

# UNOFFICIAL COPY

AFTER RECORDING RETURN TO:

Steven M. Elrod  
Burke, Weaver & Prall  
55 West Monroe  
Chicago, IL 60603

94859214

## AGREEMENT

THIS AGREEMENT, entered into this 20<sup>th</sup> day of March,  
A.D. 1994, by and between the STATE OF ILLINOIS, acting by and  
through its DEPARTMENT OF TRANSPORTATION, hereinafter called the  
STATE, the COUNTY OF COOK of the State of Illinois, hereinafter  
called the COUNTY, and the VILLAGE OF NORTHBROOK, acting through  
its PRESIDENT AND BOARD OF TRUSTEES, hereinafter called the VILLAGE.

## WITNESSETH:

WHEREAS, there presently exist three (3) separate sections of  
frontage road along the westerly side of the Edens Expressway (FAI  
Route 94 and U.S. Route 41) between Lake-Cook Road and Sunset Ridge  
Road in the Village of Northbrook, Cook County, Illinois; and

WHEREAS, said sections of frontage road are identified and des-  
cribed as follows:

- A. Dennis Drive, from its connection with Vermont Avenue  
(approximately 300 feet south of Lake-Cook Road) south-  
easterly to a point just north of the Tri-State Tollway  
Spur (FAI Route 94), and thence westerly to an inter-  
section with Skokie Road.

DEPT-01 RECORDING \$43.50  
 T90001 TRAN 9611 10/04/94 15:34:00  
 #7893 \*COJ \*94-859214  
 COOK COUNTY RECORDER

04-02-202-032

04-02-202-042

04-02-202-041

RE: 303 N. Skokie Blvd  
Northbrook, IL

94859214

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First American Title Order # 07790

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- B. Henrici Drive, from its intersection with Skokie Road (just south of the Tri-State Tollway Spur, opposite Northwood Drive) easterly and southeasterly to its connection with Elmwood Avenue (at Lincoln Drive), thence south along Elmwood Avenue to an intersection with Dundee Road (Illinois Route 68) just east of Skokie Road;
- C. Sunset Ridge Road, from its intersection with Skokie Road (approximately 0.2 mile south of Dundee Road) northerly to a point just south of Dundee Road, and thence westerly to a second intersection with Skokie Road, said section to be identified as "Sunset Ridge Road (North);

and

WHEREAS, under the terms of a Joint Agreement dated June 19, 1952, by and between the STATE, the COUNTY and the City of Chicago (a copy of which is attached hereto as "Exhibit A"), said sections of frontage road are presently under the jurisdiction and control of the STATE and/or the COUNTY, and are being maintained by the COUNTY; and

WHEREAS, the VILLAGE is desirous of assuming jurisdiction, control and maintenance of said sections of frontage road and the STATE and COUNTY have indicated willingness to approve such a transfer of responsibilities.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

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1. The VILLAGE agrees, upon notification of execution of this Agreement by all parties hereto, to promptly adopt an appropriate ordinance adding the sections of frontage road known as "Dennis Drive", "Henrici Drive - Elmwood Avenue" and "Sunset Ridge Road (North)", as hereinabove identified and described, to its municipal street system, said ordinance to be similar in format to the sample attached hereto as "Exhibit B", and to promptly forward one (1) certified copy each of said ordinance to the STATE and the COUNTY.
  2. The STATE and the COUNTY jointly agree to relinquish to the VILLAGE, on the date of adoption of the aforementioned ordinance by the VILLAGE, all jurisdiction and control of the sections of frontage road known as "Dennis Drive", "Henrici Drive - Elmwood Avenue" and "Sunset Ridge Road (North)".
  3. The COUNTY agrees to relinquish to the VILLAGE, on the date of adoption of the aforementioned ordinance by the VILLAGE, all maintenance responsibilities for the sections of frontage road known as "Dennis Drive", "Henrici Drive - Elmwood Avenue" and "Sunset Ridge Road (North)".
  4. The parties hereto agree to extend the provisions of this Agreement to Vermont Avenue, from its intersection with Skokie Road easterly to its connection with Dennis Drive, in the event and upon completion of currently proposed Lake-Cook Road and Edens Expressway improvements which will replace said portion of Vermont Avenue as part of the direct access from Skokie Road to southbound Edens Expressway.

