

## **Committee-of-the-Whole Agenda**

**6:30 p.m.**

**Tuesday, November 3, 2015**

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### **Proclamation**

A Proclamation from the Native American Coalition of the Quad Cities to declare November 2015 as “Native American Heritage Month.”

### **Questions on the Agenda**

#### **Agenda Items**

- 1. Airport Utility Permit** (Scott Hinton, City Engineer)
- 2. Public Water Utility Easement** (Scott Hinton, City Engineer)
- 3. Dredging Marquis Harbor** (Scott Hinton, City Engineer)
- 4. Other**
- 5. Public Comment**

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# Explanation

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- 1. A Resolution approving a request for a Utility Permit from the Illinois Department of Transportation for Project #1206, Airport Industrial Park Utility Extensions.** (Scott Hinton, City Engineer)

**Explanation:** Project #1206 includes the installation of an 8” Sanitary Sewer Force Main along Airport Road, and a 16” Water Main along and across 69<sup>th</sup> Avenue, which by law come under the jurisdiction and control of the Illinois Department of Transportation (IDOT). A Utility Permit from IDOT is required prior to starting work in said location. The Permit application requirements include a Resolution passed by the City Council stating that all work will conform to IDOT rules and Regulations. Additional documentation attached.

**Staff Recommendation:** Approval  
**Fiscal Impact:** N/A  
**Public Notice/Recording:** N/A  
**Goals Impacted:** Upgrade City Infrastructure & Facilities

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- 2. A Resolution authorizing the Mayor and City Clerk to accept a Permanent Public Water Utility Easement for Project #1188, Hawk Hollow Subdivision, at 751 9<sup>th</sup> Avenue Court; and authorizing the City Attorney to execute a letter agreement in return for such easement ensuring repair of any damaged premises resulting from the utility construction there.** (Scott Hinton, City Engineer)

**Explanation:** A Permanent Public Water Utility Easement for Project #1188, Hawk Hollow Subdivision, is necessary to allow work to take place on privately-owned property and to allow the City of Moline to maintain these improvements in the future. The property owner has requested specific warranties and repair criteria in return for giving the easement and permitting a water line to be installed within the easement. Additional documentation attached.

**Staff Recommendation:** Approval  
**Fiscal Impact:** Rock Island County recording costs  
**Public Notice/Recording:** Engineering Department will record  
**Goals Impacted:** Upgrade City Infrastructure & Facilities

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- 3. A Resolution authorizing City staff to solicit bids for the dredging of Marquis Harbor.** (Scott Hinton, City Engineer)

**Explanation:** The City of Moline is responsible for dredging Marquis Harbor “at the entrance and main channel to the slips” as per the terms of the City of Moline’s amended 1991 lease agreement with the operator of the Harbor. City staff has investigated questions and concerns raised by City Council members during the 2016 Budget discussions and found that Federal funds assisted in funding the last three dredging projects that took place in 2001, 2008, and 2010. Unfortunately, such funding is not available to assist with dredging costs at this time and it is unknown when, or if, they will be available in the future. Additionally, staff spoke with boat owners who slip at Marquis Harbor to better understand the process of getting boats in and out of the harbor so appropriate dredging limits can be set. Staff then used silt elevation data provided by the US Army Corps of Engineers to estimate approximately 8,500 cubic yards of material removal. Potential bidders advise that dredging operations are more efficient when water levels are low so cheaper bid pricing can be expected. As such, staff proposes to solicit for bids to complete the dredging this fall instead of waiting until spring when water levels are historically higher. Additional documentation attached.

