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FVPD.LS/TXT3/LAWORDRE.S

CITY OF AURORA, ILLINOIS  
RESOLUTION NO. 891-88

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH  
FOX VALLEY PARK DISTRICT PERTAINING TO THE COOPERATIVE USE OF  
STORM WATER DETENTION/RETENTION SYSTEMS

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may 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 VII, Section 10 of the Illinois Constitution of 1970 and Ill. Rev. Stat., 1989, Ch. 127, Paragraphs 741 to 749, provide authority for intergovernmental cooperation and intergovernmental agreements; and

WHEREAS, the City of Aurora and the Fox Valley Park District have mutually agreed upon their respective responsibilities for storm water detention/retention systems located on Park District Property within the corporate limits of the City of Aurora.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Aurora, Kane and DuPage Counties, Illinois, hereby authorizes the Mayor and City Clerk to enter into an Intergovernmental Agreement (Attachment "A", attached hereto and made a part hereof) with the Fox Valley Park District pertaining

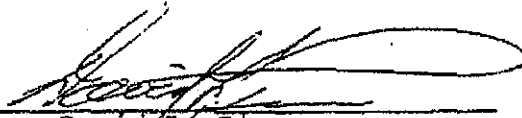
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to the cooperative use of storm water detenion/retention systems on Park District property located within the corporate limits of the City of Aurora.

PRESENTED THIS 19TH DAY OF MARCH, 1991.


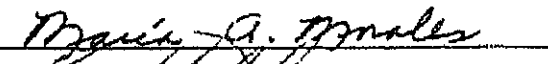

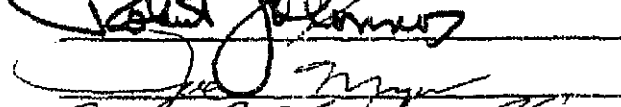
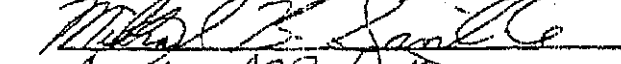
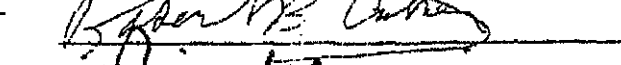

PASSED AND APPROVED THIS 19TH DAY OF MARCH, 1991.

AYES 8  
NAYS 0

  
\_\_\_\_\_  
David L. Pierce  
Mayor

ATTEST:

  
\_\_\_\_\_  
Deputy City Clerk

  
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Aldermen/Alderwomen

STATE OF ILLINOIS )  
COUNTIES OF KANE, DUPAGE )  
KENDALL AND WILL )  
CITY OF AURORA )

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DOCUMENT  
INTERGOVERNMENTAL AGREEMENT  
Resolution Number R91-88  
Date Passed 3/19/91

FILED FOR RECORD  
KANE COUNTY ILL.  
2001 MAR -7 AM 10:15  
*Shirley W. Wagoner*  
RECORDER

Submitted by:  
City of Aurora Planning Division  
44 East Downer Place  
Aurora, Illinois 60507

Prepared by:  
Cheryl Vonhoff,  
City Clerk

K01-88

Submitted By and Please Return To:  
City of Aurora Planning Division  
44 East Downer Place  
Aurora, Illinois 60507

*Cheryl Vonhoff*

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Cheryl Vonhoff

merged

AGREEMENT BETWEEN FOX VALLEY PARK DISTRICT  
AND THE CITY OF AURORA  
RESPECT TO THE COOPERATIVE USE  
OF STORM WATER DETENTION/RETENTION SYSTEMS

Agreement made this 19 day of MARCH,  
1991, by and between the FOX VALLEY PARK DISTRICT, Kane,  
DuPage and Will Counties, Illinois, a park district organized  
and existing under the laws of Illinois (hereinafter referred  
to as "PARK DISTRICT") and the CITY OF AURORA, an Illinois  
municipal corporation, Kane and DuPage Counties, Illinois  
(hereinafter referred to as "CITY");

W I T N E S S E T H:

WHEREAS, PARK DISTRICT and CITY, as governmental units,  
are authorized by the constitution and statutes of the State  
of Illinois to enter into intergovernmental agreements; and

WHEREAS, the parties desire a cooperative relationship  
between themselves and a definition of their respective  
responsibilities with regard to storm sewer  
retention/detention systems; and

WHEREAS, PARK DISTRICT and CITY are agreed that the  
obligation to maintain, repair, renew, restore and replace  
storm sewer drainage facilities on PARK DISTRICT lands is the  
sole responsibility of the CITY; and

WHEREAS, PARK DISTRICT and CITY are agreed that the  
obligation for recreational development, maintenance and use  
of said PARK DISTRICT lands is the sole responsibility of the  
PARK DISTRICT.

