

ORDINANCE NO. 8788-18

AN ORDINANCE AMENDING ORDINANCE NO. 8788-3

WHEREAS, in Ordinance No. 8788-3, entitled "An Ordinance Approving and Authorizing the Execution of an Intergovernmental Agreement Respecting Drainage in Meadowbrook Park", passed by the City Council on the 6th day of July, 1987, and approved by the Mayor on the 16th day of July, 1987, a certain Intergovernmental Agreement was approved; and

WHEREAS, when the Urbana Park District approved a similar agreement, the agreement approved by the Park District differed in minor respects from the agreement previously approved by the City of Urbana; and

WHEREAS, it is in the best interests of the City of Urbana to approve the same agreement which was passed by the Park District in lieu of the agreement previously passed by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Ordinance No. 8788-3 is hereby rescinded.

Section 2. That an Intergovernmental Agreement respecting drainage in Meadowbrook park by and between the Urbana Park District and the City of Urbana, Illinois, a copy of which said Intergovernmental Agreement is attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 3. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said Intergovernmental Agreement for and on behalf of the City of Urbana, Illinois.

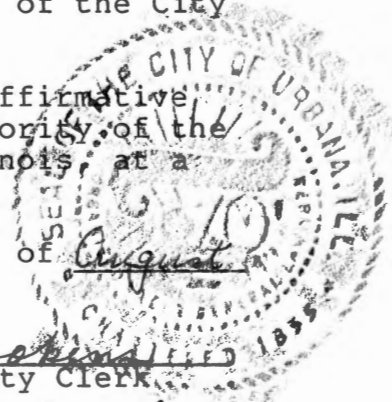
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 3rd day of August, 1987.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 10th day of August, 1987.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor



THIS IS THE ATTACHMENT WHICH IS REFERRED TO IN
ORDINANCE NO. 8788-18 AND IS INCORPORATED
THEREIN BY REFERENCE.

Ruth S. Brookens
Ruth S. Brookens, City Clerk

August 6,
Date



AN INTERGOVERNMENTAL AGREEMENT

WHEREAS, the City of Urbana, Illinois, a municipal corporation (hereinafter sometimes called "City") has developed certain plans to alleviate unhealthful conditions in a portion of the said City, which plans are commonly known as the Shurts Area Storm Sewer Improvement, and which plans shall cause storm water run-off to enter into certain Urbana Park District property commonly known as Meadowbrook Park at an increased rate and in greater volume, and

WHEREAS, it is in the best interest of the citizens of Urbana that a plan be developed to address the problems associated with the Shurts Area Storm Sewer Improvement and its effect on Meadowbrook Park, and

WHEREAS, the Urbana Park District, a municipal corporation (hereinafter sometimes called "Park District") has agreed to cooperate with the City in the implementation of such plan as provided herein, and

WHEREAS, the Constitution of the State of Illinois specifically encourages intergovernmental agreements and the General Assembly has enacted the Intergovernmental Cooperation Act to further implement the constitutional mandate, and

WHEREAS, the parties hereto are desirous of setting forth their agreement in writing,

NOW THEREFORE, for and in consideration of the mutual promises herein contained, on this ____ day of July, 1987, the parties agree as follows:

1. The Park District agrees that the City may proceed to construct and install the drainage improvements as shown on City Plans 86-00252-00-SR, and the Park District agrees to raise no objection nor make any claim for damages due the construction of said drainage improvements.

2. The Park District will, without further consideration, execute whatever easements are reasonably needed for the City to proceed to construct such improvements.

3. The parties expressly recognize that, when completed, the construction of these improvements will result in an increase in the rate and volume of water coming into Meadowbrook Park site to the extent that it is likely that said park site will experience occasional flooding in excess of what has been experienced in the past.

4. The Park District agrees to begin work on and complete within 2 1/2 years, in consultation with representatives of the City of Urbana and the Upper Embarras Drainage District (hereinafter called "Drainage District"), a comprehensive plan for management of the effects of the existing storm water run-off and the increased storm water run-off on Meadowbrook Park caused by the Shurts Area Storm Sewer Improvement.

5. The City agrees upon execution of this agreement to pay to the Park District the sum of \$45,000.00 for use by the Park District in designing and implementing said comprehensive plan for Meadowbrook Park.

6. In the event the Drainage District levies a special

assessment against the City or its residents for drainage improvements initiated by the Drainage District as a result of the Shurts Area Storm Sewer Improvement within 5 years of the date of this Agreement, it is agreed that any amounts of money from the initial \$45,000.00 paid by the City to the Park District pursuant to this Agreement that have not been spent or committed by the Park District for the Comprehensive Plan or its implementation shall be refunded to the City by the Park District to the extent of such special assessment by the Drainage District against the City and its residents; if any portion of the initial \$45,000 payment from the City to the Park District under this agreement has been so spent or committed, then one-half of such amount of funds so spent or committed shall also be refunded to the City, but in no event shall all funds refunded to the City exceed the total amount of any special assessment by the Drainage District against the City and its residents.

7. It is agreed that so long as unknown future City projects or work which the City may undertake in the storm water basin which outlets into McCullough Creek at the location shown on City plans 86-00252-00-SR do not significantly and materially affect the rate or volume of water expected to flow through such outlet after the completion of City project 86-00252-00-SR, Park District will raise no objection nor make any claim for damages due to the construction and maintenance of the improvements of City Project 86-00252-00-SR. City promises to use reasonable care to ensure that existing practices, laws and ordinances are

adhered to as and when new private development occurs in the watershed affecting Meadowbrook Park so as to not significantly and materially affect the flow of storm water "over land" onto Meadowbrook Park site or the rate or volume of water through the outlet into Meadowbrook Park.

8. It is agreed that, if prior to five years from the signing of this Agreement, the Park District begins the work implementing said Comprehensive Plan, the City will match dollar per dollar expenditures by the Park District for said work from any source of funds with said additional contributions by the City to be limited to an additional \$45,000.00 payment by the City. Said additional \$45,000.00 payment will be made by the City to the Park District when the Park District obtains signed contracts for any of said work to begin in Meadowbrook Park.

9. It is agreed that the Park District rather than the City will be responsible for construction and maintenance of drainage improvements located in Meadowbrook Park except any improvements that are a part of City Project 86-00252-00-SR which improvements the City will be responsible for constructing and maintaining.

10. The City agrees to protect and defend the Park District from any claims by the Drainage District, other than special assessments, or any others arising from the increased storm water run-off or rate of flow resulting from construction of City Project 86-00252-00-SR.

CITY OF URBANA, ILLINOIS

By Jeffrey T. Markland, Mayor

ATTEST:

City Clerk

Date

URBANA PARK DISTRICT

By Bruce L. Larson, as President
of Board of Commissioners

ATTEST:

Secretary

Date