**Staff Recommendation:** Approval  
**Fiscal Impact:** \$190,000.00 is preliminarily allocated in account #010-0828-423.04-25, Public Works, Public Property Maintenance in the proposed 2016 Budget.  
**Public Notice/Recording:** N/A  
**Goals Impacted:** Strong Local Economy, Upgrade City Infrastructure & Facilities

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Public Improvement  Yes  No

IDOT Permit No. \_\_\_\_\_

Utility Reference No. \_\_\_\_\_

I (We) \_\_\_\_\_ City of Moline \_\_\_\_\_, \_\_\_\_\_ 3635 4<sup>th</sup> Avenue \_\_\_\_\_  
Name of Applicant Mailing Address

\_\_\_\_\_ Moline \_\_\_\_\_, \_\_\_\_\_ Illinois 61265 \_\_\_\_\_, hereinafter termed the Permittee,  
City State & Zip

request permission and authority to occupy, and to do certain work herein described on, the right-of-way of the State highway known as \_\_\_\_\_ Airport Road & 69<sup>th</sup> Avenue \_\_\_\_\_, Section \_\_\_\_\_ (33 & 40) - I \_\_\_\_\_, from \_\_\_\_\_ 64<sup>th</sup> Street \_\_\_\_\_ to \_\_\_\_\_ Milan Beltway \_\_\_\_\_ in \_\_\_\_\_ Rock Island \_\_\_\_\_ County.

The work is described in detail below and/or on the attached sketch or plans.

Install 8" force main along Airport Road to extend and tie into an existing pump station, east of 64<sup>th</sup> Street.  
Install 16" Water Main along and crossing 69<sup>th</sup> Avenue.

This permit covers the operation and presence of specified equipment, material or facility on the right-of-way that may be related to the authorized work. A copy of this permit must be present when crews or equipment occupy highway right-of way. Failure to comply may result in the cessation of all construction.

This permit is subject to conditions and restrictions of Part 530 of Title 92 of the Illinois Administrative Code, Accommodation of Utilities on Right-of-Way of the Illinois State Highway System. The removal, relocation or modification of facilities permitted to occupy the right-of-way is governed by Section 9-113 of the Illinois Highway Code, as amended by Public Act 92-0470. The Permittee agrees to comply with the requirements of these laws and with all terms and conditions established by this permit. This permit is subject to revocation by the Department on violation of the terms and conditions governing its use.

\_\_\_\_\_  
Signature of Agent for Permittee Date

\_\_\_\_\_  
City of Moline (Michael P. Waldron)  
Name of Permittee (Print or Type)

\_\_\_\_\_  
3635 4<sup>th</sup> Avenue  
Mailing Address

\_\_\_\_\_ Moline \_\_\_\_\_ IL \_\_\_\_\_ 61265 \_\_\_\_\_  
City State Zip

The work authorized by this permit shall be completed by 12/1/15 or within 180 days after the date of approval by the Department, otherwise the permit will be considered null and void.

Public Improvement Projects only: The anticipated letting date is 12/16/2014

This permit allowing occupancy and work on state right-of-way is approved. The Utility Coordination Council established by the Department in the area covered by this permit is \_\_\_\_\_

\_\_\_\_\_  
Department of Transportation Date

This permit is subject to the conditions and restrictions established in accordance with the Illinois Highway Code and Part 530 of Title 92 of the Illinois Administrative Code including but not limited to the following:

- (1) The applicant represents all parties in interest and shall furnish material, do all work, pay all costs and shall in a reasonable length of time restore the damaged portions of the highway to a condition similar or equal to that existing before the commencement of the described work, including any landscape restoration necessary. (See Section 530.250 of Title 92).
- (2) The proposed work shall be located and constructed to the satisfaction of the Regional Engineer or his duly authorized representative. No revisions or additions shall be made to the proposed work on the right-of-way without the written permission of the Regional Engineer or his duly authorized representative (See Section 530.200 of Title 92). **In certain circumstances the Department may require that the construction plans and/or the as-built documents be sealed by an Illinois Registered Professional Engineer.** Typical of such projects would be petroleum or gas pipelines.
- (3) The applicant shall at all times conduct the work in such a manner as to minimize hazards to vehicular and pedestrian traffic. All signs, barricades, flaggers, etc., required for traffic control shall be furnished by the applicant. (See Section 530.240 of Title 92).
- (4) The applicant must ascertain the presence of Highway Authority Agreements established in accordance with 35 Ill. Admin. Code Section 742.1020 in the path of its proposed installation and take precautions to protect its workers, human health and the environment in those areas. (See Section 530.240 of Title 92). Where contamination is encountered through excavation in the ROW, it should be managed offsite and IDOT's generator number for the appropriate county may be used.
- (5) The applicant shall not trim, cut or in any way disturb any trees or shrubbery along the highway without the approval of the Regional Engineer or his duly authorized representative. (See Section 530.600 of Title 92).
- (6) The facilities authorized to occupy the right-of-way by this permit are subject to removal, relocation or modification by the permittee at no expense to the State on notice given by the Department in accordance with Section 9-113 of the Illinois Highway Code, as amended. Participation by the permittee in the UTILITY Coordination Council identified on page one of this permit is required as a condition of this permit. Permittee shall cooperate with the Department with the scheduling of any removal, relocation or modification deemed necessary for highway or highway safety purposes, and, if Utility Coordination Council participation is required by this permit, with the activities of the council identified on the first page of this permit. (See Section 9-113 of the Illinois Highway Code.) Use of and compliance with current IDOT Traffic Control Standards will be required.
- (7) If the applicant and the District cannot agree either on whether the permit should be issued or on what conditions would be appropriate, the applicant may, within 30 days of the issuance of written notice of the District's position, appeal the District's determination to the Chief of the Department's Central Bureau of Operations. (See Section 530.900 of Title 92).
- (8) The permittee agrees to fully comply with the following legal obligations in advance of entering and while upon any Right-of-way within the Illinois State Highway System.
  - a) Only a permit issued by the Department under this Part will satisfy the "written consent" requirement of Section 9-113 of the Illinois Highway Code (the Code).
  - b) A permit from the Department grants a license only to undertake certain activities in accordance with this Part on a State right-of-way, and does not create a property right or grant authority to the permittee to impinge on the rights of others who may have an interest in the right-of-way. Such others might include an owner of an underlying fee simple interest if the right-of-way is owned as an easement or dedication of right of way, an owner of an easement, or another permittee.
  - c) It shall be the responsibility of the permittee to ascertain the presence and location of existing above-ground or underground facilities on the highway right-of-way to be occupied by their proposed facilities. The Department will make its permit records available to a permittee for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Department, a permittee shall locate, physically mark, and indicate the depth of its underground facilities within 48 hours excluding weekends and holidays.
  - d) The permittee shall avoid conflicts with any existing underground or above-ground facilities on or near the highway right-of-way. Both the Department and J.U.L.I.E. are to be contacted for assistance during the application process.
  - e) The permittee shall comply with all other applicable laws relating to the placement of utility lines.
  - f) The issuance of a utility permit by the Department does not excuse the permittee from complying with any existing statutes, local regulations or requirements of other Department (e.g., oversize and overweight vehicles) or the requirements of other State agencies including, but not limited to, the following:
 

Illinois Commerce Commission, Illinois Department of Agriculture  
 Illinois Department of Natural Resources, Illinois Department of Mines and Minerals  
 Illinois Environmental Protection Agency, Illinois Historic Preservation Agency
  - g) Rights of abutting and underlying property owners are protected by common law and Sections 9-113 and 9-127 of the Code. The permittee will address these rights prior to initiating activities on State right-of-way. The Department will not be a party in any negotiations between the utility and abutting property owners.
  - h) In no case shall the permit give or be construed to give an entity any easement, leasehold or other property interest of any kind in, upon, under, above or along the State highway right-of-way.
  - i) Each person responsible for a utility, in place on the effective date of this Part, on a State highway right-of-way shall notify the Department in writing, if that facility does not comply with this Part. The Department shall treat such a notice as a request for a variance under Section 530.130. Until informed that a variance will not be granted, a person responsible for a pre-existing utility will not be in violation of this Part. The failure to provide such notice constitutes a violation of this Part and of the utility accommodation permit (if any) and would justify the imposition of the sanctions set forth in Section 530.810.

