to as "AGREEMENT"), to improve the existing retaining wall and fencing along the southside right-of-way of CH 31/Plainfield Road at Cass Avenue extending east to Linden Avenue (hereinafter referred to as "PROJECT"); and

WHEREAS, since the execution of the aforementioned AGREEMENT (COUNTY Resolution DT-R-0082-23), the estimated costs of construction engineering and construction have increased, and it has been determined that lighting and land acquisition not previously considered for the PROJECT will now be included; and

WHEREAS, the AGREEMENT must be amended to update the total estimated construction engineering and construction costs and incorporate the lighting and land acquisition costs not previously included in the AGREEMENT (reflected in a revised EXHIBIT A, attached hereto); and

WHEREAS, a revised total cost for the PROJECT has been determined and the updated estimated cost for design engineering, construction engineering, construction, lighting and land acquisition is \$876,000; and

WHEREAS, this revised estimate is agreeable to the COUNTY and the COUNTY will reimburse the CITY 50% of the updated construction cost, estimated COUNTY share \$366,500.00, 50% of design and construction engineering costs, estimated COUNTY share \$37,500.00, and 100% of land acquisition costs, estimated COUNTY cost \$48,000.00; for a revised COUNTY total share of \$452,000; and

NOW, THEREFORE, in consideration of the premises, the mutual covenants, terms, and conditions herein set forth, the PARTIES agree the AGREEMENT is amended as follows:

1) Section 3.0 RESPONSIBILITIES OF THE CITY

Paragraph shall be added:

3.5. The CITY agrees to negotiate and manage right-of-way land acquisition on behalf of the COUNTY for PROJECT right-of-way with full reimbursement from the COUNTY for said right-of-way.

2) Section 4.0 RESPONSIBILITIES OF THE COUNTY

Paragraph 4.1, 4.2 and 4.3 of the AGREEMENT shall be amended to read as follows and is fully incorporated therein by reference:

4.1 The COUNTY agrees to reimburse the CITY for 50% of the actual construction cost for the PROJECT, COUNTY share estimated to be \$366,500 (see Exhibit A).

4.2 The COUNTY also agrees to reimburse the CITY for 50% of the actual design and construction engineering costs for the PROJECT, COUNTY share estimated to be \$37,500 (see Exhibit A). The COUNTY agrees to pay the CITY its share of design engineering costs upon award of a contract for construction and receipt of an invoice from CITY, or in accordance with Section 10.2.

4.3 The COUNTY agrees to pay the CITY eighty (80%) percent of its share of the PROJECT construction cost (\$293,000) upon award of the contract for the PROJECT based upon as-bid unit prices for the PROJECT and receipt of an invoice from CITY. Upon completion of the PROJECT and based upon the documentation of final costs and quantities, submitted by the CITY and a final invoice, the COUNTY agrees to reimburse the CITY for the balance of its share of the PROJECT cost within sixty (60) days of receipt of a properly documented invoice from the CITY.

3) Section 9.0 NOTICES

County of DuPage Director information shall be updated to:

ATTN: Stephen M. Travia  
Director of Transportation  
Phone: 630.407.6900  
Email: [stephen.travia@dupagecounty.gov](mailto:stephen.travia@dupagecounty.gov)

4) Exhibit A of the AGREEMENT has been amended to reflect the revised estimated costs of the PROJECT, including cost shares of the PARTIES, and is fully incorporated therein.

5) It is mutually agreed by and between the PARTIES hereto that all covenants contained in the AGREEMENT which are not in conflict with this FIRST AMENDMENT shall remain in full force and effect and are incorporated herein.

IN WITNESS WHEREOF, the parties have caused this FIRST AMENDMENT to be executed in duplicate counterparts, each of which shall be considered as an original by their duly authorized officers as of the date first above written.

