

**Submitted By**

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**Reviewed By**

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**Agenda Item Title****A Resolution Approving a Right-of-Way Encroachment License and Covenant Agreement with 1144 Lake Street LLC for a Sidewalk Vault at 1144 Lake Street and Authorizing its Execution****Overview**

There is an existing vault under the sidewalks in front of the building at 1144 Lake Street. The property owner requested an agreement to memorialize the existing sidewalk vaults in order to provide the requested sidewalk easement needed to construct the Lake Street Streetscape Project. The Right-of-Way Encroachment License and Covenant Agreement allows for the sidewalk vault to remain and defines terms and conditions for maintenance and insurance requirements.

**Recommendation**

Approve the Resolution

**Fiscal Impact**

There is no fiscal impact to the Right-of-Way Encroachment License and Covenant Agreement.

**Background**

There is existing basement space for the 1144 Lake Street building, formerly the Marshal Fields Building), which extends under the sidewalk. These underground spaces which extend beyond the building's footprint are referred to as vaults. The basement extends to roughly the edge of the sidewalk along Harlem and roughly twelve feet into the sidewalk area on Lake Street. Sidewalk vaults are currently administered under Village Code for Streets and Sidewalks Underground Construction and Use, Chapter 22 Article 6.

In order to secure a requested temporary construction easement with the property owner for replacing the sidewalks along Lake Street and replacing the corner sidewalk ramp at Lake Street and Harlem Avenue, the owner is requesting the Village enter into an agreement to allow for the existing sidewalk vault to exist in the public right of way. The agreement is required per Village Code 22-6-5 for all vaulted spaces.

The Right-of-Way Encroachment License and Covenant Agreement includes the required insurance requirements and terms and conditions regarding maintenance of the sidewalk vault space.

**Alternatives**

The alternative to this recommendation could be to delay action to gain additional information.

**Previous Board Action**

At the July 8, 2019 regular meeting the Village Board had a discussion and a presentation regarding the business district coordination and website development for the upcoming Lake Street Improvement projects.

At the May 20, 2019 regular meeting the Village Board approved a Contract with Electric Conduit Construction Co. for Project 19-13, Lake Street and Forest Avenue Traffic Signal Improvements in an amount not to exceed \$426,660.

At the November 19, 2018 regular meeting the Village Board approved a Resolution Authorizing Temporary Construction Easements and Permanent Sidewalk Easements on Lake Street for the Lake Street Streetscape Project, Section 16-00264-00-PV.

At the November 5, 2018 regular meeting the Village Board approved a Resolution Authorizing Local Funding and a Local Public Agency Agreement for Federal Participation with the State Of Illinois for Construction of the Lake Street Streetscape Project, Section 16-00264-00-PV.

At the November 5, 2018 regular meeting the Village Board approved a Professional Services Agreement with TranSystems Corporation for Phase III Construction Engineering for the Lake Street Improvement Projects in an amount not to exceed \$1,464,930.

At the November 5, 2018 regular meeting the Village Board approved a Resolution Approving a Contract with Trine Construction Corp. for Project 19-1, Lake Street Sewer and Water Main Improvements, in an amount not to exceed \$1,862,000.

At the September 4, 2018 regular meeting the Village Board Approved a Highways Land Acquisition Contract for Negotiation services with Swanson and Brown, Ltd. for Right-of-Way Acquisition for the Lake Street Improvement Project in an amount not to exceed \$103,900.

At the July 9, 2018 regular meeting the Village Board Approved a Third Amendment to the Professional Services Agreement with Thomas Engineering Group LLC for the Design of the Lake Street Streetscape, Resurfacing, and Utility Improvement Projects to include Coordination with Developments and Revisions to Projects' Scope for an additional \$179,440.

At the March 5, 2018 regular meeting the Village Board approved the Lake Street Improvement projects' scope and limits and provided direction to staff to modify the limits and scope to reduce the overall budget for construction of the projects to \$15 million.