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Work to be coordinated with Department Representatives:

<u>CINDY BENNETT-UTILITY PERMIT TECHNICIAN</u>	Phone	<u>(815) 284-5471</u>
<u>KRISTIE NYDEREK</u>	Phone	<u>(815) 284-5474</u>

Utility Contact Person: Mark Orey - Sewer Maintenance Manager Phone (309) 524-2341

Work to be done by:

Contractor: Needham Excavating, Inc.  
 Daytime Phone: (563)284-6178 Emergency Phone: ( )

Traffic control operation:

Number of lane closures: Up to One Lane Time of closures: Unknown

RECEIVED  
10/26/15

ALVINE & ALVINE  
ATTORNEYS AT LAW  
SUITE 200  
525 - 16TH STREET  
MOLINE, ILLINOIS  
61265

ROBERT H. ALVINE\*  
ROBERT N. ALVINE\*\*

\*ADMITTED IN ILLINOIS AND IOWA  
\*\*ADMITTED IN ILLINOIS AND WISCONSIN

TELEPHONE (309) 762-0728  
FAX NO. (309) 762-1075

October 23, 2015

Ms. Maureen E. Riggs  
City Attorney  
City of Moline  
619 - 16<sup>th</sup> Street  
Moline, Illinois 61265

Re: Easement from Greenridge, L.L.C.  
One Moline Place

Dear Maureen:

I am returning the "Permanent Public Water Utility Easement" you drafted and sent to me at an earlier date fully signed and acknowledged with Exhibits A and B.

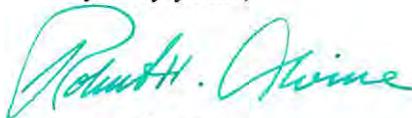
You are only authorized to record and use this easement conditioned that the City fully agree to all of the following. If you proceed, you will be deemed to have agreed to all of the following, to-wit:

1. City of Moline agrees not to start any construction whatsoever in or on the easement area until after November 1, 2015.
2. As stated in letter from the City of Moline, Maureen E. Riggs, City Attorney to Attorney Robert H. Alvine dated October 8, 2015: "the City warrants the driveway replacement for two years from the date that construction of the new driveway is completed".
3. It is agreed between the Grantor and the City of Moline that the granted utility easement is for an 8" waterline only. That would include its proper maintenance, inspection and repair.
4. The City agrees that if they disturb any of the existing residentially landscaped lawn within the easement area that in regard to grass, all grass shall be re-seeded; and when it comes to trees/shrubs, that the same will be replaced with like quality items and guaranteed for two years from the date of replacement.

5. When the City has to replace the driveway for Lot 1 in Block 2 of One Moline Place, Phase I, then, the fill shall consist only of sand and aggregate (no dirt).

I will accept the City's assurances to be evidenced by the signature of the City Attorney on the bottom of this page, and the same returned to the offices of Alvine & Alvine.

Very truly yours,



Robert H. Alvine

RHA/nlb  
enc.

Approved and agreed to by the City Attorney of the City of Moline, Illinois.

By \_\_\_\_\_  
Maureen E. Riggs, City Attorney,  
City of Moline

Return to:  
City Clerk  
619 16<sup>th</sup> Street  
Moline, IL 61265

Project #1188  
Parcel #089364

PERMANENT PUBLIC WATER UTILITY  
EASEMENT  
FOR  
CITY OF MOLINE, ILLINOIS

THIS INDENTURE WITNESSETH, that the Grantors, **Greenridge, L.L.C.**, owner of **751 9<sup>th</sup> Avenue Court**, Moline, Illinois, and in consideration of ONE and NO/100 DOLLARS (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, and of the covenants and agreements herein expressed, the undersigned hereby grant unto the City of Moline, Illinois, a municipal corporation, (herein "City") a permanent Easement in, over, across, and under the land hereafter specifically described as follows:

Part of the West Half of Section 32, Township 18 North, Range 1 West of the 4<sup>th</sup> Principal Meridian, Rock Island County, Illinois more particularly described as follows:

The West 20 feet of the East 40 feet of the Lot 1 in Block 2 of One Moline Place Phase I, Moline, Illinois, containing 1160 sq. ft. more or less.

