

**INTERGOVERNMENTAL AGREEMENT FOR
LAND CONVEYANCE AND CONTRIBUTION**

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") is made and entered into as of the ____ day of _____, 20__, by and between the FOX VALLEY PARK DISTRICT, an Illinois municipal corporation (hereinafter referred to as "FVPD") and the CITY OF AURORA, an Illinois municipal corporation (hereinafter referred to as "CITY"). The CITY and FVPD may also be referred to as "PARTY" or "PARTIES."

WITNESSETH:

WHEREAS, Article 7, Section 10 of the Constitution of the State of Illinois, 1970, authorizes units of local government, including park districts and municipalities, to enter into agreements to exercise, combine or transfer power or functions not prohibited by law or ordinance; and

WHEREAS, the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) authorizes units of local governments to exercise jointly with any other public agency within the State, including other units of local government, any power, privilege, or authority which may be exercised by a unit of local government individually, and to enter into contracts for the performance of governmental services, activities and undertakings; and

WHEREAS, FVPD and CITY are authorized under the Local Government Property Transfer Act (50 ILCS 605/0.01 *et seq.*) as units of local government to transfer real property interests between and among them in furtherance of their corporate purposes; and

WHEREAS, FVPD is expressly authorized under Section 8-18 of the Park District Code (70 ILCS 1205/8-18) to participate in joint recreation programs with other governmental entities; and

WHEREAS, CITY and FVPD wish to express their mutual desire for intergovernmental cooperation for the benefit of the neighborhoods and surrounding community within the CITY and FVPD boundaries; and

WHEREAS, the Parties agree to convey/exchange certain properties FVPD has previously acquired (the FVPD PARCELS hereto) and certain properties CITY has previously acquired (the CITY PARCELS hereto), to the other Party; and

NOW, THEREFORE, in consideration of the mutual promises and undertakings set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. Incorporation of Recitals. The foregoing recitals to this Agreement are substantive and are hereby incorporated into this Agreement as though fully set forth herein.

2. Land Conveyance of FVPD PARCELS. FVPD hereby agrees that, upon written request from CITY, FVPD shall convey to CITY and CITY agrees, contingent upon the acceptable results of Phase One Environmental studies, to accept from FVPD fee simple title to the following parcels as legally described on Exhibit A attached hereto and identified in the Location Maps attached hereto as Exhibit B (collectively, the "FVPD PARCELS"):

- A. Eastbank Fox River Trail south of RiverEdge Park Parcels - 15-22-201-045 (.273 acres); 15-22-201-021 (.097 acres); 15-22-201-045 (.269 acres); 15-22-327-014 (.094 acres); 15-22-327-020 (.769 acres); 15-22-201-044 (.017 acres) total 1.519 acres
- B. 429 Rathbone Ave and adjacent Sard Ave Parcels - 15-28-252-029 (3.7 acres) and 15-28-252-024 (.073 acres) total 3.773 acres.
- C. 712 S River Street Parcel – pt. 15-28-402-001 north of ROW (approx. 4 acres)
- D. Hinkley and Parker Parcels - 15-34-205-013 (1 acre)
- E. Ashland and Douglas Parcels – 15-33-226-055 thru -062 (1.58 acres)
- F. Lincoln Avenue Mini Park Parcels – 15-22-251-006; -007; -012 (1.28 acres)

3. Land Conveyance of CITY PARCELS. CITY hereby agrees that, upon written request from FVPD, CITY shall convey to FVPD and FVPD agrees to accept from CITY fee simple title to the following parcels as legally described on Exhibit C attached hereto and identified in the Location Maps attached hereto as Exhibit D (collectively, the "CITY PARCELS"):

- A. 14 Blackhawk Parcels - 15-21-257-004 (2.77 acres)
- B. Northgate Park Parcels – 15-15-151-016; -017 (.415 acres) and 15-15-152-014 thru -017 (.827 acres) total 1.242 acres. The CITY will make best efforts to purchase said parcels, and if successful, will convey to FVPD.
- C. Orchard and Prairie Parcel 15-19-378-026 (.288 acre) total .615 acre

4. FVPD Obligations for Conveyances. FVPD hereby assumes the following obligations following the conveyance of said parcels in Sections 2 and 3:

- A. Eastbank Fox River Trail south of RiverEdge Park Parcels – FVPD shall make certain mutually agreed to improvements to the parcels including but not limited to lighting, pathway overlay, and retaining wall repair.
- B. 14 Blackhawk Parcels - FVPD shall construct or cause to be constructed a neighborhood park on the parcels within three (3) years of the date of this Agreement.
- C. Northgate Park Parcels. The Parties desire to provide open space and develop a neighborhood park on the parcels. FVPD shall construct or cause to be constructed a neighborhood park on the parcels within three (3) years of the date of this Agreement.
- D. 712 South River Street Parcel. FVPD will retain title to all OSLAD grant areas of the Parcel, provided however, FVPD hereby grants a permanent easement to CITY over said OSLAD grant areas for purposes of

construction and maintenance of the NEW FACILITY described below. FVPD agrees that from time to time there may need to be total closure of said OSLAD grant area for such construction or maintenance purposes, and agrees to same with the mutual agreement of CITY that CITY will endeavor to make any such closures of the shortest duration possible to achieve the work required.