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5. This Agreement shall be binding upon and inure to the benefits of the parties hereto, their successors and assigns.

ATTEST:

*Arvid Olson*  
VILLAGE CLERK

VILLAGE OF NORTHBROOK

By *Joseph Medmar*  
PRESIDENT

Date \_\_\_\_\_

ATTEST:

*Stanley J. King*  
COUNTY CLERK

APPROVED AS TO FORM:  
BERNARD CAREY, STATE'S ATTORNEY  
ATTORNEY FOR COOK COUNTY.

By *Robert Cook*  
ASSISTANT STATE'S ATTORNEY

COUNTY OF COOK

By *J. W. G.*  
PRESIDENT, BOARD OF COUNTY  
COMMISSIONERS

DATE 3/13/70

Recommended for Execution

*James S. Stetson*  
SUPERINTENDENT OF HIGHWAYS

(Stamped in error)

ATTEST:

*Herb Morrison*  
DIRECTOR OF HIGHWAYS

STATE OF ILLINOIS,  
DEPARTMENT OF TRANSPORTATION

By ~~*John D. Kramer*~~  
SECRETARY

Date May 1, 1970

*Herb Morrison*  
DIRECTOR OF HIGHWAYS

By *John D. Kramer*  
SECRETARY

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## "EXHIBIT A"

MEMORANDUM OF AGREEMENT, made this 19<sup>th</sup> day of June, A.D., 1952, by and between the City of Chicago, Cook County, Illinois hereinafter called the "City"; the County of Cook, a public body corporate, hereinafter called the "County"; and the State of Illinois acting by and through its Department of Public Works and Buildings, hereinafter called the "State";

### W I T N E S S E T H:

WHEREAS, The construction of the following portions of the Comprehensive Superhighway System within the city of Chicago and in Cook County outside of the city of Chicago, as adopted by ordinances of the City Council and resolutions of the Board of Commissioners of Cook County and approved by the State, have been agreed by the parties hereto to be necessary highway improvements for the relief of congested traffic conditions in the Chicago Metropolitan Area and for safety and the acceleration of traffic movement in and through said area;

West Route (Congress Street Superhighway) from Lake Shore Drive to Cook-DuPage County line.

West Route (Lake Street Connection) from a point on the West Route (Congress Street Superhighway) and extending in the Village of Hillside, Cook County, Illinois, in a northwesterly direction to a point on Lake Street near its intersection with the Cook-DuPage County line, described as follows:

Beginning at a point on the Congress Street Superhighway (S.A.R. #62) said point being in the northeast quarter of Section 16, Township 39 north, Range 12 east of the 3rd P.M., and thence running in a general northwesterly direction on a curve in the north half of Section 16 and the south half of Section 7 to a point on or near the west line of Cook County, and thence in a general northerly direction on or near said west line of Cook County, said line being in the west half of fractional Sections 7 and 6, Township 39 North, Range 12 east of the 3rd P.M., to a connection with Lake Street (U.S. 1. Route #5) in the northwest quarter of fractional Section 6, Township 39 North, Range 12 east of the 3rd P.M., and to be known as S.A.R. #56 - Congress Street Superhighway - Lake Street connection.

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**Northwest Route** from the intersection of W. Congress Street and S. Union Avenue (extended) to the intersection of N. Canfield Avenue and N. Higgins Road, with a branch thereof extending along N. Cicero Avenue from W. Montrose Avenue to W. Devon Avenue and a branch thereof extending along W. Erie Street from N. Morgan Street to N. Michigan Avenue;

**Eads Superhighway** from the city limits of Chicago at W. Devon Avenue to the Cook-Lake County line, described as follows:

Beginning at a point in Section 33 at the city limits of the City of Chicago (Devon Avenue), Township 41 north, Range 13 east of the 3rd P.M., and extending thence northerly and northwesterly through Sections 33, 28, 29, 20, 21, 17, 16 and 9, Township 41 north, Range 13 east of the 3rd P.M. to the north line of Niles Township and continuing in a northerly and northwesterly direction through Sections 31, 30 and 19, Township 42 north, Range 13 east of the 3rd P.M. to the west line of New Trier Township and continuing in a northwesterly direction through Sections 24, 13, 12, 11, 1 and 2, Township 42 north, Range 12 east of the 3rd P.M. to a point on the Lake-Cook County line;

