

CHAMPAIGN COUNTY
Highway & Transportation Committee Minutes

Friday, February 8, 2013 – 9:00 am
Highway Building Conference Room
1605 E. Main St. St., Urbana, IL

MEMBERS PRESENT: Christopher Alix, Lorraine Cowart, John Jay, Jim McGuire, Diane Michaels, Max Mitchell, Michael Richards

MEMBERS ABSENT: Lloyd Carter

OTHERS PRESENT: Al Kurtz (County Board Chair), Jeff Blue (County Engineer), Tracy Wingler (Highway Maintenance Supervisor), Deb Busey (County Administrator), Bill Gray (Urbana Public Works), Dave Clark (City of Champaign), Linda Lane (Administrative Assistant)

CALL TO ORDER

Chair Cowart called the meeting to order at 9:00 am.

ROLL CALL

Secretary called roll and the following members were present: Alix, Cowart, Jay, Michaels, Mitchell, and Richards. The chair declared a quorum and proceeded with the meeting. McGuire arrived after roll call.

APPROVAL OF AGENDA

Chair Cowart asked for approval of agenda for meeting. **MOTION** by Jay to approve agenda; **seconded** by Mitchell. Cowart opened the floor for discussion. Blue said he would like to switch Items IX and VIII. **Motion approved unanimously as amended.**

APPROVAL OF MINUTES

Chair Cowart asked for approval of minutes from the January 4, 2013 meeting. **MOTION** by Mitchell; **seconded** by Richards. **Motion approved unanimously.**

PUBLIC PARTICIPATION

None

COUNTY & TOWNSHIP MOTOR FUEL TAX CLAIMS – JANUARY 2013

MOTION by Jay to receive and place on file the County & Township Motor Fuel Tax claims for January 2013; **seconded** by Michaels. **MOTION APPROVED UNANIMOUSLY.**

LINCOLN AVENUE RIGHT OF WAY ACQUISITION FROM MACC

Bill Gray from Urbana Public Works gave an update of the Lincoln Avenue project and stated that it is an important component of the Olympian Drive extension project. He noted they had a variety of alignments that were under consideration and that the collective wisdom was to go on the purple alignment. The consultants, Hansen Engineers, completed a project design report on the purple alignment and submitted it to IDOT for review. He gave an updated of the latest costs and noted that the Olympian Drive component numbers are coming down but the project remains a \$3.6 million project for a one mile stretch that ends by Saline Court. Gray stated it is being called project X. He noted that CUUATS is paying \$1.4 million in surface program transportation dollars with the balance to be split between the two local agencies. He said that the latest revised numbers provided by Hansen Engineers said it's very likely there will be left over Illinois Jobs state money of at least \$500,000 that could be directed towards this project to lower the County's and Cities' costs from \$1.1 million to \$850,000. He also noted that there is a process involved to get the money. Gray stated that the property owners, MACC, have approached them to expedite the sale. He noted the construction cycle is FY2016, meaning work would begin July 2015 and that they are not in a position right now to buy the property. Gray stated they would like to possibly enter into a sales contract to buy the land in 2015 for Lincoln Avenue right-of-way. He stated the reason for this is that the owners have a buyer for six (6) acres and an interested party in an irregular shape of land. He said the land they would be taking the middle portion and they want to establish a new west property line. Michaels asked how many acres were involved. Gray said 7.2. He noted that he and Blue have started to have discussions with representatives from MACC and are working with our attorney on a sales contract. Gray stated they hadn't gotten into the value of the land yet but they want to start negotiations in earnest. He said that phase one of the design is complete and that Hansen Engineers is ready to go to the next level on the one mile stretch. Michaels asked if they would be using part of the savings to purchase this land. Gray stated a portion of the \$850,000 could be used for land acquisition. Blue stated that there is no money in the budget now for this but that if they could get the right-of-way locked down it would help their cause. He also said they can't move ahead with Lincoln Avenue until the Olympian Drive is approved. It was asked what contingencies would be included in a sales contract. Gray answered would lock in a per acre price with a percent increase per year.

Kurtz asked in regards to the ICC situation when the judge was going to hear the plaintiff. Blue said there was a quick status hearing earlier in the week for the administrative law judge to make rulings on a number of objections the interveners had objected to during County testimony. Blue said the judge ruled in favor of the County on every objection. He stated the next status hearing is March 14 to get a small amount of information not presented by consultants and on April 14 the interveners need to be ready to put on their testimony. He stated the AOJ then has to take all that information and make a ruling, that ruling goes to the Illinois Commerce Commission, and the Illinois Commerce Commission then makes an order. Kurtz stated that because this is in adjudication the deadline will be pushed back. Blue noted that the money is coming from the Illinois Commerce Commission and programmed for this fiscal year, which means it must be programmed before July 1. The ICC has indicated that if it is their process holding up the approval then the money will roll over into their next fiscal year. Alix asked if they were looking for a general consensus from the committee or if they wanted to talk numbers. Blue answered just a consensus and a knowledge of what is going on. Richards asked what fiscal year the project would be in. Blue answered that it would be the 2015 County budget.