5. CITY Obligations for Conveyances. CITY hereby assumes the following obligations following the conveyance of said parcels in Sections 2 and 3:

- A. Eastbank Fox River Trail south of RiverEdge Park Parcels – Upon conveyance to CITY said Parcels shall remain subject to: (i) the right of the FVPD and its patrons and the general public to the right of access over and upon the Fox River Trail portion of the FVPD PARCELS at all times, with the exception of short-term closures for events at RiverEdge Park, emergency work or repair and maintenance during which alternative open routes for the Fox River Trail for bike and pedestrian use shall be made available, and provided that the closures shall be limited in duration to the least amount of time necessary under the circumstances; (ii) with the exception of (iii) below, the perpetual restriction that all of the FVPD PARCELS shall remain as open space and recreation and any development or maintenance of the FVPD PARCELS shall be consistent with the other Parcels owned and maintained by the FVPD, expressly remaining unencumbered by non-park related facilities; and (iii) there are currently two public access points to the Fox River Trail from Broadway, one of these may be removed and one may be relocated in the discretion of CITY to facilitate the development of that portion of the Parcels and the adjacent properties for non-open space uses. There shall be no other exceptions to title or liens or encumbrances on said Parcels.
- B. 712 S River Street Parcel. CITY intends to utilize the building and adjacent parking lot for office use until such time as the site is redeveloped for a public works facility (herein NEW FACILITY). CITY shall restore at grade all areas disturbed by CITY within the OSLAD grant Parcel Easement from time to time. There shall be no other exceptions to title or liens or encumbrances on said Parcel.
- C. Indian Trail Recapture. CITY agrees to waive the right to recapture the Indian Trail Road Improvement costs from FVPD, on those parcels owned by FVPD, located north of Indian Trail Road east of Farnsworth Avenue.

4. Amendments to prior Intergovernmental Agreements. The parties hereby agree to the following modifications to existing Agreements: (i) That the exception outlined in Section 2.A.ii of the Intergovernmental Agreement approved by the City with Resolution R09-202 be hereby expanded to include events and RiverEdge Park; and (ii) the provision added as Section 2.A.iv with Amendments approved by CITY with Resolutions R13-119 and R14-115 be hereby rescinded.

IN WITNESS WHEREOF, the Parties have set their hands and seals the day and year first written above and the signatories hereto represent that they are duly authorized to execute this Agreement on behalf of their respective bodies.

(SIGNATURE PAGES TO FOLLOW)

FOX VALLEY PARK DISTRICT

By: _____
Its President

Attest:

Its Secretary

CITY OF AURORA

By: _____
Its Mayor

Attest:

Its City Clerk

EXHIBIT A

LEGAL DESCRIPTIONS OF FVPD PARCELS

EASTBANK FOX RIVER TRAIL SOUTH OF RIVEREDGE PARK PARCELS:

INSERT LEGAL HERE

PIN(s): 15-22-201-045 (.273 ACRES); 15-22-201-021 (.097 ACRES); 15-22-201-045 (.269 ACRES); 15-22-327-014 (.094 ACRES); 15-22-327-020 (.769 ACRES) TOTAL 1.502 ACRES

429 RATHBONE AVE AND ADJACENT SARD AVE PARCELS:

INSERT LEGAL HERE

PIN(s): 15-28-252-029 (3.7 ACRES) AND 15-28-252-029 (.073 ACRES) TOTAL 3.773 ACRES.

712 S RIVER STREET PARCELS:

INSERT LEGAL HERE {need legal for portion we are taking i.e. building, parking lot and baseball field}

PIN(s): - pt. 15-28-402-001 NORTH OF ROW (approx. 4 ACRES)

HINKLEY AND PARKER PARCEL:

INSERT LEGAL HERE

PIN(s): 15-34-205-013 (1 ACRE)

ASHLAND AND DOUGLAS PARCELS:

INSERT LEGAL HERE

PIN(s): 15-33-226-055 thru -062 (1.58 ACRES)

LINCOLN AVENUE MINI PARK PARCELS:

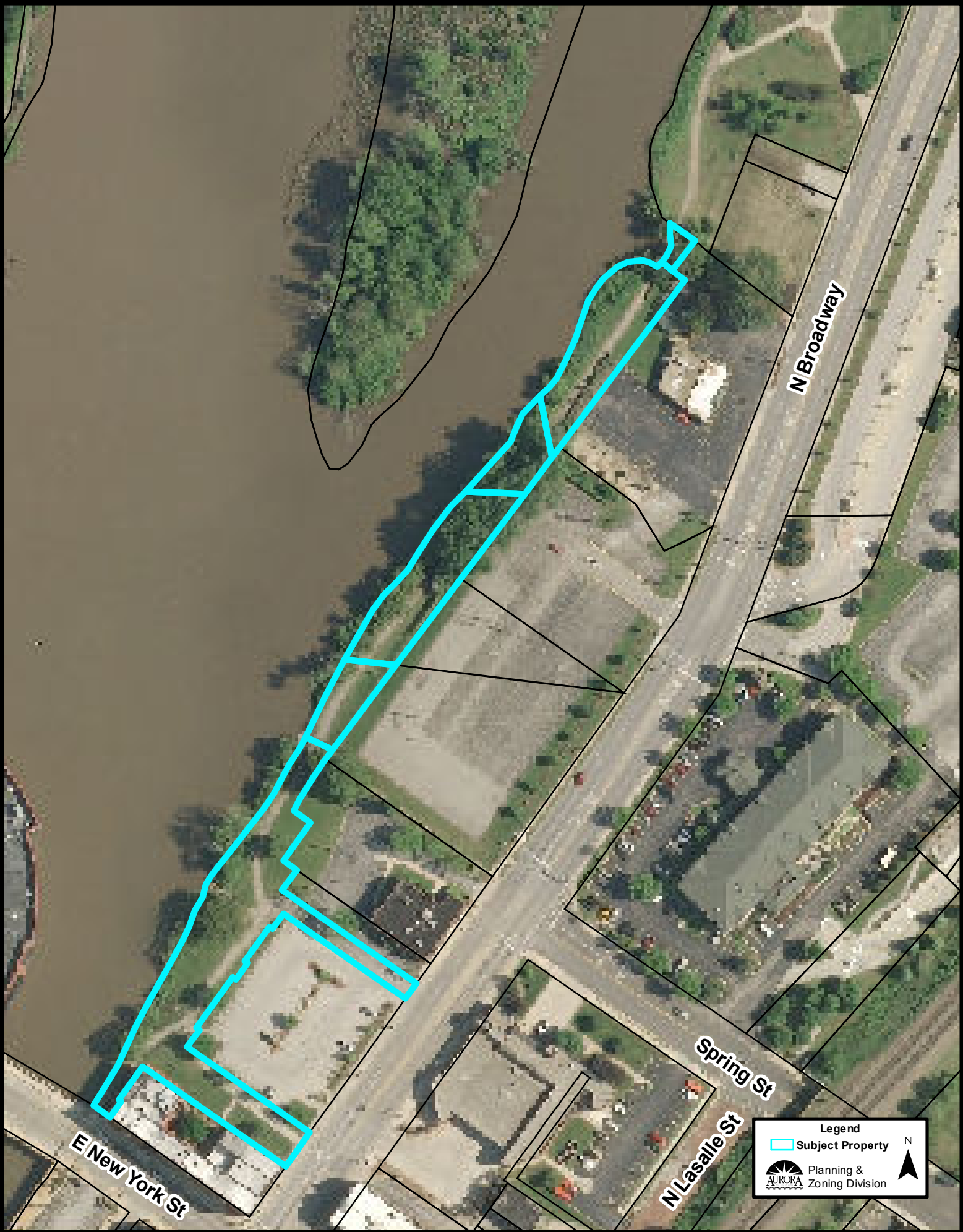
INSERT LEGAL HERE

PIN(s): 15-22-251-006; -007; -012 (1.28 ACRE)