**Northwest Superhighway** from city limits of Chicago at N. Canfield Road to a connection with the Tri-State Highway (Route 83), described as follows:

Beginning at a point on Canfield Road in Section 1, Township 40 North, Range 12 east of the 3rd P.M. in the City of Chicago and thence in a northwesterly direction through Sections 2, 3 and 4, Township 40 north, Range 12 east of the 3rd P.M. and continuing in a northwesterly direction through Sections 33, 32 and 31, Township 41 north, Range 12 east, and continuing in a northwesterly direction through Sections 36, 26 and 25, Township 41 north, Range 11 east of the 3rd P.M. to a connection with the Tri-State Superhighway, Route 83;

**Wacker Drive Extension** (Feeder to Congress Street) from W. Congress Street to W. Lake Street;

**Southwest Route** (I. & M. Canal) from the intersection of said route with the South Route of the Comprehensive Superhighway System near W. 24th Street in the city of Chicago and extending southwesterly to a point on the city limits of Chicago between S. Lamon and S. LaCrosse Avenues;

**Illinois and Michigan Canal Route** from the city limits of Chicago between S. Lamon and S. LaCrosse Avenues southwesterly to approximately the intersection with Lawndale Avenue, together with a connection with 55th Street in Summit and a connection with Route U.S. 66 in McCook, described as follows:

From the city limits of Chicago between S. Lamon and S. LaCrosse Avenues southwesterly to approximately the intersection with Lawndale Avenue, together with a connection with 55th Street in Summit and a connection with Route U.S. 66 in McCook;

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South Route from the intersection of said route with the West Route (Congress Street) between S. Halsted Street and S. Desplaines Street and extending southerly and southwesterly to an intersection with W. 119th Street between S. Ashland Avenue and the Chicago, Rock Island and Pacific Railroad; and a branch thereof extending easterly along the general location of E. 100th Street between S. State Street and S. Stony Island Avenue and southerly along S. Stony Island Avenue, S. Doty Avenue, and S. Doty Avenue extended to an intersection with E. 136th Street on the south corporate limit of Chicago;

Calumet Superhighway from E. 136th Street in the city of Chicago to the Cook-Will County line, described as follows:

Beginning at a point on 136th Street at the city limits of the City of Chicago near the southeast corner of Section 35, Township 37 north, Range 14 east of the 3rd P.M.; thence in a southerly direction along the east line of Sections 2 and 11 and through the east half of Sections 24, 23, 26 and 35, Township 36 north, Range 14 east of the 3rd P.M. to a point on 136th Street near the south east corner of the southwest quarter of said Section 35; thence continuing in a southerly direction through the east half of Sections 2, 11 and 14, Township 35 north, Range 14 east of the 3rd P.M. to a point at the intersection of Stony Island Avenue and the north line of said Section 23, near the northeast corner of said Section 23; thence continuing in a southerly direction along the east line of Sections 23, 26 and 35, Township 35 north, Range 14 east of the 3rd P.M., to a point on the Will-Cook County line;

Tri-State Superhighway from the Calumet Superhighway easterly to the Indiana State line, described as follows:

Beginning at the intersection of the Tri-State Superhighway and Calumet Superhighway in the southeast quarter of Section 26, Township 36 north, Range 14 east of the 3rd P.M., and continuing in an easterly direction through Sections 26 and 25, Township 36 north, Range 14 east of the 3rd P.M., and continuing in an easterly direction through Sections 30 and 29, Township 36 north, Range 15 east of the 3rd P.M. to a point on the Indiana State line;

Tri-State Superhighway from Kedzie Avenue (Route 254) easterly to the Calumet Superhighway, described as follows:

