

SP
3/26/2010
2010.115 Action

ORIGINAL



**CITY OF AURORA
CITY COUNCIL**

RESOLUTION NUMBER: R10-114

DATE OF PASSAGE: April 13, 2010

PETITIONER: Kane County Forest Preserve and the City of Aurora

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF AURORA AND THE KANE COUNTY FOREST PRESERVE REGARDING A FINANCIAL CONTRIBUTION FOR THE CONSTRUCTION OF THE RIVEREDGE PARK PEDESTRIAN BRIDGE

WHEREAS, the City of Aurora has a population of more than 25,000 persons in it and is, therefore, a home rule unit as defined in Article VII, section 6(a) of the 1970 Constitution of the State of Illinois; and

WHEREAS, said section of the Constitution authorizes a home rule unit to exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City of Aurora ("City") and Kane County Forest Preserve ("Forest Preserve") are each legal entities organized and existing under the laws of the State of Illinois, having among their powers the authority to contract with one another to perform the undertaking described herein; and

WHEREAS, the City and Forest Preserve are public agencies within the meaning of the Illinois Intergovernmental Cooperation Act as provided for in 5 ILCS 220/1, et seq.; and

WHEREAS, the purpose of the Intergovernmental Cooperation Act and Article 7, Section 10 of the 1970 Constitution of the State of Illinois include fostering cooperation among units of local government in planning and providing services to their constituents; and

WHEREAS, the City and Forest Preserve seek to enter into an intergovernmental agreement regarding financial participation of the forest preserve toward the construction of a pedestrian bridge over the Fox River located at RiverEdge Park; and

WHEREAS, the City Council of the City of Aurora has determined that it is in the best interest of the City and its residents to enter into this Agreement; and

WHEREAS, the City Council has reviewed and approved the attached Intergovernmental Agreement ("Exhibit A"); and

NOW THEREFORE, BE IT RESOLVED that the attached Intergovernmental Agreement between the City and Forest Preserve for the financial participation of the forest preserve toward the construction of a pedestrian bridge over the Fox River located at RiverEdge Park,

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and the Mayor of the City of Aurora is hereby authorized and directed to execute the Intergovernmental Agreement on the behalf of the City.

NOW THEREFORE, BE IT FURTHER RESOLVED that City Clerk be directed to transmit certified copies of this Resolution and the attached Intergovernmental Agreement to Kane County Forest Preserve with copies to the City of Aurora Corporation Council and the Finance Director.

PASSED AND APPROVED by the City Council of the City of Aurora, Illinois on this 13th day of April, 2010.

AYES 12 NAYS 0 NOT VOTING

Thomas Wiesner

Mayor
City of Aurora, Illinois

Attest:

Cheryl M. Vonnhoff
City Clerk

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Case File Number: AU22/2-10.115-AG

This instrument prepared by:
Aurora Planning Division
1 South Broadway
Aurora, Illinois 60505

City Council Members

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Exhibit "A"

STATE OF ILLINOIS)
) ss.
COUNTY OF K A N E)

RESOLUTION NO. FP-R-02-10-1980

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN
INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF AURORA**

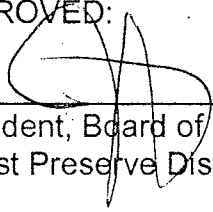
WHEREAS, the Forest Preserve District of Kane County, and the City of Aurora desire to enter into an Intergovernmental Agreement, which Agreement is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, said Intergovernmental Agreement calls for the participation of the District in the construction of a bridge over the Fox River, by the City of Aurora. Said participation shall be limited to financial only and to an amount not to exceed \$2,000,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Forest Preserve District of Kane County that the President and Secretary of the District be, and hereby are, authorized to execute and deliver on behalf of the District, the Intergovernmental Agreement attached and made part hereof as Exhibit A.

APPROVED AND PASSED this 9th day of February, 2010.

APPROVED:



President, Board of Commissioners
Forest Preserve District of Kane County

ATTEST:



Secretary, Board of Commissioners
Forest Preserve District of Kane County



**INTERGOVERNMENTAL AGREEMENT FOR
BRIDGE CONTRIBUTION**

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") is made and entered into as of the 9th day of FEBRUARY, 2010, by and between the FOREST PRESERVE DISTRICT OF KANE COUNTY, an Illinois municipal corporation (hereinafter referred to as "FPDKC") and the CITY OF AURORA, an Illinois municipality (hereinafter referred to as the "CITY").