Michaels suggested being careful what is in the contract because the land could decrease in value. She suggested possibly a first right of refusal. Blue stated that in both agreements, the City of Urbana is the lead agency for both agreements but that he had been appointed negotiator for right-of-way. He continued by saying the State's Attorney isn't involved

but if it goes to condemnation they will become involved. Blue said that the administrative law judge has said there is a chance that when he makes his order for Olympian Drive he may order that both projects need to be complete before they are open. Michaels asked for clarification Olympian is Project A and Project C and project X is Lincoln Ave. Blue confirmed that it was. Kurtz asked if land for the borrow pits had been purchased yet. Blue said they have an agreed price for 16 acres. Gray noted that there would be a borrow pit on each side of the tracks and that the west side is already taken care of.

OLYMPIAN DRIVE WEST EXTENSION RIGHT OF WAY

Blue moved to the Olympian Drive west right-of-way and noted that it has always been part of the process to take Olympian Drive from Duncan Road to Lincoln Avenue. The consultant is working on the plans. He said the extension would be two (2) lanes but they are purchasing the right of way for four (4) lanes and doing an intersection improvement. He noted that the property they need to acquire is land that goes thru the middle of 35 acres that the Low family owns. Kurtz asked if this project will be completed no matter if the other plans go thru or not. Blue said that \$1.4 million is coming from the Illinois Jobs Now Act and \$800,000 from STU and that there is no local money involved. He noted that the City of Urbana is the lead agency for this project, he is the negotiator, and that the City of Champaign will be the owner and maintain it when it is completed. Alix asked who maintained Duncan now and what the condition was. Clark said the City of Champaign jurisdiction is just to the north abutment of the overpass, then to the north it's Hensley Township. Alix asked if there were the same issues. Blue said it is a better road than Lincoln Avenue and that it is an oil and chip surface. Blue mentioned that there has long been talk about Duncan Road going to I-74 with an interchange. Clark said long range planning showed the extension of this intersection and the location question of does it come down over the existing location or does it cross over a new interchange. He doesn't believe IDOT has anything programmed at this point. CUUATS planning has identified a need for an enhanced fringe road arterial system that would extend from this point to the southwest and there will be some sort of facility that would jump over the interstate.

MOTION by Alix at 9:29 AM to enter into executive session pursuant to 5 ILCS 120/2 © (5) to consider the purchase of real property for use by Champaign County. He further moved that the following individuals remain present: County Engineer, County Administrator, Recording Secretary, Representative of the City of Champaign, Representative of the City of Urbana; **seconded** by . **MOTION CARRIED by roll call vote with Alix, Cowart, Jay, McGuire, Michaels, Mitchell, and Richards voting yes.**

Meeting was re-opened at 9:56 AM.

Mitchell asked about utilities for the entire project. Clark stated that for project C they have asked the consultant to go underground because intersection work is going to require the relocation of a pole or two; they will have to see what Ameren says. Beyond that there is a large transmission line coming diagonal thru the whole tract that is outside the project scope and underground won't happen. Gray said poles along Lincoln Avenue and Olympian drive are to be relocated and lines will be overhead. He stated that new subdivision ordinances usually require utilities to be underground. He stated that there are poles along the Illinois Central tracks that will be relocated but they will remain overhead. Jay asked if there was a limit on the size of transmission lines that could be buried. Gray stated they have explored that quite a bit with the O'Brien project and they were working with Illinois Power who told them they did not have the

ability or competency to do that. Alix thought there were areas of the country where that had been done but that it was very expensive.

RESOLUTION – COUNTY ENGINEER'S SALARY AND EXPENSES 12/1/12 – 11/30/13

Blue stated that there is a six (6) year contract that started in 2011. This resolution is to approve what is in the contract. **MOTION** by Alix to recommend approval of resolution appropriating county motor fuel tax funds for the salary and estimated expenses of the county engineer for the period from December 1, 2012 thru November 30, 2013; **seconded** by Jay. Cowart opened the floor for discussion; there was none. **MOTION APPROVED UNANIMOUSLY.**

CONSENT AGENDA

Item IX to be placed on the consent agenda.

OTHER BUSINESS

None

ADJOURNMENT

Meeting declared adjourned at 10:05 am.

Respectfully submitted,

Linda Lane
Administrative Assistant

CHAMPAIGN COUNTY
Highway & Transportation Committee
Closed Session Minutes

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Blue stated that the land appraised at \$22,500 per acre. He noted that he had had multiple phone conversations and a sit-down negotiation with Rene Lo. He said she has a number of conditions that she is asking the County to meet. Blue said he felt appropriate offering \$30,000 per acre since they had paid \$35,000 on the east end of Olympian and she said she needed to discuss with her family. Kurtz asked if the land was agriculture and did she have corn in there. Blue said they have corn and beans. Kurtz asked if they will have access since the land is being split. Blue said they will build farm entrance on either side of roadway. Michaels asked how large the track is. Blue answered 35 and she will end up with two (2) approximately 15 acre parcels on either side of the roadway.