Beginning at a point on Kedzie Avenue at or near the east and west quarter line of Section 25, Township 36 North, range 13 East of the 3rd P.M., and continuing in an easterly direction along or near the east and west quarter line of Section 25, Township 36 north, Range 13 east of the 3rd P.M., thence easterly along or near the east and west quarter line of Sections 30, 29, 28 and 27, Township 36 north, Range 14 east of the 3rd P.M. to a point 143 feet east of Chicago Road in the Southeast quarter of Section 27, thence extending

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in a southeasterly and easterly direction in the south half of Section 27 and 26, Township 36 north, Range 14 east of the 3rd P.M., to the intersection of the Calumet Superhighway;

WHEREAS, The maintenance, repair and operation of the aforesaid portions of the Comprehensive Superhighway System will be of great and lasting benefit to the people of the entire State of Illinois and the County of Cook as well as the City of Chicago;

WHEREAS, Under the road and bridge laws of the State of Illinois, all of the Comprehensive Superhighway System described herein is in a classification that requires the maintenance thereof to be performed by the State;

WHEREAS, The aforesaid portions of the Comprehensive Superhighway System are comprised of State-Aid roads or extensions thereof within the corporate limits of a city, village or town and/or State highways, arterial streets or thoroughfares, in conformity with all applicable laws;

WHEREAS, In accordance with the provisions of the Motor Fuel Tax Law of the State of Illinois any County may by resolution of the County Board with the approval of the Department of Public Works and Buildings, use monies allotted to it under the said law for the purpose of improving, constructing, reconstructing or maintaining State-Aid roads and the extensions thereof within the corporate limits of any city, village or town;

WHEREAS, In accordance with the provisions of the Motor Fuel Tax Law a municipality may use monies allotted to it under the said law for the construction, reconstruction and maintenance of State highways, arterial streets or thoroughfares in the municipality as may be designated by the City Council or president and board of trustees, as the case may be, and approved by the Department of Public Works and Buildings;

NOW, THEREFORE, In consideration of the premises and of the mutual undertakings and agreements of the parties hereto and in conformity with all applicable laws, it is agreed that:

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1. The State shall, with its funds, bear the cost of repairing, maintaining and operating (except the enforcement of traffic laws, rules and regulations) the aforesaid portions of the Comprehensive Superhighway System except as hereinafter provided;

2. The City shall, with its funds, bear the cost of repairing, maintaining and operating all frontage roads within the city of Chicago that are a part of the Comprehensive Superhighway System whether such frontage roads are constructed as an integral part of the superhighway project or whether they are existing roads or streets used as frontage roads; and the portion of those roads or streets (including street surfaces, sidewalks, and handrails), under the jurisdiction of the City, which pass over or under the superhighway;

3. The County shall, with its funds, bear the cost of repairing, maintaining and operating all frontage roads outside the city of Chicago that are a part of the Comprehensive Superhighway System whether such frontage roads are constructed as an integral part of the superhighway project or whether they are existing roads or streets used as frontage roads; and the portion of those roads or streets (including street surfaces, sidewalks, and handrails) under the jurisdiction of the County, which pass over or under the superhighway;

4. Where frontage roads are on local streets separated from the superhighway the repair, maintenance and operation of the frontage roads shall extend from the right-of-way line to the right-of-way line of those frontage roads. Where frontage roads are located on the superhighway right-of-way the repair, maintenance and operation of frontage roads shall extend from the right-of-way line of the superhighway to the edge of uncurbed frontage road pavement or back of frontage road curb nearest the center line of the superhighway or to any fence which may be constructed between the frontage road and the expressway pavements of the superhighway;

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The upper level of that portion of Wacker Drive Extension that is being constructed under the agreement of the State, County and City dated April 17, 1950 shall be considered a street which passes over the Superhighways as set forth in paragraphs 2 and 3 above;

5. The State, the County or the City may, if it so elects, contract with either of the other parties hereto for the performance of any of its responsibilities as herein set forth;

6. This agreement shall be in effect on any portion of the Comprehensive Superhighway System when it is opened to public use.

IN WITNESS WHEREOF, The parties have caused this agreement to be executed the date first above written.