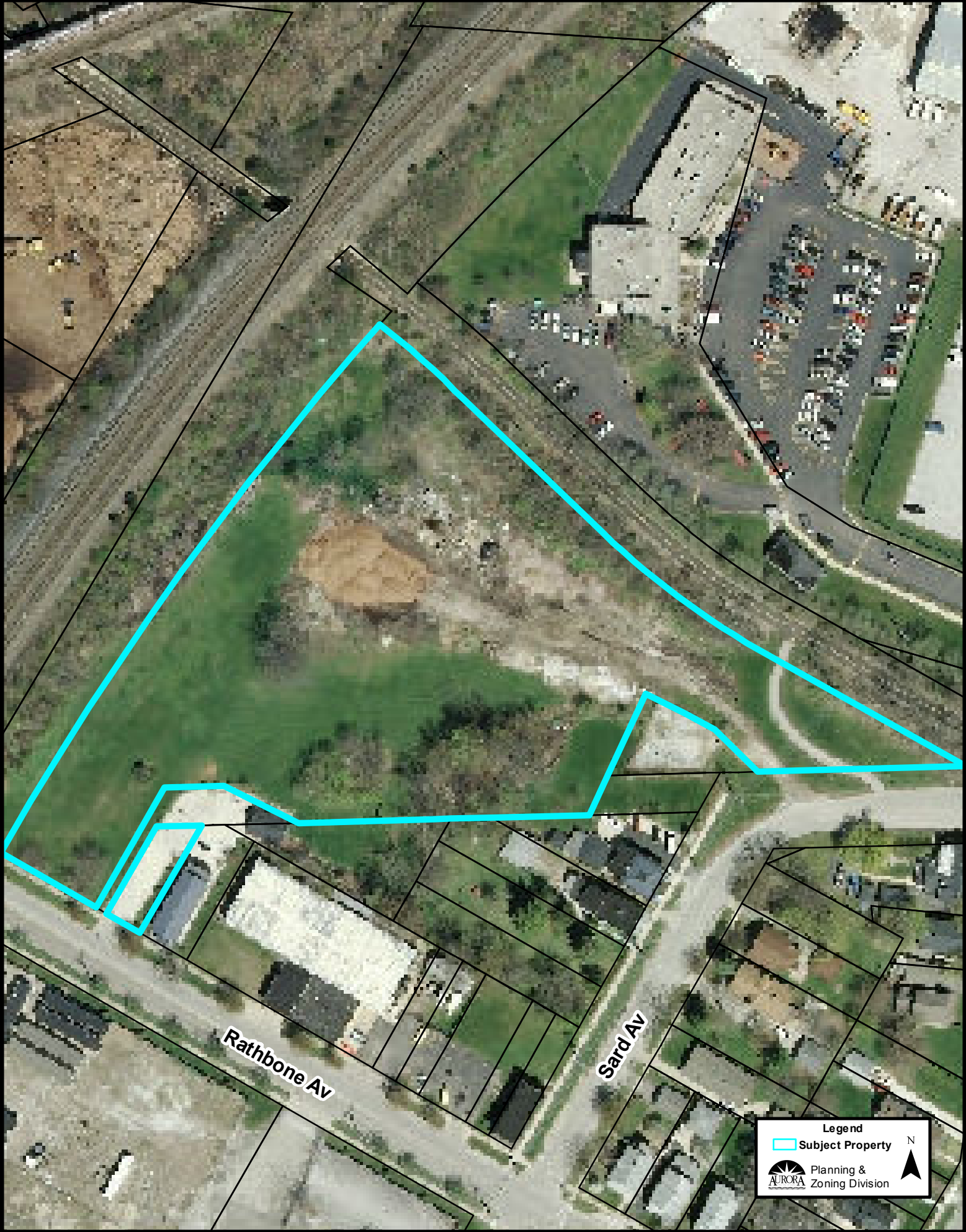
EXHIBIT B

LOCATION MAPS OF FVPD PARCELS

Aerial Photo (1:1,500): Eastbank Fox River Trail south of RiverEdge Park Parcels



Aerial Photo (1:1,000): 429 Rathbone Ave and adjacent Sard Ave Parcels



Aerial Photo (1:1,000): 712 S River Street Parcel





