

RESOLUTION

R 116-02

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE LOMBARD PARK DISTRICT AND ACCEPTING DEDICATION OF REAL PROPERTY AT SOUTHEAST CORNER OF ST. CHARLES ROAD AT GRACE STREET FOR RIGHT OF WAY PURPOSES

WHEREAS, the Lombard Park District is the owner of the property legally described on Exhibit "A" attached hereto and made a part hereof (hereinafter the "subject property"; and

WHEREAS, the Village desires to approve and accept dedication of subject property for the St. Charles and Grace Project; and

WHEREAS, the Lombard Park District is willing to dedicate the subject property to the Village pursuant to the Intergovernmental Agreement Exhibit "B" attached hereto and made part hereof (hereinafter the "Intergovernmental Agreement"); and

WHEREAS, it is in the best interests of the Village of Lombard to approve and accept the Intergovernmental Agreement and dedication of the subject property.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS as follows:

SECTION 1: That the Village President and Village Clerk are hereby authorized to sign on behalf of the Village the Intergovernmental Agreement.

SECTION 2: That the President, Village Clerk and/or Village Manager, or their respective designees, are hereby authorized to execute all documents necessary to facilitate the Village's acceptance of the dedication of the subject property, including a formal plat of dedication that is being prepared, and to carry out the intent and provisions of the Intergovernmental Agreement.

SECTION 3: That this Resolution shall be in full force and effect from and after its adoption and approval as required by law.

Adopted this 7th day of February, 2002,
pursuant to a roll call vote as follows:


Ayes: Trustees DeStephano, Tross, Koenig, Sebby, Florey, Soderstrom

Nays: None

Absent: None

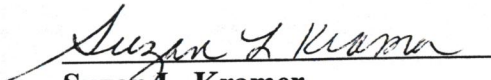
RESOLUTION 116-02

Approved by me this 7th day of February,
2002.



William J. Mueller
Village President

ATTEST:



Suzan L. Kramer
Village Clerk

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT (hereinafter referred to as the "Agreement") dated the 7th day of February, 2002, is made by and between the Village of Lombard (hereinafter referred to as the "Village") and the Lombard Park District (hereinafter referred to as the "Park District").

WITNESSETH

WHEREAS, the Village is reconstructing the roadways and the intersection at St. Charles Road and Grace Street (hereinafter referred to as the "Project");

WHEREAS, the Park District owns certain property located at the southeast corner of said St. Charles Road and Grace Street intersection which is 7,667 square feet (0.176 acres) in size (the "Dedicated Parcel") and which the Village requests that the Park District dedicate to the Village for right-of-way purposes and for incorporation into the Project; and

WHEREAS, the Park District has agreed to become a non-participating co-sponsor of the Project and to dedicate the Dedicated Parcel, which is legally described below in this Agreement, in exchange for certain considerations given by the Village in this Agreement.

NOW, THEREFORE, in consideration of the above premises and the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Park District shall dedicate to the Village for right-of-way purposes the Dedicated Parcel which constitutes 7,667 square feet (0.176 acres) of right-of-way as legally described and depicted in **Exhibit A** attached hereto and made a part hereof, and said Dedicated Parcel shall be incorporated into the Project. The dedication shall be subject to a right of reverter to the Lombard Park District. In the event said Dedicated Parcel at any time in the future ceases to be used as a public roadway, title to said real estate automatically reverts to and vests in the Park District, without any act by or deed to the Lombard Park District being required, upon such cessation. The plat of dedication shall be prepared by the Village at its expense.

2. The Village, at its expense, shall relocate the existing adjacent sidewalk along Grace Street with an eight (8) foot wide concrete sidewalk. The sidewalk shall meander approximately fifteen

(15) to thirty-five (35) feet west of the Grace Street west curb and existing adjacent sidewalk along St. Charles Road to just north of the existing Park District Community Building parking lot as mutually agreed upon by the Village and the Park District. The eight (8) foot wide concrete sidewalk shall extend north to connect with the Grace Street and St. Charles Road pedestrian walkway, and south to the pedestrian walkway in front of the Community Building to provide pedestrian access to the Moran Water Park.

3. At the option of the Park District, the Village, at its expense, shall either relocate the existing information sign to the edge of the thirty (30) foot setback from Grace Street and St. Charles Road or replace said information sign with a sign of equal or greater value, as reasonably approved by the Park District, and locate it where designated by the Park District on the site.

4. The Village, at its expense, shall replace all trees that are removed and/or damaged as a result of the Project. Such replacement shall be with the largest diameter tree as deemed mutually acceptable by the Park District and the Village at a ratio of three new trees for each lost tree. The Village at its expense, shall plant such replacement trees within the same general vicinity of Lombard Common, with such location being as reasonably approved by the Park District.

5. Upon final completion of the sidewalk, the Park District will assume daily maintenance of the sidewalk and sidewalk capital improvement/maintenance project expenditures which are less than Five Hundred and No/100 Dollars (\$500.00). In addition, the Park District will assume fifty percent (50%) of the total cost of sidewalk capital improvement/maintenance project expenditures which are Five Hundred and No/100 Dollars (\$500.00) or more, as mutually agreed upon by the Village and Park District.