CITY OF CHICAGO

ATTEST: *Adrian Belmont*  
City Clerk

By *Marion H. Hancock*  
Mayor

COUNTY OF COOK

ATTEST: *Richard J. Daley*  
County Clerk

By *Robert C. Cochran*  
Recorder

STATE OF ILLINOIS DEPARTMENT OF PUBLIC WORKS AND CONSTRUCTION

ATTEST: *J. D. Barber*  
Chief Highway Engineer

By *Albert S. Zenzel*  
Director

04889214

*Donald M. Campbell*  
JOHN S. BOYLE, ENGINEER  
ALBERT S. ZENZEL, DIRECTOR

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ORDINANCE NO. 78-11

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois THAT:

AN ORDINANCE ADDING CERTAIN PORTIONS OF EDENS EXPRESS-WAY FRONTAGE ROADS TO THE MUNICIPAL STREET SYSTEM

be and is hereby adopted as follows:

Section 1. BACKGROUND.

The fragmented frontage roads as described in Section 2 below are presently under the jurisdiction and control of both the State of Illinois and the County of Cook in accordance with a Joint Agreement dated June 19, 1952. The said sections of frontage roads serve no regional purpose; are strictly local in use and utility; and can be more feasibly maintained by the Village.

The Village of Northbrook; the State of Illinois, acting through its Department of Transportation; and the County of Cook have entered into an agreement for the purpose of transferring the jurisdiction, control and maintenance of said separate sections of frontage road, all lying west of Edens Expressway between Lake-Cook Road and Sunset Ridge Road along Skokie Boulevard.

Section 2. ADDITION TO MUNICIPAL STREET SYSTEM.

The following sections of frontage roads lying between Edens Expressway and Skokie Boulevard are hereby added to the Public Street System of the Village of Northbrook:

- A) Dennis Drive - from its connection with Vermont Avenue (approximately 300 feet south of Lake-Cook Road) south-easterly to a point just north of the Tri-State Tollway Spur, thence westerly to an intersection with Skokie Boulevard;
- B) Henriet Drive - from its intersection with Skokie Boulevard (just south of the Tri-State Tollway Spur, opposite Northwood Drive) easterly and southeasterly to its connection with Elmwood Avenue (a Lincoln Drive), thence south along Elmwood Avenue to an intersection with Dundee Road east of Skokie Boulevard; and
- C) Sunset Ridge Road (North) - northerly from its intersection with Skokie Boulevard and thence easterly to Skokie Boulevard immediately adjacent to and parallel with Dundee Road (Illinois Route 68).

Section 3. NOTIFICATION.

The Village Clerk is hereby directed to transmit a certified copy of this Ordinance to the State of Illinois, through its District Engineer's office at Schaumburg, Illinois, and to the County of Cook, through the office of its Superintendent of Highways in Chicago, Illinois.

PASSED: This 14th day of February, 1978.

AYES: (4) Kasparson, Nakritz, Jacobs and Gordon

NAYS: (0)

/s/ Gerald Friedman

\_\_\_\_\_  
Village President

ATTEST:

/s/ William B. Moran

\_\_\_\_\_  
Village Clerk

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EXHIBIT "B"

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CERTIFICATE AS KEEPER OF RECORDS AND FILES—Full Sheet Size

STATE OF ILLINOIS, }  
COUNTY OF COOK }

I, Stanley T. Kusper, Jr., County Clerk of Cook County, in the State aforesaid and keeper of the records and files of said Cook County, do hereby certify that The Board of Commissioners of The County of Cook, at their regular meeting held on the 20<sup>th</sup> day of March, 1978, passed the following resolution:

## RESOLUTION

RESOLVED that the Superintendent of Highways, recommendation in his letter to the President and Members of the Board of Commissioners of Cook County, Illinois dated March 10, 1978 that an agreement with the Village of Northbrook and the Illinois Department of Transportation be executed which will transfer maintenance and jurisdiction of certain Frontage Roads, along the west side of Edens Expressway, to the Village be, and same is hereby concurred in, and further resolved that the proper officers of The County of Cook be, and are hereby, authorized and directed to execute said agreement, a copy of which is hereto attached.

all of which appears from the records and files of my office.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of said County at my office in the City of Chicago in said County, this 20<sup>th</sup> day of March, A. D. 1978

Stanley T. Kusper, Jr.  
County Clerk

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