Sard Av


S River St

S River St

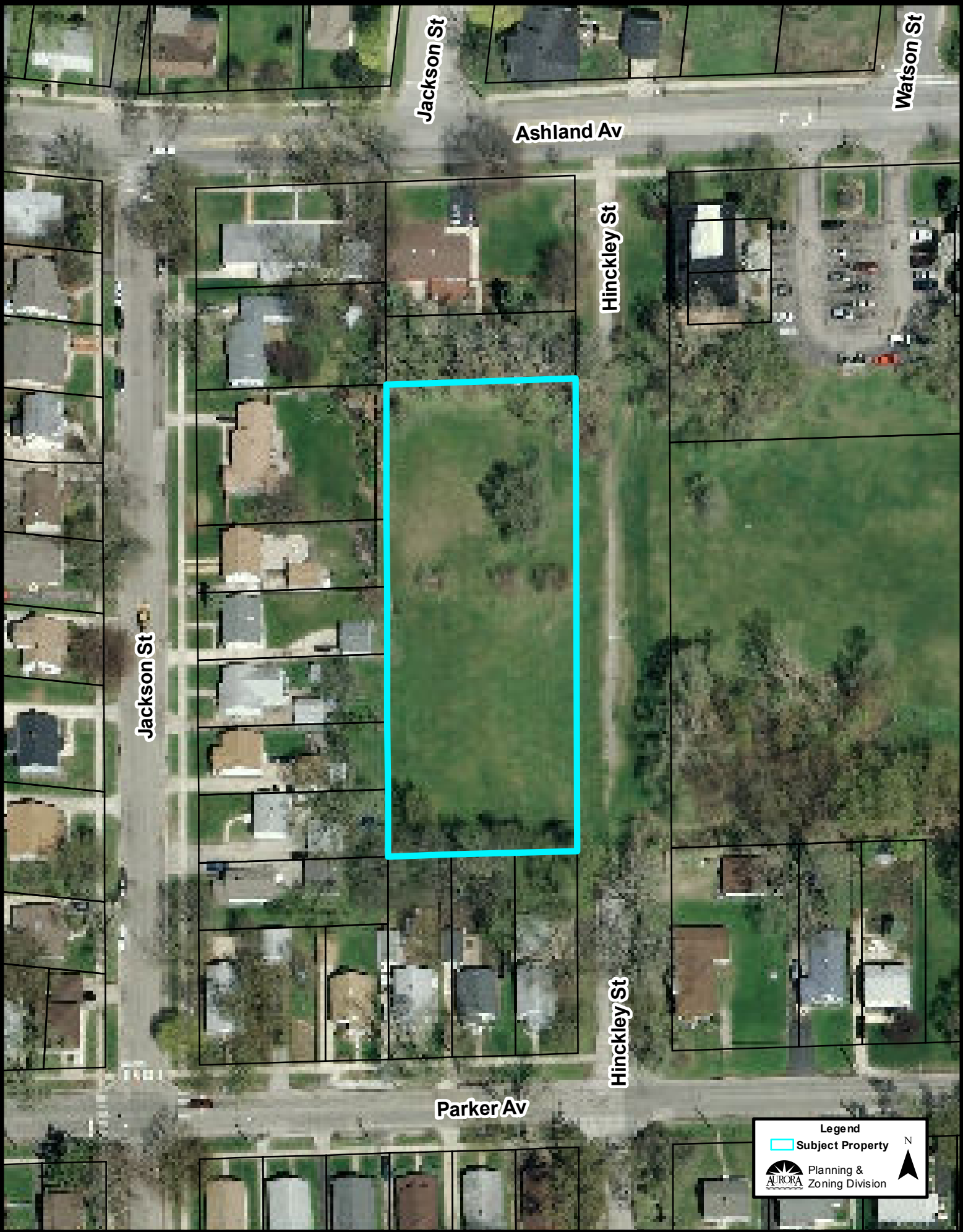
Legend

 Subject Property

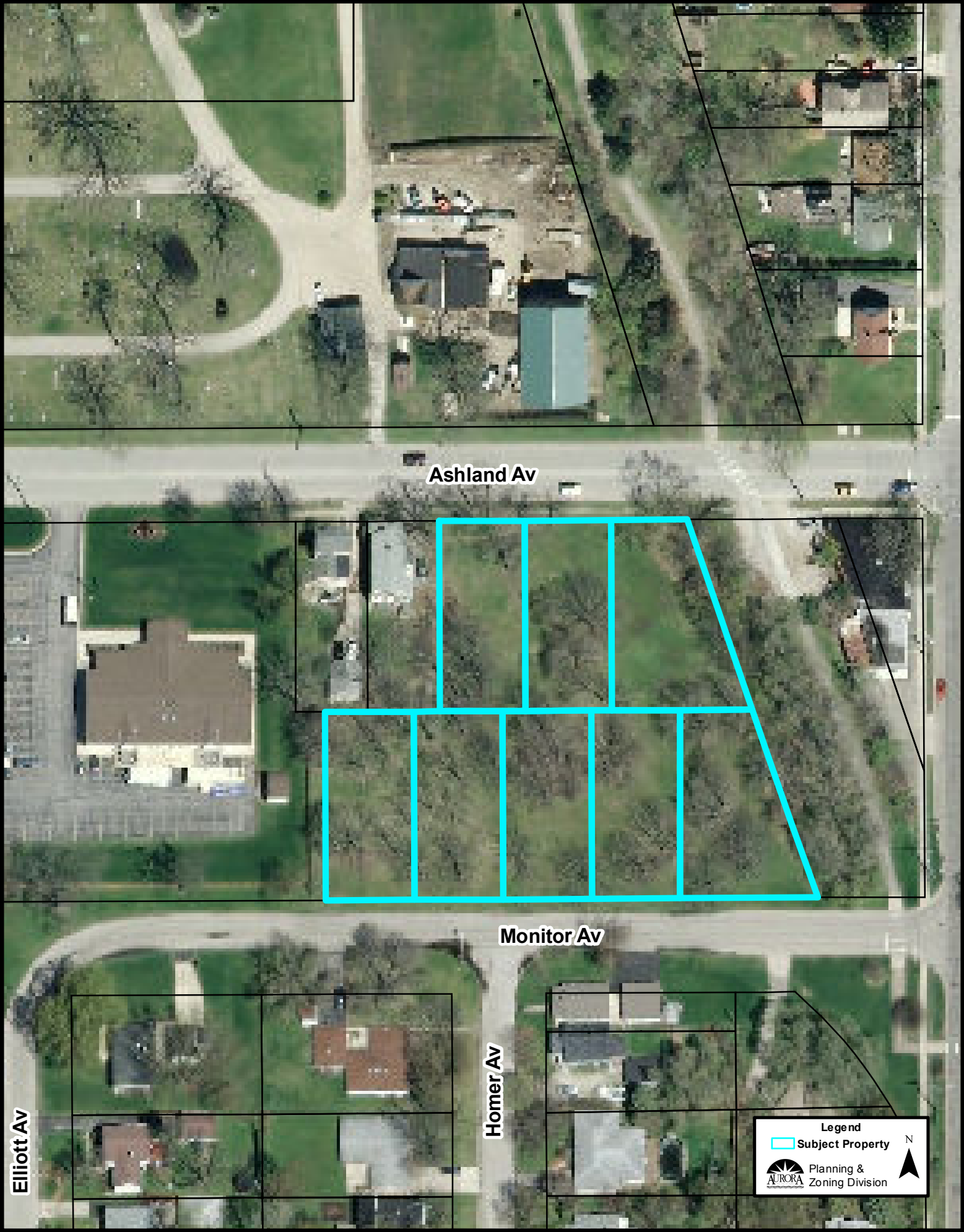
 Planning & Zoning Division

N 

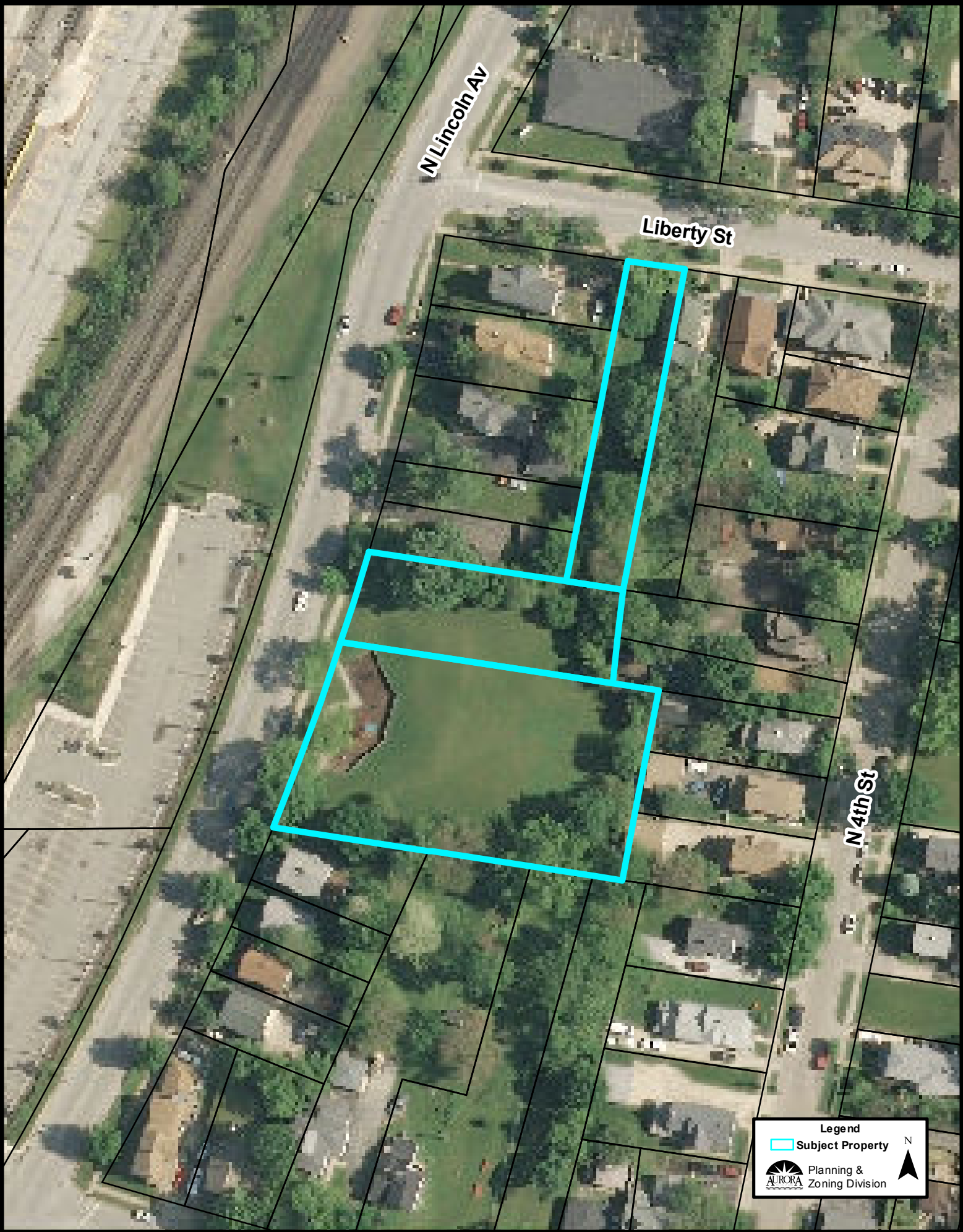
Aerial Photo (1:1,000): Hinkley and Parker Parcels