Said described Real Estate being also shown by the plat hereto attached as **Exhibit "A"** and made a part hereof. Said permanent Easement is for utility installation and maintenance, site grading and related work on said tract of land. Said permanent Easement shall not remove nor replace existing easement per One Moline Place Phase I subdivision plat that allows access to building structures. The Grantors herein assign, covenant and agree that no building structure, permanent or temporary, shall ever be constructed on the land herein above described; provided, however, the surface of said land may be used for fences, lawn improvements or paved access, which do not deny access to the City for maintenance or inspection purposes, or interfere with the operation of the above-mentioned facilities. The City of Moline, Illinois, by accepting this Easement, agrees to repair, at its sole expense, any damages or disturbances which may be caused to the land of the Grantors in relation to the installation, operation, and maintenance of said Easement. The City of Moline, Illinois agrees to repair in its entirety

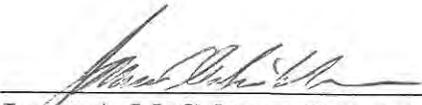
the existing driveway of the property from the private road to the building slab for the said Easement as detailed in the attached City of Moline Standard #10 dated 10/11 attached as **Exhibit "B"**.

This grant includes the right of ingress and egress to and from said above described tract of land for the uses and purposes herein set out.

To these covenants and agreements, the undersigned hereby binds itself and its assigns, forever.

The Grantors hereby releases and waives all rights under and by virtue of the Homestead Exemption Laws of the State.

IN WITNESS WHEREOF, the Grantors has hereunto set its Hand and Seal this 1st day of November, 2015.

  
\_\_\_\_\_  
**James A. McGehee as Representative for  
Greenridge, L.L.C.**

ACCEPTED BY THE CITY OF MOLINE

By: \_\_\_\_\_  
Scott Raes, Mayor

Attest: \_\_\_\_\_  
City Clerk

Approved as to form:

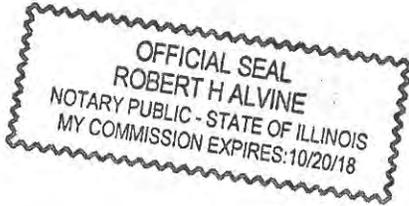
\_\_\_\_\_  
Maureen Riggs, City Attorney

Return to Grantee's Address  
City of Moline  
619 – 16<sup>th</sup> Street  
Moline, IL 61265

STATE OF ILLINOIS \_\_\_\_\_)  
\_\_\_\_\_)SS  
COUNTY OF ROCK ISLAND \_\_\_\_\_)

I, Robert H. Alvino, a Notary Public in and for said County and State, do hereby certify that James A. McGehee who is personally known to be the same person(s) whose name(s) is subscribed to the forgoing instrument appeared before me this day in person and acknowledges that James A. McGehee signed, sealed and delivered said instrument as a free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 1<sup>st</sup> day of November, 2015.



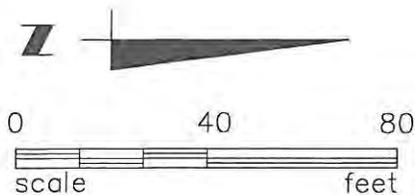
Robert H. Alvino

Notary Public

My commission expires \_\_\_\_\_

# PERMANENT PUBLIC WATER UTILITY EASEMENT

THE WEST 20 FEET OF THE EAST 40 FEET OF LOT 1 IN BLOCK 2 OF  
 ONE MOLINE PLACE PHASE 1  
 MOLINE, ROCK ISLAND COUNTY, ILLINOIS



**LEGEND**

-  - EASEMENT AREA (1160 SQ.FT. ±)
-  - EXISTING EASEMENT BOUNDARY
- 

MY LICENSE EXPIRES 11/30/2016

*Scott K. Taulbee* 10/01/2015  
 DATE

I, SCOTT K. TAULBEE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO.035-003490, DO HEREBY STATE THAT THIS PERMANENT PUBLIC WATER UTILITY EASEMENT PLAT WAS PREPARED UNDER MY DIRECTION FROM FIELD AND RECORD INFORMATION. NO BOUNDARY SURVEY WAS PERFORMED FOR THE PREPARATION OF THIS EASEMENT PLAT.

