

INTERGOVERNMENTAL AGREEMENT
FOR
WAUBONSIE LAKE PARK

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) entered into on this ____ day of _____ 2024, by and between the CITY OF AURORA (the “City”), Illinois, a municipal corporation, and the FOX VALLEY PARK DISTRICT (the “Park District”), a park district corporation, (collectively referred to as the “Parties”).

WHEREAS, the City has a population of more than 25,000 persons, and is, therefore, a home rule unit under Article VII of the Illinois Constitution of 1970; 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, 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 fostering cooperation in planning and providing services to their constituents.

WHEREAS, the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) authorizes units of local government in 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, for the mutual benefit of both Parties, the City and the Park District hereto wish to jointly engage in maintaining the shared-use path on the north side of Montgomery Road between Kautz Road and Waubonsie Creek; and

WHEREAS, this project is one which may be accomplished more effectively and economically by the use of joint efforts and resources; and

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. PURPOSE: The purpose of this agreement is an easement for construction and maintenance of the shared-use path on the north side of Montgomery Road between Kautz Road and Waubonsie Creek as indicated on the plan sheet titled “Montgomery Road Shared-Use Path Maintenance Easement,” attached herein as Exhibit “A.”

2. FINANCE: No financial contributions are required from the PARK DISTRICT. The CITY shall contribute financially as needed for construction and maintenance of the shared-use path.

3. OWNERSHIP OF LAND: The PARK DISTRICT shall make available the necessary land for the maintenance of the shared-use path by the use of an easement. The easement is shown on the plan sheet titled "Montgomery Road Shared-Use Path Maintenance Easement," attached herein as Exhibit "A." The PARK DISTRICT shall retain title to the land. The CITY shall be allowed to use the land for maintenance purposes as described in Section 4.

4. MAINTENANCE: Upon conclusion of the project
 - a. The CITY shall maintain the shared-use path;
 - b. The CITY shall remove, widen, and pave the shared-use path as needed for pedestrian and bicycle travel; and
 - c. The CITY shall remove accumulated sediment and stabilize eroded areas.

5. AMENDMENTS: Any party to this agreement may propose an amendment. Any amendment shall be effective when executed in writing, by both of the governing bodies of the parties to this agreement.

6. EFFECTIVE DATE: This agreement shall be effective when executed by the CITY and the PARK DISTRICT.

7. GOVERNING LAW: This agreement shall be construed in accordance with the law and constitution of the State of Illinois. Any legal action or proceeding relating to this Agreement shall be brought exclusively in the state courts located in Kane County, Illinois.

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 Intergovernmental Agreement on behalf of their respective bodies.

FOX VALLEY PARK DISTRICT

CITY OF AURORA

By: _____

By: _____

President Mayor

Attest:

Attest:

By: _____

By: _____

Secretary City Clerk

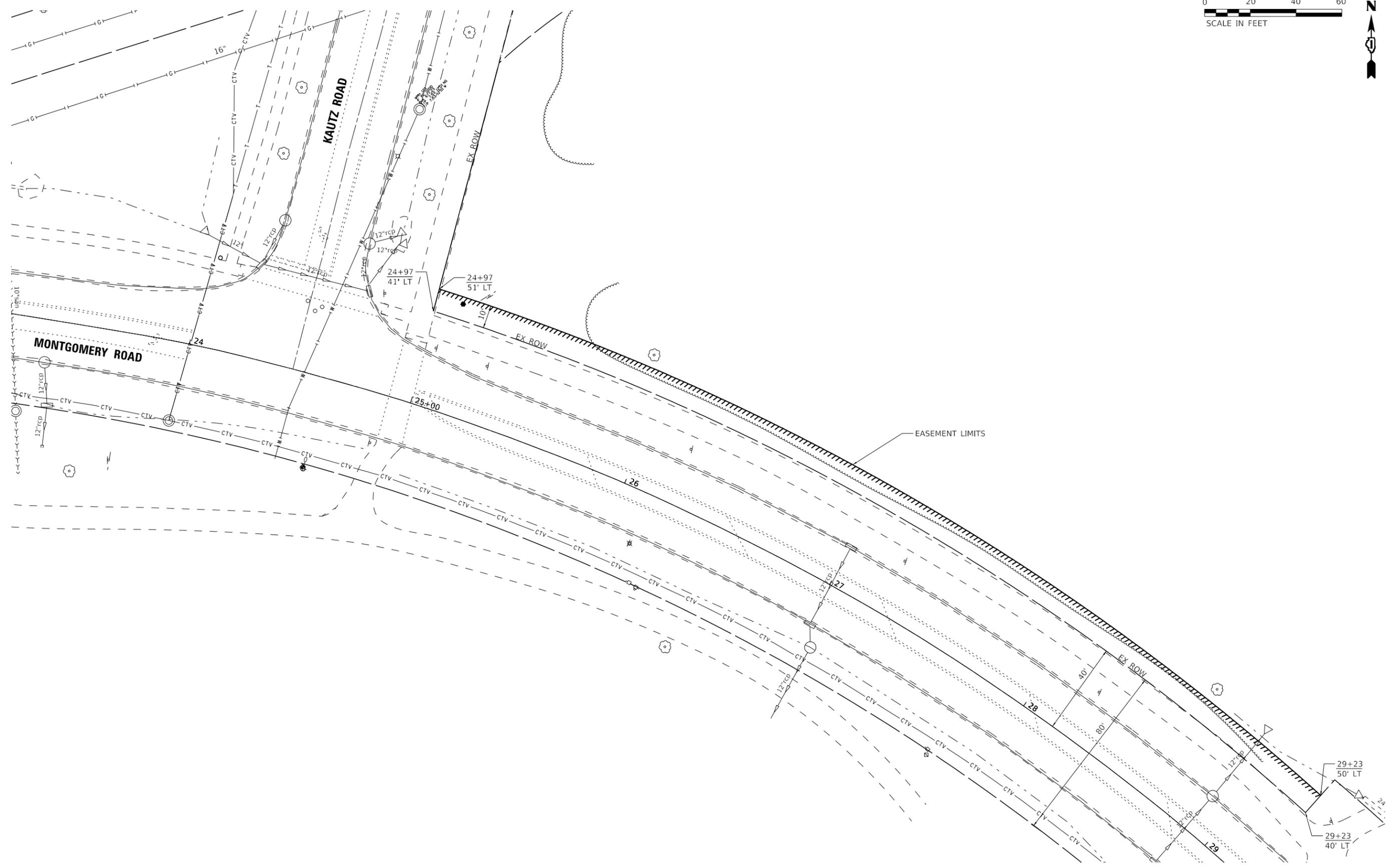


EXHIBIT A



USER NAME = jharris	DESIGNED -	REVISED -
PLOT SCALE = 40,0000' / in.	DRAWN -	REVISED -
PLOT DATE = 3/5/2024	CHECKED -	REVISED -
	DATE - 3/5/2024	FILE - 230279_EasementExhibit.dgn

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

**MONTGOMERY ROAD SHARED-USE PATH
MAINTENANCE EASEMENT**

SCALE: SHEET OF SHEETS STA. TO STA.

F.A. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
		KANE		
CONTRACT NO.				
ILLINOIS FED. AID PROJECT				