Aerial Photo (1:1,000): Ashland and Douglas Parcels




Aerial Photo (1:1,000): Lincoln Avenue Mini Park Parcels



Legend

Subject Property

 Planning & Zoning Division


N 

EXHIBIT C

LEGAL DESCRIPTIONS OF CITY PARCELS

14 BLACKHAWK PARCEL

INSERT LEGAL HERE

PIN(s): 15-21-257-004 (2.77 ACRES)

NORTHGATE PARK PARCELS:

INSERT LEGAL HERE

PIN(s): 15-15-151-016; -017 (.415 ACRES) AND 15-15-152-014 THRU -017 (.827 ACRES) TOTAL 1.242 ACRES.

ORCHARD AND PRAIRIE PARCEL:

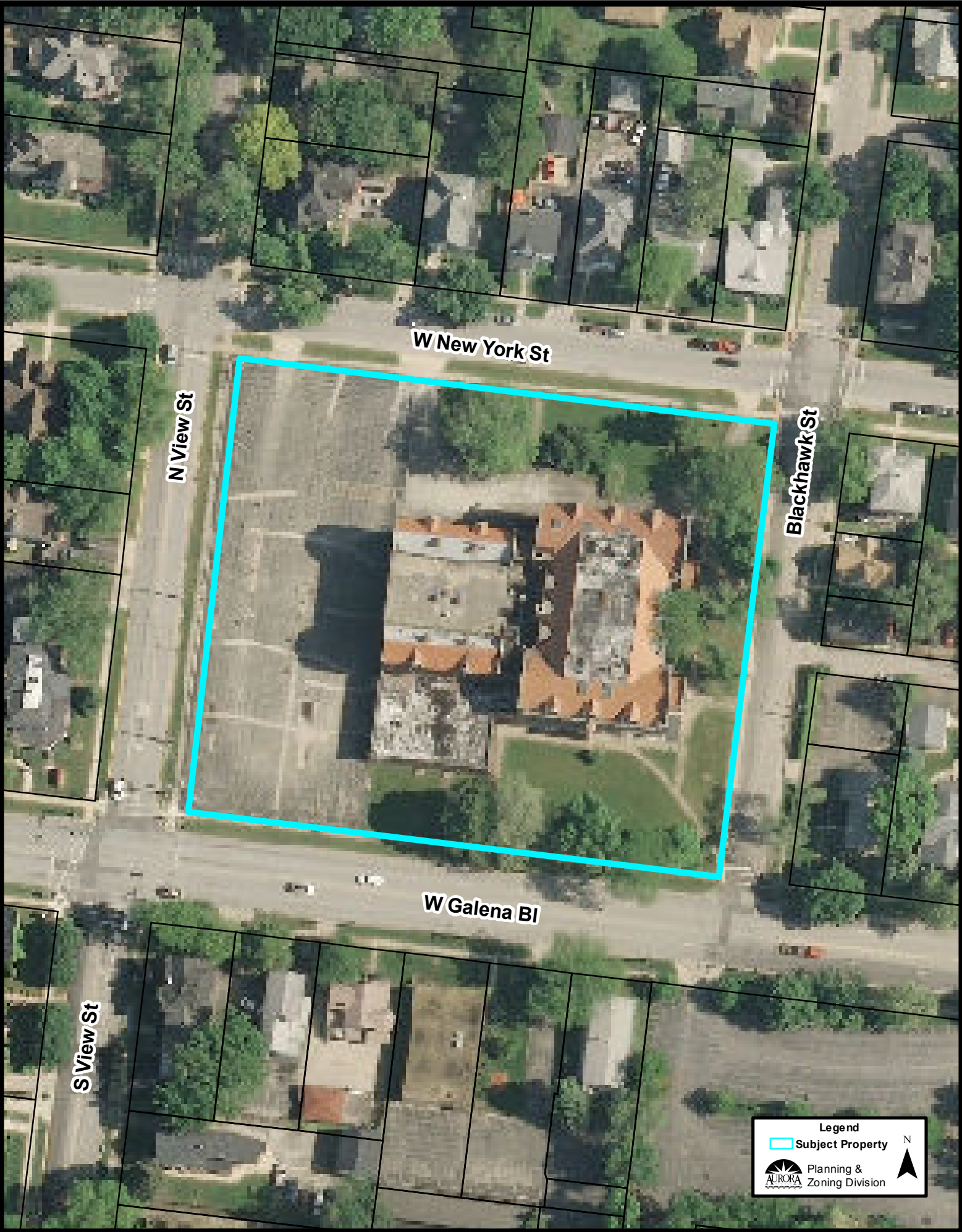
INSERT LEGAL HERE

PIN(s): 15-19-378-026 (.288 ACRES) TOTAL .615 ACRES

EXHIBIT D

LOCATION MAP OF CITY PARCELS

Aerial Photo (1:1,000): 14 Blackhawk Parcels



W New York St

N View St

Blackhawk St

W Galena Bl

S View St

Legend

Subject Property

 Planning & Zoning Division

N