CREATED BY CITY OF MOLINE  
 ENGINEERING DIVISION  
 3635 4TH AVE MOLINE, IL  
 SEPTEMBER 21, 2015

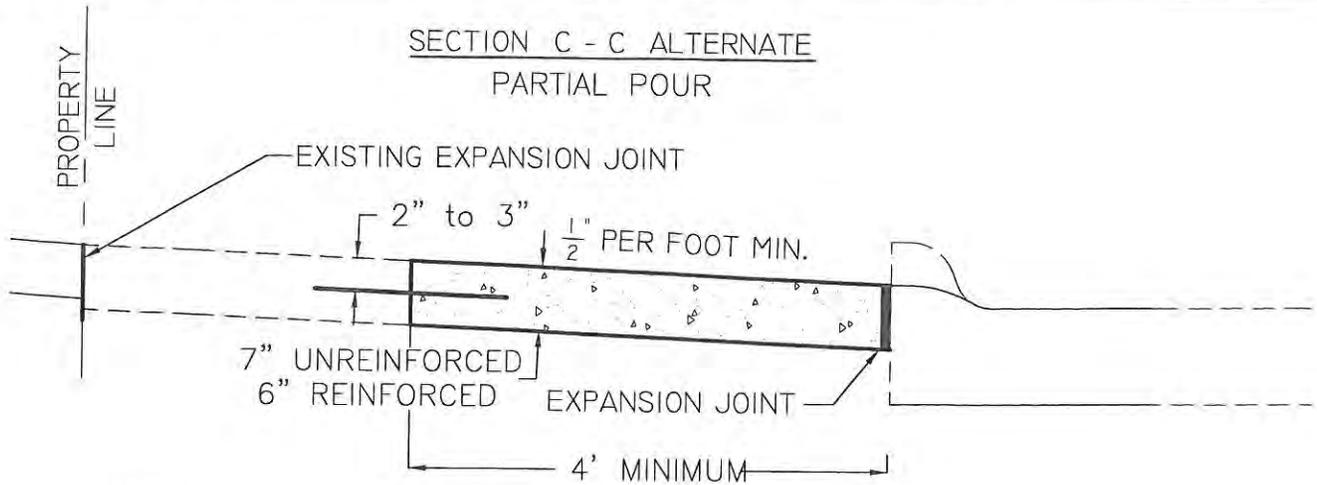


CITY OF MOLINE, IL  
 HAWK HOLLOW  
 FOR A WATER MAIN ADDITION  
 PROJECT # 1188

H:\Engineering\ALL PROJECTS\1188- Hawk Hollow Addition\Design\Survey\EASEMENT PLAT.dwg