At the March 5, 2018 regular meeting the Village Board Approved a Second Amendment to the Professional Services Agreement with Thomas Engineering Group LLC for the Design of the Lake Street Streetscape, Resurfacing, and Utility Improvement Projects to include Design Modifications to existing Sidewalk Vaults for an additional \$80,648.

At the March 5, 2018 regular meeting the Village Board Approved an Agreement with Tetra Tech, Inc., for an Environmental Preliminary Site Investigation for the Lake Street Improvement Projects in an amount not to exceed \$36,511.

At the February 26, 2018 regular meeting the Village Board Approved the Lake Street Improvement Project's Scope, Including the Projects' Limits, Decorative Materials, and Specialty Features with a budgeted amount of \$15 million.

At the October 16, 2017 regular meeting the Village Board approved a Professional Services Agreement with The Lakota Group, Inc., for Phase 2 Professional Landscape Architecture and Planning Services for the Lake Street Streetscape Project in an amount not to exceed \$131,370.

At the January 17, 2017 regular meeting the Village Board Approved an Amendment to the Professional Services Agreement with The Lakota Group, Inc., for Phase 1 Professional Landscape Architecture and Planning Services for the Lake Street Streetscape Project for an additional \$24,780

At the January 17, 2017 regular meeting the Village Board Approved an Amendment to the Professional Services Agreement with Thomas Engineering Group, LLC., for Professional Engineering Services for the design of the Lake Street Streetscape, Resurfacing, and Utility Improvement Projects for an additional \$117,560.

On October 4, 2016, the Village Board authorized an agreement with The Lakota Group, Inc., for Phase 1 Professional Landscape Architecture and Planning Services for the Lake Street Streetscape Project in an amount not to exceed \$99,000.

On August 1, 2016, the Village Board authorized an agreement with Thomas Engineering Group, LLC., for Professional Engineering Services for the design of the Lake Street Streetscape, Resurfacing, and Utility Improvement Projects in an amount not to exceed \$1,080,000.

At the July 18, 2016 regular meeting the Village Board approved a Resolution Authorizing the Submission of a 2016 Federal Surface Transportation Program Grant Application for the Lake Street Streetscape and Resurfacing Project.

At the June 6, 2016 regular meeting the Village Board approved a Resolution Authorizing the Submission of a 2016 Illinois Transportation Enhancement Program (ITEP) Grant Application for the Lake Street Streetscape Project.

At the June 6, 2016 regular meeting the Village Board approved a Resolution Requesting the Illinois Department of Transportation Repurpose Federal Funds Earmarked for the I-290 Cap the Ike Projects, IL456 and IL478, to the proposed Lake Street Resurfacing and Streetscape Project according to the Consolidate Appropriations Act, 2016.

On February 8, 2016 the Village Board was given a presentation related to Construction, Parking and Mobility Services along the Lake Street Corridor from Harlem to Austin and directed staff to Request Proposals for the Preliminary and Design Engineering of the Lake Street Streetscape and Resurfacing Project.

On November 2, 2015 the Village Board was given a presentation on the Lake Street Streetscape Enhancement project which included a recommended project scope and material selections based on Board comments.

On May 11, 2015 the Village Board was given a presentation on the Lake Street Streetscape Enhancement project.

On August 20, 2014 the Disability Access Commission met at their regular open public meeting to review the proposed streetscape project and provided comments.

On January 7, 2013 Lakota Group and staff presented the recommendations of the Streetscape Committee for the Lake Street Streetscape project to the Village Board which included four options for scope and materials. The results of the surveys and walking tours were also presented.

On June 4, 2012 the Village Board the Village Board directed staff to form the Downtown District Streetscape Committee who would help in the development of various streetscape scenarios for Board consideration.

On March 15, 2012 the Village Board authorized an agreement with Lakota Group for design services related to the Lake Street Corridor from Harlem Ave to Euclid Ave.

**Citizen Advisory Commission Action**

N/A.

**Anticipated Future Actions/Commitments**

None at this time.

**Intergovernmental Cooperation Opportunities**

None at this time.

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