

CITY OF AURORA, ILLINOIS  
RESOLUTION NO. 892-330  
DATE OF PASSAGE 08-18-92

RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT  
WITH THE KANE COUNTY FOREST PRESERVE COMMISSION  
REGARDING THE CONSTRUCTION AND MAINTENANCE OF THE CANOE CHUTE  
AND FOX RIVER TRAIL ALONG THE WEST BANK OF THE FOX RIVER  
BETWEEN NEW YORK STREET AND NORTH AVENUE

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, the City of Aurora, and the Kane County Forest Preserve District ("District") intend to jointly construct and develop a canoe chute and recreational trail along the west bank of the Fox River between New York Street and North Avenue; and

WHEREAS, the City, and the District have reached an agreement defining the responsibilities of the parties as it relates to construction, maintenance and financing of the Canoe Chute and Fox River Trail project, a copy of which agreement is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Aurora, Kane and DuPage Counties, Illinois, hereby approves the attached Intergovernmental Agreement for the Construction and Maintenance of the Canoe Chute and Fox River

DAVEPIER.CE/TXT2/KANECOF.RES  
August 5, 1992

Trail between New York Street and North Avenue and directs the  
Mayor and City Clerk to execute the Agreement.

PRESENTED on 08-18-92.

PASSED AND APPROVED on 08-18-92.

<u>[Signature]</u>	<u>Michael B. Sanille</u>
<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>Robert T. Flage</u>
<u>[Signature]</u>	<u>Janith A. M. [Signature]</u>
<u>[Signature]</u>	<u>Jim Meech</u>
Aldermen/Alderwomen	Aldermen/Alderwomen

AYES 10

NAYS 0

NOT VOTING 0

ATTEST:

[Signature]  
City Clerk

[Signature]  
Mayor/David L. Pierce

Prepared By:  
City of Aurora  
Mayor's Office  
44 East Downer Place  
Aurora, Illinois 60507  
(708) 844-3612

## EXHIBIT A

INTERGOVERNMENTAL AGREEMENT FOR THE CONSTRUCTION  
AND MAINTENANCE OF THE CANOE CHUTE AND FOX RIVER TRAIL  
BETWEEN NEW YORK STREET AND GALENA BOULEVARD  
ALONG THE WEST BANK OF THE FOX RIVER, AURORA,  
KANE COUNTY, ILLINOIS, AND THE FOX RIVER TRAIL  
FROM GALENA BOULEVARD TO NORTH AVENUE ALONG THE WEST BANK,  
AURORA, KANE COUNTY, ILLINOIS..

WHEREAS, Section 10 of Article VII of the Illinois Constitution (1970) and Ill. Rev. Stat., Ch. 127, Sec. 741-748, provides authority for the City of Aurora ("Aurora" or "City") and the Kane County Forest Preserve District ("District") to engage in intergovernmental cooperation and agreements; and,

WHEREAS, the parties desire to work together to enhance the recreational opportunities of County and City residents by extending the Fox River Trail and increasing public access to the Fox River; and

WHEREAS, Aurora and the District wish to engage in the financing, construction, and development of the Canoe Chute and the Fox River Trail in the City of Aurora.

NOW, THEREFORE, THE UNDERSIGNED, for and in consideration of the mutual undertakings set forth, agree as follows:

1. Aurora and the District wish to engage in the construction, improvement and maintenance of the Aurora Canoe Chute and the Fox River Trail from New York Street to Galena Boulevard (hereafter referred to as the "AURORA WORK").

2. The AURORA WORK consists of constructing and maintaining the Canoe Chute in Aurora between Galena Boulevard and New York Street in Aurora, Illinois, and the Fox River Trail on the west bank of the Fox River between North Avenue and Galena Boulevard, Aurora, Illinois.

