

**AMENDMENT NO. 1  
TO THE INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF AURORA AND THE COUNTY OF KANE  
REGARDING ACCESS AND IMPROVEMENTS TO ORCHARD ROAD  
FROM THE I-88 WESTBOUND ACCESS RAMP TO JERICHO ROAD**

This Amendment No. 1 to the Intergovernmental Agreement Between the City of Aurora And The County Of Kane Regarding Access And Improvements To Orchard Road From The I-88 Westbound Access Ramp To Jericho Road, (hereinafter referred to as "AMENDMENT No. 1"), is made and entered into as of this \_\_\_\_ day of March, 2023 by and between the City of Aurora, a municipal corporation of the State of Illinois, hereinafter referred to as "CITY", and the County of Kane, a body corporate and politic of the State of Illinois, hereinafter referred to as "COUNTY." The COUNTY and the CITY are sometimes collectively referred to as the "PARTIES" and each individually as a "PARTY".

WITNESSETH

WHEREAS, the CITY and COUNTY entered into an Agreement dated February 8, 2000 titled: Intergovernmental Agreement Between the City of Aurora And The County of Kane Regarding Access And Improvements To Orchard Road From The I-88 Westbound Access Ramp To Jericho Road, hereinafter referred to as the "AGREEMENT", and

WHEREAS, the CITY and the COUNTY desire to continue to provide for the safety and efficiency of Kane County Highway No. 83 (also known as "Orchard Road"); and

WHEREAS, at the request of the CITY, the CITY and COUNTY agree to amend various provisions of the AGREEMENT to modify ingress to and egress from Orchard Road to facilitate the safe and efficient flow of traffic thereon.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration the sufficiency of which is agreed to by the PARTIES hereto, both PARTIES mutually covenant, agree and bind themselves as follows, to wit:

1. The preambles as set forth hereinabove are incorporated into this Amendment as a substantive part hereof.
2. Section 2.C. of the AGREEMENT is hereby amended in its entirety and shall read as follows:
  - C. 1) An existing right-in/right-out only access on the west side of Orchard Road located approximately 1050 feet south of the I-88 eastbound ramps.
  - 2) A future right-in/right-out/left-in access as generally depicted on Exhibit "B" as attached to this Amendment on the east side of Orchard Road located as solely determined by the County Engineer, approximately 1050 feet south of the I-88

eastbound ramps, subject to the following special conditions:

- a. Any future evaluation by the COUNTY may require modification or removal of the left-in component of the proposed right-in/right-out/left-in access on the east side of Orchard Road at the County Engineer's sole discretion for safety and/or operational reasons.
  - b. Traffic signals at this location are operationally discouraged due to the proximity of the I-88 interchange, however, should the COUNTY in the sole discretion of the County Engineer decide at any time in the future that traffic signals are necessary at this location for the left-in (southbound to eastbound traffic movement), the CITY shall be notified of this determination and all design, material, construction, implementation and energy costs for the signalization and intersection lighting will be the sole responsibility of the CITY.
3. Section 14 of the AGREEMENT is amended in its entirety and shall read as follows:
14. All access improvements including, but not limited to those set forth herein, and all Orchard Road improvements shall be subject to the review and approval of the County Engineer. Access will be permitted in accordance with all County Access Control Policies, Regulations and design standards. Any and all right-of-way and easements conveyed and granted to the COUNTY pursuant to this AMENDMENT are in consideration of the Orchard Road access granted.

Per County Ordinance 22-27, all new developments in Kane County are required to submit Transportation Impact fees to the Kane County Division of Transportation. As a partner with Kane County, and to promote fair and uniform compliance with the Impact Fee Program, which funds important local transportation projects of benefit to the citizens of Kane County and the City of Aurora, the City of Aurora agrees to assure that all recipients of building and occupancy permits shall be advised in writing of Kane County's Transportation Impact Fee program via the City's issuance of municipal building permits within the City's jurisdiction in Kane County.

Except as expressly provided in this AMENDMENT, all other terms, conditions and provisions of the AGREEMENT shall continue in full force and effect as provided therein.

IN WITNESS WHEREOF, the CITY and COUNTY have entered into this AMENDMENT effective as of the date first set forth above.

COUNTY OF KANE

CITY OF AURORA

By: \_\_\_\_\_  
Corinne Pierog  
Chair, Kane County Board

By: \_\_\_\_\_  
Richard C. Irvin  
Mayor, City of Aurora

ATTEST:

ATTEST:

By: \_\_\_\_\_  
John A. Cunningham  
Clerk, County of Kane

By: \_\_\_\_\_  
Jennifer Stallings  
Clerk, City of Aurora

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EXHIBIT "B"

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