Aerial Photo (1:1,000): Northgate Park Parcels



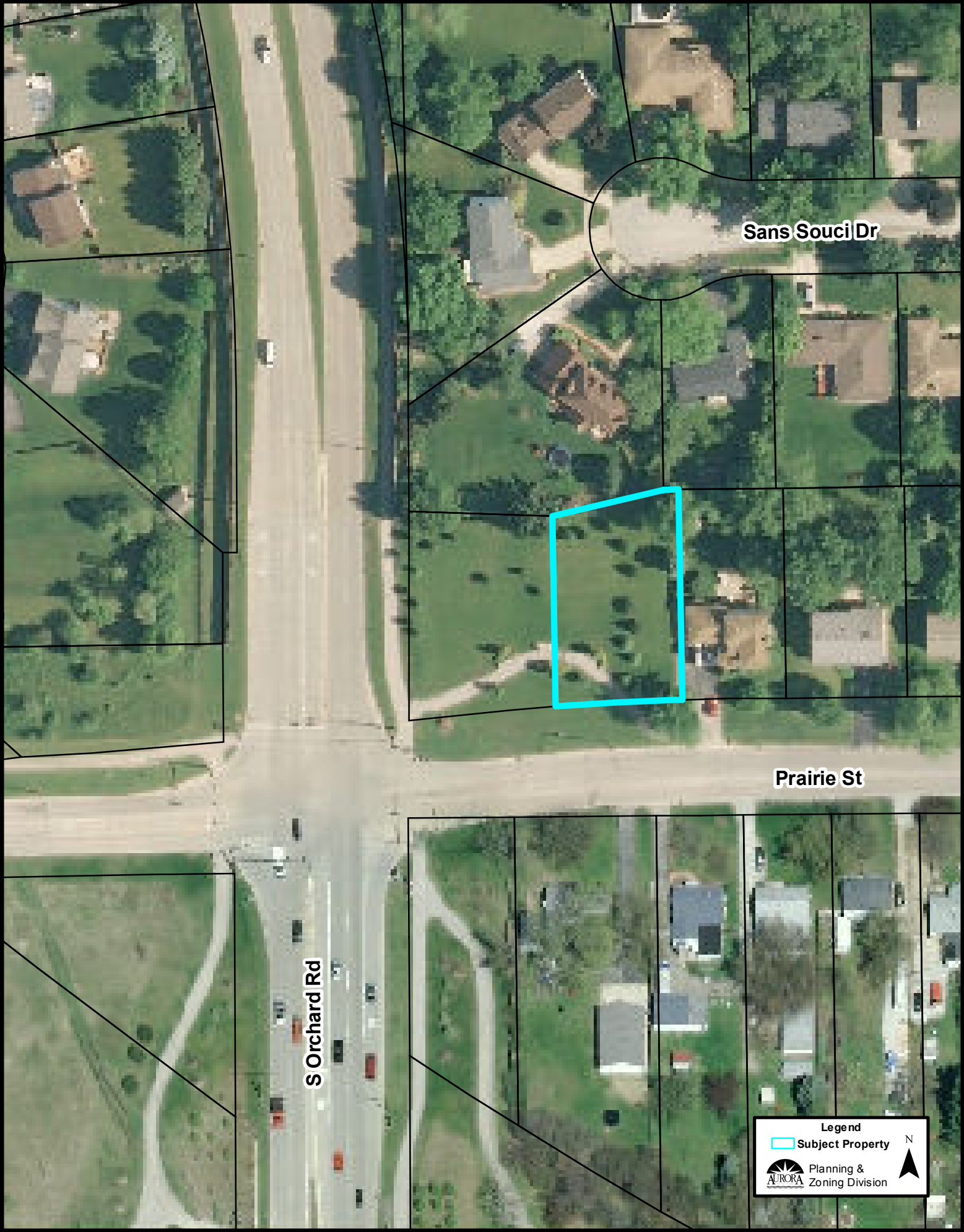
Legend

Subject Property

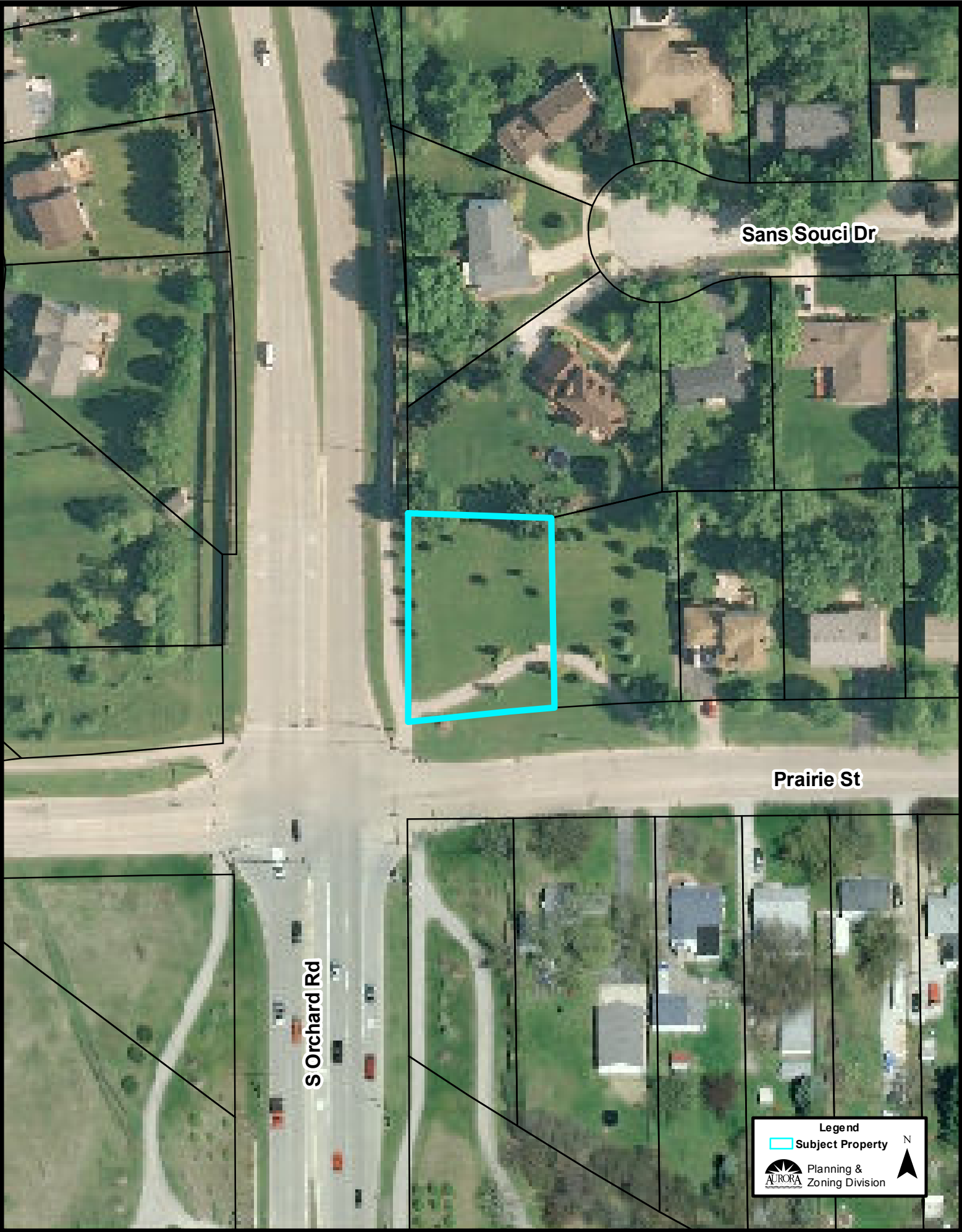
 Planning & Zoning Division

N 

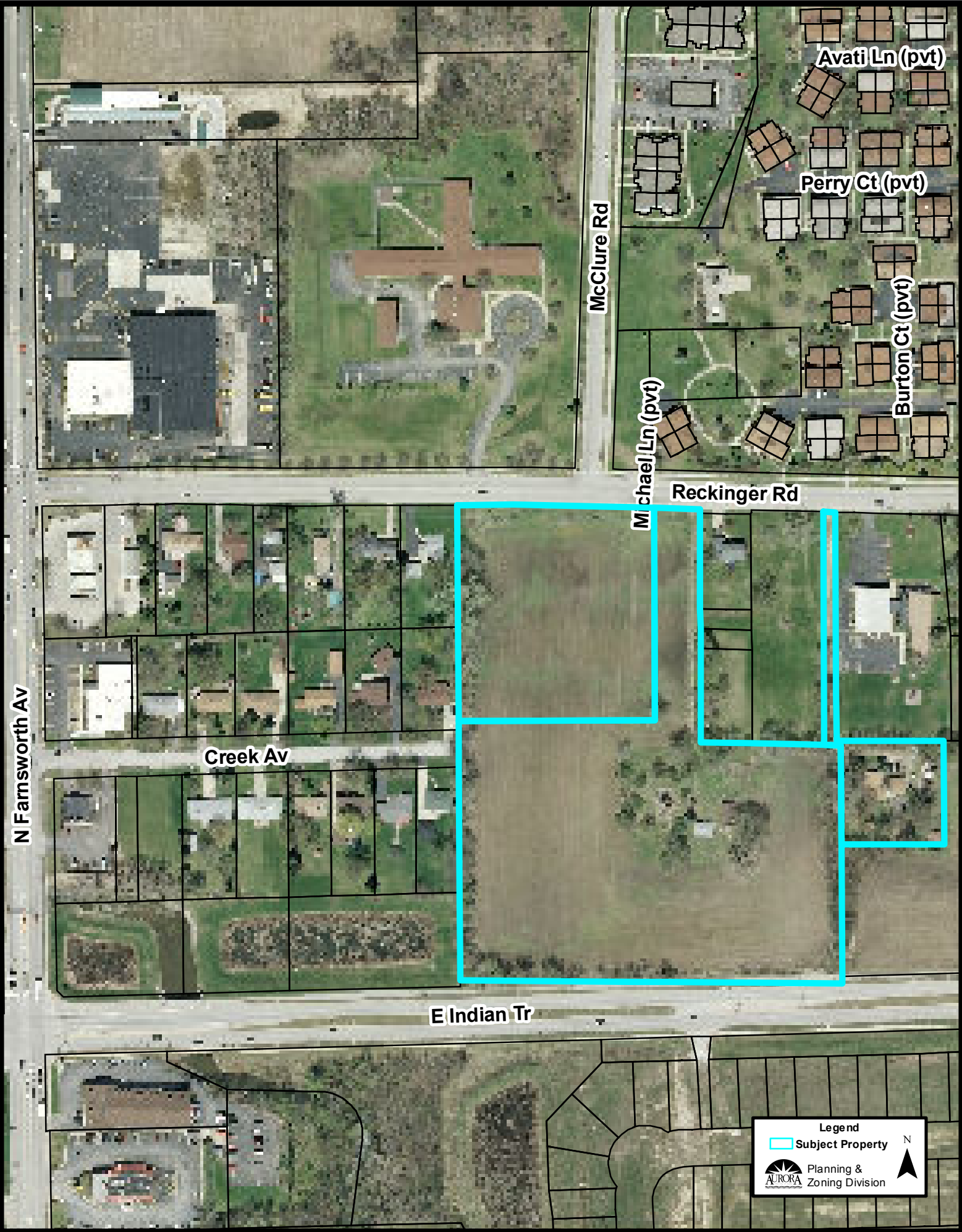
Aerial Photo (1:1,000): Orchard and Prairie Parcel



Aerial Photo (1:1,000):




Aerial Photo (1:3,000): Indian Trail Recapture



Legend

Subject Property

 Planning & Zoning Division

N 