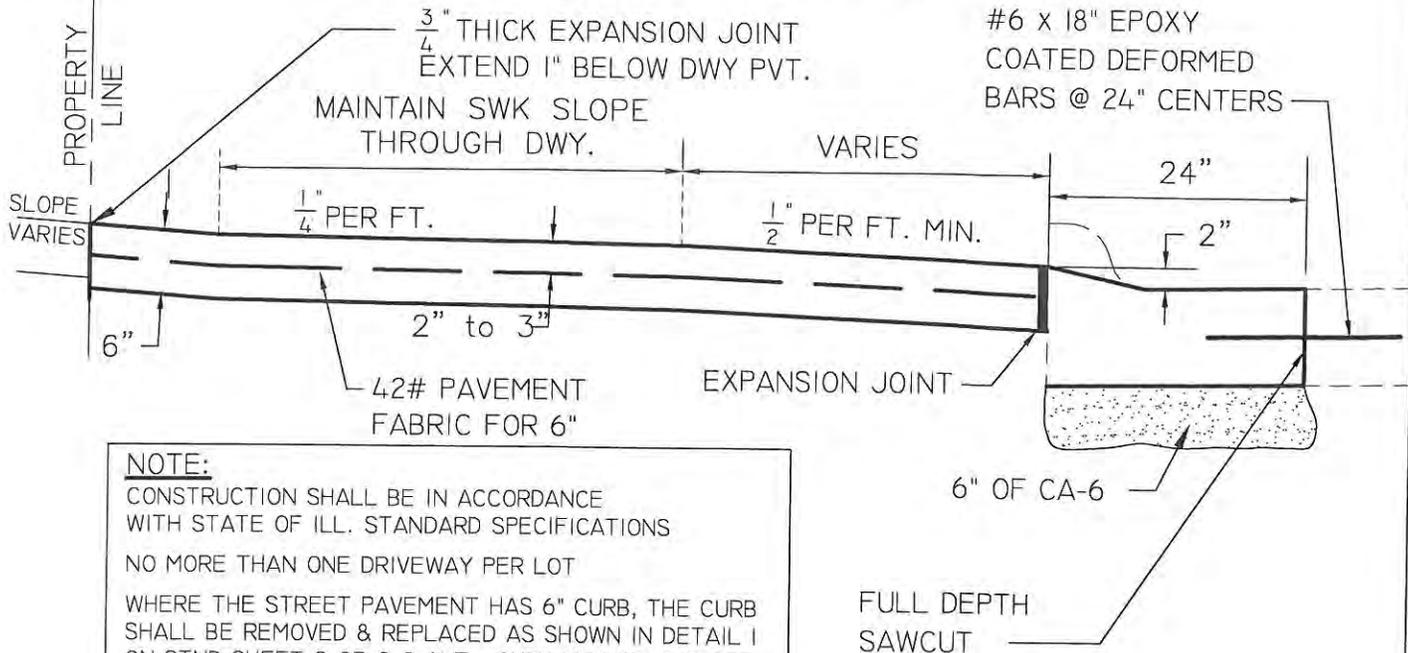
# EXHIBIT "B"

## SECTION C - C ALTERNATE PARTIAL POUR



NOTE:  
#4 x 18" EPOXY COATED  
DEFORMED BARS @ 12" CENTERS.  
NO EXPANSION JOINT IS REQUIRED.

## SECTION C - C ALTERNATE CURB AND DRIVEWAY POURED INTEGRAL



**NOTE:**  
CONSTRUCTION SHALL BE IN ACCORDANCE  
WITH STATE OF ILL. STANDARD SPECIFICATIONS  
NO MORE THAN ONE DRIVEWAY PER LOT  
WHERE THE STREET PAVEMENT HAS 6" CURB, THE CURB  
SHALL BE REMOVED & REPLACED AS SHOWN IN DETAIL 1  
ON STND SHEET 9 OR C-C ALT. CURB MAY BE CUT OFF  
WITH A SAW DESIGNED FOR THIS APPLICATION.  
DRIVEWAY PAVEMENT SHALL BE 6" REINFORCED  
OR 7" PLAIN CEMENT CONCRETE.  
REINFORCING SHALL BE MESH WEIGHING  
42 LBS. PER 100 SQUARE FEET.  
ALL JOINTS AT BACK OF CURB SHALL BE SEALED  
WITH APPROVED POURED JOINT SEALER.  
WHERE THE STREET PAVEMENT HAS 4" DRIVEOVER  
CURB, THE CURB MAY REMAIN INTACT. NO MATERIAL  
WILL BE ALLOWED TO BE PLACE IN THE GUTTER.  
BARS TO BE 18" LONG, DRILLED  
AND EPOXIED 9" INTO EXISTING PAVEMENT

## TYPICAL BOULEVARD SECTIONS DETAIL

DATE	CITY OF MOLINE	#10
10/11	STANDARD	



RIVER DR