WITNESSETH:

WHEREAS, Article 7, Section 10 of the constitution of the State of Illinois, 1970, authorize units of local government, including forest preserve districts and municipalities, to enter into contracts to exercise, combine or transfer power or functions not prohibited to them by law or ordinance; and

WHEREAS, the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) authorizes units of local government to Illinois 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, FPDKC is expressly authorized under the Downstate Forest Preserve District Act (70 ILCS 1205/8-18) to participate in joint recreation programs with other governmental entities; and

WHEREAS, FPDKC has previously acquired or entered into agreements to acquire and has proposed agreements for certain part properties nearer or adjacent to real estate parcels owned by the City; and

WHEREAS, the CITY and FPDKC wish to express their mutual desire for intergovernmental cooperation for the benefit of the neighborhoods and surrounding community within the CITY and FPDKC boundaries and to increase the usable parkland and open space located within those borders and especially in areas that may be presently underserved by parks and open space and in acknowledgment that FPDKC is a significant provider of park and open space areas within the CITY and surrounding areas which will benefit by the linking of pathways and trails through the CITY's proposed River Edge Park development; and

WHEREAS, the CITY has planned improvements within its River Edge Park development which will enhance and link to FPDKC Fox River trail property; and accordingly, FPDKC desires to assist CITY with the funding of the River Edge Park development, specifically, contributing to the costs associated with the bridge construction for the River Edge Park pathway and trail system;

NOW, THEREFORE, for the 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 the Agreement as though fully set forth herein.

2. Monetary Contribution. FPDKC hereby agrees to assist CITY in its construction of the River Edge Park bridge improvement by contributing the sum of Two Million Dollars (\$2,000,000) to CITY. FPDKC will deliver such sum to CITY contemporaneously with the completion of the foregoing River Edge Park bridge improvement and submittal of reimbursement request letter from CITY. Such payments may also be made in no more than four equal installments as construction milestones are completed and with the submittal of reimbursement request letter from CITY and construction management documentation of said completion.

3. Cooperation with Grant Applications. To the extent not in conflict with any pending or proposed grant application by FPDKC, FPDKC shall cooperate and support by resolutions of endorsement any River Edge Park-related grant applications sought by the CITY, provided, however, FPDKC shall not be obligated to be a co-sponsor or bear any costs associated with such grant application.

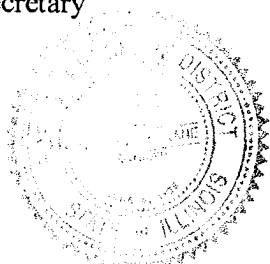
4. Signage. CITY shall include FPDKC logo on park signage to acknowledge contribution.

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 the Agreement on behalf of their respective bodies.

FOREST PRESERVE DISTRICT
OF KANE COUNTY

By: [Signature]
Its President

Attest:
[Signature]
Its Secretary



CITY OF AURORA

By: [Signature]
Its Mayor

Attest:
[Signature]
Its Secretary

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE
FROM: THE PLANNING & DEVELOPMENT COMMITTEE

The Planning & Development Committee At Their Meeting On Thursday, March 25, 2010
Recommended **APPROVAL** of A Resolution Authorizing An Intergovernmental Agreement Between
The City Of Aurora And The Kane County Forest Preserve Regarding A Financial Contribution For The
Construction Of The Riveredge Park Pedestrian Bridge (Kane County Forest Preserve And The City Of
Aurora - AU22/2-10.115-Ag - SP - Ward 1)

VOTE: 3-0

Submitted By Michael B. Saville
Alderman Michael Saville, Chairman

Rick Mervine
Alderman Rick Mervine

Abby Schuler
Alderman Abby Schuler

Alderman John "Whitey" Peters, Alternate

Dated This 26th Day Of March 2010

**CITY OF AURORA, ILLINOIS
CITY CLERK'S OFFICE**



INTEROFFICE MEMORANDUM

DATE: April 21, 2010
TO: Stephane Phifer, Planning Division
FROM: Cheryl Vonhoff, City Clerk *Cheryl*
RE: Riveredge Park Pedestrian Bridge

I am forwarding you a copy of Resolution R10-114 that authorizes the Intergovernmental Agreement between the City and the Kane County Forest Preserve regarding a financial contribution for the above-referenced pedestrian bridge.

Also enclosed is a copy of the Intergovernmental Agreement. I have NOT forwarded this on to the KCFP. If you have any questions, please do not hesitate to contact me.

Enclosure