COUNTY OF DU PAGE

CITY OF DARIEN

Signature on file

\_\_\_\_\_  
Deborah A. Conroy, Chair  
DuPage County Board

\_\_\_\_\_  
Joseph A. Marchese, Mayor  
City of Darien

ATTEST:

ATTEST:

\_\_\_\_\_  
Jean Kaczmarek  
County Clerk

Signature on file

\_\_\_\_\_  
JoAnne Ragona  
City Clerk



**AMENDED  
EXHIBIT A  
PROJECT COST ESTIMATE**

	<b>PROJECT COST ESTIMATE</b>	<b>ESTIMATED CITY SHARE</b>	<b>ESTIMATED COUNTY SHARE</b>
PROJECT Construction Cost Estimate (CITY/COUNTY 50% Share)	\$ 733,000	\$ 366,500	\$ 366,500
PROJECT Design and Construction Engineering Cost Estimate (CITY/COUNTY 50% Share)	\$ 75,000	\$ 37,500	\$ 37,500
PROJECT Right-of-Way Land Acquisition Cost Estimate (COUNTY 100% Share)	\$ 48,000		\$ 48,000
PROJECT Lighting Cost Estimate (CITY 100% Share)	\$ 20,000	\$ 20,000	
<b>Total Cost Estimate</b>	<b>\$ 876,000</b>	<b>\$ 424,000</b>	<b>\$ 452,000</b>

RESOLUTION NO. R-24-25

**AN AMENDED RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF DUPAGE FOR A COST SHARE OF A RIGHT-OF-WAY ENHANCEMENT PROJECT AT THE SOUTHEAST CORNER ALONG PLAINFIELD ROAD FROM CASS AVENUE TO LINDEN AVENUE AND CASS AVENUE TO THE SIDE YARD LIMIT OF 7614 GAIL AVENUE**

**WHEREAS**, under the Constitution and Statutes of the State of Illinois, a municipality is authorized to participate in intergovernmental cooperation; and

**WHEREAS**, an Intergovernmental Agreement has been prepared between the City of Darien and the County of DuPage concerning said retaining wall construction along CH 31/Plainfield Road from Cass Avenue to Linden Avenue, a copy of which is attached hereto as “**Exhibit A**”, and is incorporated herein; and

**WHEREAS**, The Corporate Authorities, for record keeping, desire to authorize the execution of the Intergovernmental Agreement by Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DUPAGE COUNTY**, as follows:

**SECTION 1:** That the Mayor and City Clerk are hereby authorizing the Mayor to execute an Intergovernmental Agreement with the County of DuPage for a cost share of a right-of-way enhancement project at the southeast corner along Plainfield Road from Cass Avenue to Linden Avenue and Cass Avenue to the side yard limit of 7614 Gail Avenue.

The obligations of the City of Darien shall be limited to those specifically stated within the terms of the Intergovernmental Agreement.

**SECTION 2:** This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DUPAGE COUNTY, ILLINOIS**, this 2<sup>nd</sup> day of June 2025.

AYES: 6 – Belczak, Kenny, Leganski, Schauer, Stompanato, Sullivan  
NAYS: 0 – NONE  
ABSENT: 1 -Gustafson

RESOLUTION NO. R-24-25

APPROVED BY THE MAYOR FOR THE CITY OF DARIEN, DUPAGE COUNTY,  
ILLINOIS, this 2<sup>nd</sup> day of June 2025.

Signature on file \_\_\_\_\_

✓ JOSEPH A. MARCHESE, MAYOR

ATTEST:

Signature on file \_\_\_\_\_

✓ JOANNE E. RAGONA, CITY CLERK ✓

APPROVED AS TO FORM: ✓

✓ Signature on file ✓





STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF DU PAGE    )

I, JoAnne E. Ragona, do hereby certify that I am the duly qualified CITY CLERK of the CITY OF DARIEN of DuPage County, Illinois, and as such officer I am the keeper of the records and files of the City;

I do further certify that the foregoing constitutes a full, true and correct copy of **RESOLUTION NO. R-24-25 — “CONSIDERATION OF A MOTION TO APPROVE AN AMENDED RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF DUPAGE FOR A COST SHARE OF A RIGHT-OF-WAY ENHANCEMENT PROJECT AT THE SOUTHEAST CORNER ALONG PLAINFIELD ROAD FROM CASS AVENUE TO LINDEN AVENUE AND CASS AVENUE TO THE SIDE YARD LIMIT OF 7614 GAIL AVENUE”** of The City of Darien, Du Page County, Illinois, Duly Passed and Approved by the Mayor and City Council at a Meeting held on June 2, 2025.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal this 2<sup>nd</sup> day of June, 2025.



Signature on file \_\_\_\_\_

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City Clerk