

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF DUPAGE
AND THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY
EAST BRANCH DUPAGE RIVER TRAIL
ALONG INTERSTATE 355
SECTION NO. 19-00002-07-BT**

This MEMORANDUM OF UNDERSTANDING ("MOU") is entered into by and between The County of DuPage, a body corporate and politic of the State of Illinois ("COUNTY"), and The Illinois State Toll Highway Authority, an instrumental and administrative agency of the State of Illinois ("TOLLWAY"), individually referred to as "PARTY" and collectively referred to as "PARTIES."

RECITALS

WHEREAS, the COUNTY, in order to provide improved non-motorized mobility and accessibility within the County, proposes to construct a segment of the East Branch DuPage River Trail ("TRAIL"), connecting the Great Western Trail to the Illinois Prairie Path, Section No. 19-00002-07-BT;

WHEREAS, the COUNTY has investigated potential crossings of the TRAIL at the Union Pacific Railroad ("UPRR"), including an overpass, an underpass, and along the Veterans Memorial Tollway ("I-355");

WHEREAS, the COUNTY has determined that the most feasible crossing of the TRAIL at the UPRR is along I-355;

WHEREAS, based on the COUNTY's preliminary evaluation, the TRAIL can be accommodated within the I-355 right-of-way, west of the southbound lanes of traffic and outside shoulder;

WHEREAS, based on the TOLLWAY's preliminary evaluation, there currently is sufficient space for the TRAIL within the I-355 right of way;

WHEREAS, accommodating the TRAIL within the I-355 right of way will not preclude future widening of I-355 by the TOLLWAY;

WHEREAS, additional engineering studies are required to determine if the existing bridges carrying Crescent Boulevard, the UPRR, and Hill Avenue over I-355 can be reasonably modified to accommodate the TRAIL and any potential future widening of I-355;

WHEREAS, additional engineering studies are required to determine if TRAIL construction within TOLLWAY right-of-way will adversely impact TOLLWAY operations, including snow removal;

WHEREAS, based on the initial coordination between the PARTIES, the PARTIES agree that further study of TRAIL construction within TOLLWAY right-of-way is warranted;

WHEREAS, the PARTIES agree that it is appropriate for the COUNTY to proceed with a more detailed engineering analysis to address TOLLWAY requirements and fully evaluate proposed construction of the TRAIL (“STUDY”);

WHEREAS, the COUNTY by virtue of its powers as set forth in the Counties Code 55 ILCS 5/5-1001 *et seq.*, is authorized to enter into this MOU; and

WHEREAS, the TOLLWAY by virtue of its powers as set forth in the Toll Highway Act, 605 ILCS 10/1, *et seq.*, is authorized to enter into this MOU,

WHEREAS, a cooperative Memorandum of Understanding is appropriate and is authorized by Article VII, Section 10 of the Illinois Constitution.

NOW, THEREFORE, in consideration of the aforementioned recitals and the mutual covenants contained herein, the PARTIES agree as follows:

I. COUNTY RESPONSIBILITY

- A. The COUNTY shall lead and be responsible for the STUDY, including but not limited to any necessary structural engineering, obtaining necessary surveys, preparing alignment plans, and performing utility coordination.
- B. As part of the STUDY, the COUNTY shall perform the following:
 - evaluation of potential TOLLWAY near term improvement on I-355
 - review and evaluation of TOLLWAY operational requirements, including those for snow and ice and emergency response
 - coordination with UPRR
 - coordination with the Forest Preserve District of DuPage County
 - coordination with the Glenbard Wastewater Authority
 - coordination with the Village of Glen Ellyn
 - coordination with the Village of Lombard
 - determination of right-of-way requirements.
- C. The COUNTY shall pay all STUDY-related costs.

II. TOLLWAY RESPONSIBILITY

- A. The TOLLWAY will provide the COUNTY with TOLLWAY design standards.
- B. After the COUNTY submits the STUDY to the TOLLWAY, the TOLLWAY will timely review the STUDY.
- C. The TOLLWAY will issue to the COUNTY or its contractors permits and rights of access to TOLLWAY right-of-way necessary to perform surveys, investigations, and other tasks related to the STUDY.

III. GENERAL PROVISIONS

- A. This MOU may be executed using electronic signatures and in two (2) or more counterparts, each of which shall be deemed an original and all of which shall be deemed, one and the same instrument.
- B. This MOU may only be modified by written modification executed by duly authorized representatives of the PARTIES.

This MOU must be executed before the COUNTY initiates the STUDY.

IN WITNESS THEREOF, the PARTIES have executed this MOU on the dates indicated.

COUNTY OF DUPAGE

**THE ILLINOIS STATE TOLL
HIGHWAY AUTHORITY**

Deborah A. Conroy, Chair
DuPage County Board

Cassandra Rouse
Executive Director

ATTEST:

Approved as to Form and Constitutionality

Jean Kaczmarek
DuPage County Clerk

Assistant Attorney General