Blue stated that they met on December 14, and on January 18 after some phone conversations, he received a written counter offer for the 5.61 acres at \$80,000 per acre along with what Blue calls odd comparisons. Blue stated the 10 acres she included at the corner of Windsor and Neil (currently the WDWS property) isn't a similar property. He also mentioned a corner at Prospect and Curtis that she claims is for sale at \$245,000 per acre, which he says is home property. Blue says he has not been able to confirm the property at Olympian and Mattis that she says is \$250,000 per acre. Michaels asked if there was any way around the property. Blue answered no. He said he did his own investigation for comparable sales in the last few months. He noted his findings seem to fit better with the \$30,000 offer rather than the counter offer. He stated that 61 acres at Staley and Curtis sold for approximately \$20,000 per acre (purchased by Lo); the new Birkey's development at High Cross and Windsor sold for \$22,500 per acre for 20 acres; 73 acres on Curtis Road, near Liberty on the Lakes housing development, sold for \$41,200. Mitchell noted that property probably had some infrastructure. Blue continued stating that Atkins sold land adjacent to Fed Ex for their expansion at \$77,000 per acre, and another property at High Cross and Windsor is priced at \$40,000 per acre. Blue said the

average, taking out the Fed Ex property, is \$31,000 per acre. He noted that they had been down this road with the Lo family before in 2007 for property on Curtis Road. He stated that they did have to pass a resolution to the County Board for condemnation authority, but they settled without going to court for around \$38,000 per acre, and then purchased all the property along Curtis Road for about \$38,500 per acre. Blue stated the budget is \$35,000 per acre.

McGuire asked how many people were expected to travel that road when it's open and what the time frame is. Alix asked if there was time pressure. Blue answered that it has always been on the calendar for a June 2013 letting, the engineers basically have everything complete, and have all the approvals from IDOT. Blue continued by saying he doesn't believe they will come to an agreed value through simple negotiation based on past experience with the Los. Kurtz asked Clark what the urgency was or if they just would like to have this happen. Clark stated that the driver is when they have to use the IJN money that's allocated to the whole corridor. Kurtz asked if this would end up in court. Blue felt that if they got to \$60,000, the Los would think they've been reasonable. Michaels asked how much County money is involved. Blue answered none. Jay stated there is a need to get this road in as a developer has spent a lot of money in Clearview to get that ready to sell. He continued that if something major happened, such as an accident, and the road is closed there would be no access to Clearview. Jay felt the City should do something for Hensley Township if they're going to put that big of a load on them. He stated that it's a short strip to make sure their part up to the overpass is in reasonable condition and feels it's important for this project to move forward. McGuire agreed. Alix asked if the property was located in the City. Blue said no, it is all located in the County. Alix said eminent domain exists to let the courts determine the fair market value of property and stated that given all the information it's hard for him to not let the courts decide. Mitchell asked how serious their conditions are. Blue said that Lo didn't want Stark Construction because they did a horrible job on Curtis Road, they weren't good to work with, they rented her house as a contractors site, they tore up her house and ripped out her air conditioner. Blue said he told her they have no control over that, it's low bidder and bid by the State. He said that she told him if Stark gets the job she wants the County to pay her to hire an engineer to oversee the project. Blue also said that she expects them to pay her attorney fees. He stated that when a case goes to condemnation court no judge would agree to have a government agency pay legal fees. Michaels noted that unlike Curtis Road there is no interchange and isn't as highly traveled. Blue stated that the land is truly farmland with the possibility of development.

Jay asked about the possibility of putting an interchange at 750 instead of Duncan. Clark said that there are studies to support that and also interest of bringing it closer to the Clearview area, but it hasn't been finalized. Jay stated he had heard that it was too close to the next interchange and the State would prefer moving it west. Clark stated that there needs to be more discussion related to the location of the interchange. Blue noted that the reality is that if there isn't some outside legislative money involved, IDOT within their regular program isn't going to build an interchange for the City of Champaign. Blue noted that someone is interested in building a large sports complex out there.

Blue stated that based on discussion with the Committee he will have another face-to-face with the owner and offer her what he came up with as fair market value and get her reaction. He said based on that he will come to the next meeting and talk about putting something together to take to the Board for authority of condemnation. Richards commented that they could wait her out or go for condemnation. He noted that there aren't the same hitches as Olympian Drive and there isn't a lot of traffic out there now. He continued by saying that if they need to wait and send it to court next year he was fine with that. Blue said he doesn't want to wait until September or October to start the process or they will have to wait for another construction year. Blue said that if they don't build Olympian Drive on the east this summer he

felt pretty confident saying they would be able to start it next year and complete it on the same timeline. Jay suggested that \$35,000 be the outside limit. Blue stated that he didn't feel any court of law would award her \$60,000.

Motion by Alix to return to open session; **seconded** by Michaels. **Motion approved unanimously.**

Meeting was re-opened at 9:56 AM

Respectfully submitted,

Linda Lane
Administrative Assistant