

INTERGOVERNMENTAL AGREEMENT FOR STREETSCAPING IMPROVEMENTS

This **INTERGOVERNMENTAL AGREEMENT** ("Agreement") is made and entered into this _____ day of _____, 2019, by and between the **CITY OF AURORA** (the "City"), Illinois, a municipal corporation, and the **FOX VALLEY PARK DISTRICT** (the "FVPD"), 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, Article 7, Section 10 of the Constitution of the State of Illinois, 1970, authorize units of local government, including park districts and municipalities, to enter into agreements 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, under Section 8-18 of the Illinois Park District Code, 70 ILCS 1205/8-18, the Park District has the power and authority to develop, operate, finance and participate in joint recreational programs with contiguous cities and to enter into joint agreements pertaining thereto, including the joint use of facilities and equipment; and

WHEREAS, the CITY and FVPD wish to express their mutual desire for intergovernmental cooperation for the benefit of its neighborhoods and surrounding community within the CITY and FVPD boundaries; and

WHEREAS, the CITY wishes to cooperate with the FVPD to provide a financial contribution to assist in the purchase and installation of new landscaping along Lake Street and Indian Trail as shown on the Location Map hereto as Exhibit A to expedite the City's vision for improved streetscaping and beautification along the Lake Street Corridor at a highly visible intersection where no City-owned right-of-way exists; 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. **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. The City hereby agrees to assist FVPD in its purchase and installation of various landscaping materials as well as an irrigation system by contributing a one time payment of thirty thousand dollars (\$30,000.00) to the FVPD.

3. Maintenance. The FVPD agrees to mow, trim, and maintain the landscaping in good condition. Further the FVPD agrees to be responsible for any costs associated with maintenance and upkeep of the landscaping and irrigation sytem.

4. Entire Agreement; Integration; Amendments. This Agreement, along with any documents incorporated herein, constitute the full and complete understanding of the Parties as to the terms and conditions of the payment made by the City to the Park District. This Agreement supersedes any and all previous representations, understandings, and agreements, whether oral or written. This Agreement may not be modified except in writing, signed by both Parties.

5. Severability. This Agreement shall remain in full force and effect even if one or more of its terms or provisions have been held to be invalid or unenforceable. The term found invalid will be ineffective without invalidating the remaining provisions of this Agreement.

6. Counterparts. This Agreement may be signed in counterparts and each of the said counterparts shall be considered an original.

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 Agreement on behalf of their respective bodies.

FOX VALLEY PARK DISTRICT

CITY OF AURORA

By: _____
Its President

By: _____
Its Mayor

Attest:

Attest:

Its Secretary

Its Secretary

EXHIBIT A
STREETSCAPING AREA