3. Aurora shall be the agency or unit of government that will be responsible for the orderly progress and completion of the AURORA WORK. Aurora represents it has awarded contract(s) with responsible contractors consistent with state law. Aurora may approve change orders to the AURORA WORK that increase the District's portion of the contract as defined in paragraph 6, only after receiving the written approval of the District.

4. Aurora assumes responsibility for design, bidding, construction and oversight of the Canoe Chute, as well as the adjacent Fox River Trail between New York Street and Galena Boulevard, along the West Bank of the Fox River in Aurora, Illinois.

5. Aurora agrees to pay the entire cost of the construction for the Canoe Chute and adjacent Fox River Trail from New York Street to Galena Boulevard along the West Bank, subject to Aurora's right to reimbursement from the District as contained in paragraph 6.

6. The District agrees to reimburse the City 50% of the cost expended for the construction of the Canoe Chute and the adjacent Fox River Trail between New York Street and

Galena Boulevard along the West bank of the Fox River, including the cost of material, labor and equipment furnished by the City, after 100% of the AURORA WORK is complete. The District's portion of the project shall be up to, but not exceeding, \$240,000.00 ("the District's portion"). Any additional funding requirement above the District's portion shall not be paid by the District unless agreed to in writing before any work is performed or cost is incurred.

7. The District agrees to assume responsibility for the design, bidding and construction oversight of the Fox River Trail from Galena Boulevard to North Avenue, Aurora, Illinois along the West Bank of the Fox River. This construction shall consist of only the rough in, sub-base and base construction. The District will use its best efforts to complete this portion of the agreement in calendar year 1992.

8. The District agrees to pay for costs, materials and labor for the rough in, sub-base and base construction of the Fox River Trail from Galena Boulevard to North Avenue along the West Bank of the Fox River in Aurora, Illinois.

9. The District agrees to assume the responsibility for the design, bidding, construction and oversight of the installation of concrete, bridge to Hurd Island, and landscaping (the "District work") to complete construction of the Fox River Trail from Galena Boulevard to North Avenue in

Aurora, Illinois, including any bridge it deems necessary to reach Hurd Island, subject to the provision of paragraph 11.

10. Aurora agrees to reimburse the District for 50% of the cost expended for the design, bidding, construction and oversight of the installation of concrete bridge to Hurd Island and landscaping to complete the construction of the Fox River Trail from Galena Boulevard to North Avenue in Aurora, Illinois, including the cost of material, labor and equipment furnished by the District, after 100% of the District work is completed, subject to City approval of the final cost estimate for the District work, as well as the condition(s) contained in paragraph 11. If the City does not approve the final estimation of cost for the District work, then the parties' obligation under paragraph 9-10, inclusive, of this contract shall be terminated.

11. The District agrees to apply for a grant from the Illinois Department of Conservation in a timely fashion to obtain funds for the District work. The proceeds from this grant application, if any, shall be applied to the total cost of the District work as defined in paragraphs 9-10, inclusive, of the contract, with the remaining costs to be shared by Aurora and the District on an equal, 50-50% basis. If the District is not able to secure the grant as provided in this paragraph, then the parties' obligations under paragraphs 9-10, inclusive, of this contract shall be terminated.

12. Aurora agrees to maintain any basic landscaping, grass cutting and any maintenance for the Canoe Chute and the Fox River Trail from New York Street to Hurd Island.

13. The District agrees to share equally with Aurora in the cost of any capital expenditure, other than depreciable equipment or labor, necessary for the physical repair of the Canoe Chute and/or Fox River Trail between New York Street and Hurd Island.

WHEREFORE, the following have placed their hands and seals this 18th day of August, 1992, pursuant to authorization from their respective governing boards.

CITY OF AURORA

By: [Signature]

Its Mayor

Ratified:

AURORA CITY COUNCIL

By: [Signature]

Its [Signature]

Ratified:

BOARD OF COMMISSIONERS  
KANE COUNTY FOREST PRESERVE DISTRICT

By: [Signature]

Its [Signature]