NOW THEREFORE, in consideration of the following mutual  
covenants and agreements, the parties agree as follows with  
respect to all such PARK DISTRICT lands:

1. The CITY shall, at its own expense, undertake and be  
responsible for the following:
  - A. The engineering and design of the storm water  
system and any modifications or changes deemed  
necessary for its intended function;
  - B. The maintaining, repairing, restoring,  
renewing and replacing of all appurtenances  
required for the proper and safe functioning  
of such storm water detention systems,  
including detention basins, retention lakes,  
and storm sewers;

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- C. The drainage system for maintaining a dry bottom for detention basins;
  - D. The development and maintenance of all storm water control structures, storm sewers, sewer end sections, inlet structures, sheet piling, wing walls and necessary appurtenances to its operation of the storm water detention system;
  - E. The removal of silt deposits from retention lakes when such deposits interfere with the recreational use of the water body and/or is detrimental to aquatic life. The City shall complete the removal of silt deposits within a period of two years after the action is deemed necessary. The criteria for determining the need to remove silt deposits are as follows:
    - 1. When less than 25% of the lake has a minimum depth of 10 feet.
    - 2. When 25% or more of the side slope below water level is 6:1 or less.
  - F. The removal of excessive silt and debris and restoration of turf resulting from unusual flood conditions in detention basin;
  - G. The restoration of turf due to any failure of the storm sewer or underdrain system;
2. The PARK DISTRICT shall, at its own expense, undertake and be responsible for the following:
- A. The planning, design and engineering of all park recreation development on the site;
  - B. The care, development and maintenance of all vegetation, including turf, trees, and shrubs, being careful to not place trees or shrubs over tile, pipes and conduits;
  - C. The development and maintenance of all structures, equipment, and facilities for public recreational use;
  - D. Restoration of turf in detention basins destroyed or damaged by normal flood conditions;

E. Maintenance of the parks in a debris free and sightly condition, including debris accumulated on the exterior of the storm water inlet structures.

WHEREFORE, this Agreement has been executed the day and year first above written on behalf of the respective parties hereto by their duly authorized officers pursuant to ordinance or resolution lawfully adopted.

PARK DISTRICT:  
FOX VALLEY PARK DISTRICT

BY: *Robert J. Trust*  
President, Board of Trustees

ATTEST:

*James A. Quinter*  
Secretary

CITY:  
CITY OF AJRORA

BY: *[Signature]*  
Mayor

ATTEST:

*Cheryl Honhoff*  
Deputy City Clerk

STATE OF ILLINOIS

COUNTIES OF KANE AND DUPAGE


CITY OF AURORA

CERTIFICATE

I, Cheryl Vonhoff, DO HEREBY CERTIFY THAT I am the City Clerk of the City of Aurora, Kane and DuPage Counties, Illinois and as such officer, in the City Clerk's absence, have the lawful power and duty to keep an index and record of all proceedings of the City Council of said City, and of all Ordinances and Resolutions presented to or passed by said City Council.

I DO HEREBY FURTHER CERTIFY, that the foregoing document is a true, correct and complete copy of Resolution, 20-05, now on file in the Clerk's Office, and that the proceedings by the City Council of said City at a meeting duly called and held on March 3, 2021, were in accordance with applicable law, at which a quorum was present and acting throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and fixed the corporate seal of the City of Aurora, in the State of Illinois this 2 day of April, 1997.

  
\_\_\_\_\_  
Cheryl Vonhoff  
City Clerk  
City of Aurora

(SEAL)

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Recorder Not Responsible  
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