6. All expenses related to the obligations of the Village as provided in this Agreement shall be the responsibility of the Village.

IN WITNESS WHEREOF, the parties have executed the Agreement as of the date first written above.

Village of Lombard

Lombard Park District

By: _____

Its: President

By: _____

Its: PRESIDENT

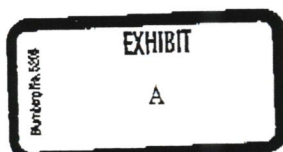
Route : F.A.U. 1397 (St. Charles Road)
Section: 95-00128-00-CH
County : DuPage
Job No.:
Parcel : 0001
Sta. 14+25.97 To Sta. 16+95.50
Owner : Lombard Park District

Index No. 06-08-201-003

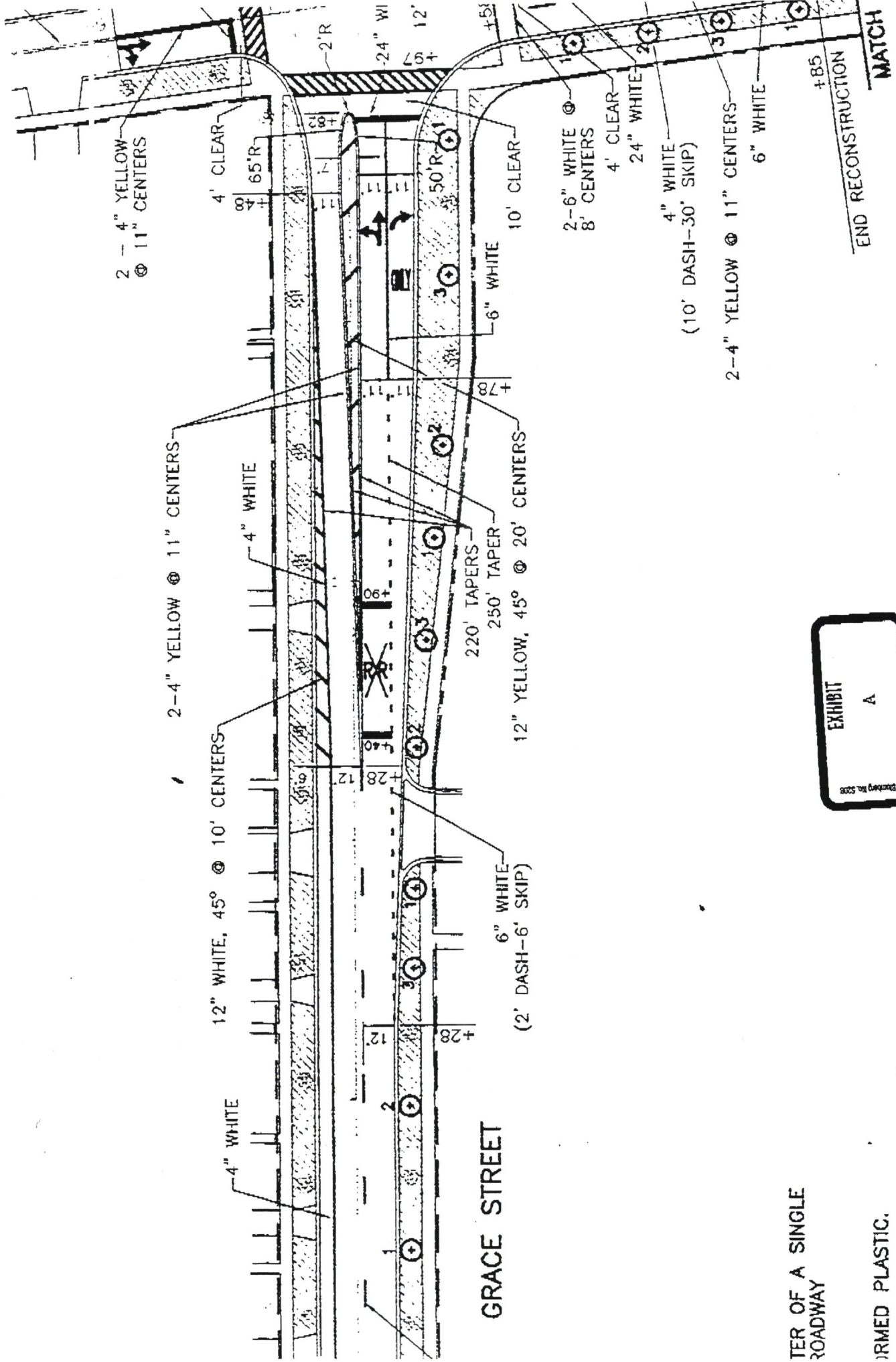
That part of Lot 1 in Lombard Commons Plat of Consolidation, according to the plat thereof recorded November 4, 1999 as document number R1999-232901, in DuPage County, Illinois, described as follows:

Beginning at the northwest corner of said Lot 1; thence on an assumed bearing of North 82 degrees 48 minutes 38 seconds East along the north line of said Lot 1, a distance of 500.00 feet; thence South 77 degrees 06 minutes 00 seconds West, a distance of 100.50 feet to a point 10.00 feet normally distant South of the north line of said Lot 1; thence South 82 degrees 48 minutes 38 seconds West along a line 10.00 feet normally distant South of and parallel with the north line of said Lot 1, a distance of 362.02 feet; thence southerly 35.18 feet along a curve to the left having a radius of 25.00 feet, the chord of said curve bears South 41 degrees 20 minutes 51 seconds West, 33.11 feet, to a point 17.00 feet normally distant East of the west line of said Lot 1; thence South 0 degrees 06 minutes 56 seconds East along a line 17.00 feet normally distant East of and parallel with the west line of said Lot 1, a distance of 79.94 feet; thence South 5 degrees 56 minutes 58 seconds West, a distance of 160.90 feet to the west line of said Lot 1; thence North 0 degrees 06 minutes 56 seconds West along the west line of said Lot 1, a distance of 270.00 feet to the point of beginning.

Said parcel containing 0.176 acre, more or less.



PARKSIDE AVENUE



TER OF A SINGLE
ROADWAY

FORMED PLASTIC.

DETERMINED BY

EXHIBIT
A

RESOLUTION NO. 2002-1
LOMBARD PARK DISTRICT

**RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE
VILLAGE OF LOMBARD AND THE DEDICATION TO THE VILLAGE
OF CERTAIN REAL ESTATE FOR ROADWAY PURPOSES**
[Southeast Corner of St. Charles Road and Grace Street]

WHEREAS, the Lombard Park District, an Illinois special district and unit of local government ("Park District"), owns certain real estate located in DuPage County and commonly known as "Lombard Common"; and

Whereas, the Village has requested that the Park District convey to the Village by dedication for roadway purposes a portion of Lombard Common (the "Right of Way"), all as described in, and in accordance with and pursuant to the provisions of a certain proposed "Intergovernmental Agreement" attached to and incorporated by reference in this Resolution; and

Whereas, the Village has adopted or will adopt an ordinance declaring it necessary or useful for it to use, occupy, or improve the Right of Way for public purposes in connection with the reconstruction of the roadways and intersection at St. Charles Road and Grace Street and the making of related improvements.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that this Board of Park Commissioners ("Park Board") hereby finds and declares it to be in the best interest of the Park District and the public to enter into the Intergovernmental Agreement and to dedicate to the Village the Right of Way in accordance with and subject to the provisions of the Intergovernmental Agreement, which are hereby in all respects approved.

FURTHER RESOLVED, that the President of the Park Board is hereby authorized and directed to execute in the name and on behalf of the Park District and cause to be delivered to the Village the Intergovernmental Agreement.

FURTHER RESOLVED, that the proper officers of the Park Board are hereby authorized and directed, upon advice of legal counsel, to execute in the name and on behalf of this Park District and under its corporate seal or otherwise all such documents and instruments as shall be required in order to carry out the intent and the provisions of the Intergovernmental Agreement and to effect the dedication of the Right of Way to the Village in conformance therewith.

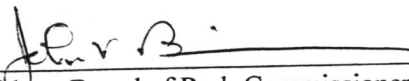
Adopted on this 22nd day of January, 2002, by a vote of at least two-thirds of the members of the Park Board as follows:

Roll Call:

Ayes: Bielenda, Moran, Hogan, Petersen, Roberts, Ware

Nays: _____

Absent: Tufano


President, Board of Park Commissioners

ATTEST:


Secretary, Board of Park Commissioners

COUNTY OF DUPAGE)
) SS
SECRETARY'S CERTIFICATE)

I, MICHAEL A. FUGIEL, do hereby certify that I am the Secretary of the Board of Park Commissioners of the Lombard Park District, DuPage County, Illinois and, as such, I am keeper of the records, ordinances, files and seal of said Park District; and

I HEREBY CERTIFY that the foregoing instrument is a true and correct copy of

RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE VILLAGE
OF LOMBARD AND THE DEDICATION TO THE VILLAGE
OF CERTAIN REAL ESTATE FOR ROADWAY PURPOSES
[Southeast Corner of St. Charles Road and Grace Street]

adopted at a duly called regular meeting of the Board of Park Commissioners of the Lombard Park District, held at Lombard, Illinois in said District at __ p.m. on the 22nd day of January, 2002.

I do further certify that the deliberations of the Board on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

IN WITNESS WHEREOF, I hereto affix my official signature and the seal of said Lombard Park District at Lombard, Illinois, this 22nd day of January, 2002.



Michael A. Fugiel

[SEAL]

Exhibit "A"

Route : F.A.U. 1397 (St. Charles Road)
Section: 95-00128-00-CH
County : DuPage
Job No.:
Parcel : 0001
Sta. 14+25.97 To Sta. 16+95.50
Owner : Lombard Park District

Index No. 06-08-201-003

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