

RESOLUTION

Resolution Appropriating Funds for Right-of-Way Acquisition Associated with the Flat Iron Road Bridge Replacement Project (056-3019) (82)

WHEREAS, McHenry County has determined that there is a need to facilitate the replacement of the County's Flat Iron Road bridge over Mokeler Creek in the City of Harvard as part of the County Board approved FY2024 to FY2028 Transportation Program, as the existing bridge is structurally deficient; and

WHEREAS, McHenry County needs to acquire right-of-way for public purpose in order to complete a highway project on Flat Iron Road (County Highway A27) in the area of the bridge; and

WHEREAS, McHenry County has conducted the necessary engineering and environmental studies to determine the right-of-way requirements for said improvements; and

WHEREAS, the necessary plats, legal descriptions and title commitments have been prepared; and

WHEREAS, McHenry County's intended use of said parcels will serve a public good to improve roadway safety; and

WHEREAS, before right-of-way acquisition can proceed, authority for appropriation and eminent domain is necessary; and

WHEREAS, the right-of-way and associated costs are estimated to be fifteen thousand dollars (\$15,000.00).

NOW, THEREFORE BE IT RESOLVED, by this County Board of McHenry County, Illinois, that it hereby determines that it is necessary and desirable that the County of McHenry acquire title to and possession of the real property as determined for the Flat Iron Road Bridge Replacement Project, all as outlined in said plats of highways, copies of which are filed in the office of the McHenry County Division of Transportation, which said real property is necessary, required and needed for said highway construction purposes; and

BE IT FURTHER RESOLVED, that the McHenry County Division of Transportation, or its agents, on behalf of McHenry County be, and are hereby authorized, empowered and directed to negotiate with and purchase there from the owner or owners of all the real property determined to be necessary under this resolution and described in the plats of survey of said highway; and

BE IT FURTHER RESOLVED, in the event that said McHenry County Division of Transportation is unable to agree with the owner or owners of said real property upon the compensation to be paid therefore, then title to and possession of said real property shall be acquired by eminent domain by McHenry County. The State's Attorney of McHenry County is hereby authorized, empowered and directed to institute proceedings in any court of competent jurisdiction to acquire title to and possession of said property for McHenry County in accordance with the Eminent Domain Laws of the State of Illinois; and

BE IT FURTHER RESOLVED, that there is hereby appropriated the sum of twenty thousand dollars (\$20,000.00) from the MCDOT RTA Sales Tax Project Fund in FY2024, Fund-Dept.-Div.-Main Acct. 260-82-8200-609000 (Highway Right of Way) for the acquisition of necessary right-of-way, by agreement or eminent domain, and other associated costs for the acquisition of said right-of-way; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the County Administrator, the Chief Financial Officer and an electronic copy of this Resolution to the Director of Transportation/County Engineer.

DATED at Woodstock, Illinois, this 18 day of June, A.D., 2024.

Michael Buehler, Chairman
McHenry County Board

ATTEST:

Joseph J. Tirio, County Clerk

RESOLUTION

SUBJECT: Resolution Appropriating Funds for Right-of-Way Acquisition Associated with the Flat Iron Road Bridge Replacement Project (056-3019) (82)

Board / Committee Action Requested:

For consideration is a resolution appropriating funds for right-of-way acquisition for the County owned Flat Iron Road over the Mokeler Creek (056-3019) bridge replacement project in the City of Harvard.

Background and Discussion:

The Division of Transportation (DOT) is facilitating the replacement of Flat Iron Road bridge over Mokeler Creek (056-3019) due to the structural deficiency of the bridge. This project is included as part of the County Board approved FY2024 to 2028 Transportation Program and is scheduled to be constructed in 2025.

As part of the project, right-of-way is needed from three (3) parcels. A total of 1.754 acres of new right-of-way and no acres of temporary easement is needed to construct the improvements.

Impact on Human Resources: None.

Impact on Budget (Revenue; Expenses, Fringe Benefits): The cost to purchase right-of-way is included in the FY2024 budget.

Impact on Capital Expenditures: None.

Impact on Physical Space: None.

Impact on Other County Departments or Outside Agencies: None.

Conformity to Board Ordinances, Policies and Strategic Plan: Conforms to purchasing ordinances, policies and strategic plan.