

**RESOLUTION R-08-13**

**A RESOLUTION AUTHORIZING THE EXECUTION  
OF AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF WHEATON AND THE COUNTY OF DUPAGE  
FOR THE NORTH MAIN STREET FLOOD CONTROL PROJECT**

**WHEREAS**, the City of Wheaton, DuPage County, Illinois and the County of DuPage entered into an Intergovernmental Agreement date November 13, 2007 establishing County funding to the North Main Street Flood Control Project; and

**WHEREAS**, it is necessary to extend the term of the Intergovernmental Agreement in order to make available to the City the remaining County funds obligated to the Project; and

**WHEREAS**, the Intergovernmental Agreement provides for amendments to the agreement subject to approval by both parties; and

**WHEREAS**, it is in the best interest of the City to amend the Intergovernmental Agreement with the County such that the remaining County funds may be reimbursed to the City under the conditions set forth in the Intergovernmental Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Wheaton, Illinois, that the Mayor is authorized to execute an amendment to the Intergovernmental Agreement between the City of Wheaton and County of DuPage for the North Main Street Flood Control Project, dated January 22, 2013.

**ADOPTED** this 19<sup>th</sup> day of February, 2013.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Roll Call Vote

Ayes:	Councilwoman Pacino Sanguinetti Councilman Scalzo Councilman Mouhelis Councilman Rutledge Councilman Saline Mayor Gresk
Nays:	None
Absent:	Councilman Suess

Motion Carried Unanimously



R E S O L U T I O N

SMP-026A-07

AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE COUNTY OF DU PAGE, ILLINOIS  
AND THE CITY OF WHEATON  
FOR THE NORTH MAIN STREET FLOOD CONTROL PROJECT

WHEREAS, the COUNTY OF DUPAGE (COUNTY) and the CITY OF WHEATON (CITY) entered into an Intergovernmental Agreement under Resolution SMP-026-07, adopted and approved by the DuPage County Board on November 13, 2007, whereby the COUNTY would contribute \$400,000.00 in bond funds to the CITY for the construction of the North Main Street Flood Control Project (PROJECT); and

WHEREAS, it is necessary to extend the term of the Intergovernmental Agreement with the CITY in order to make available for reimbursement the remaining bond funds already obligated to the PROJECT; and

WHEREAS, Paragraph 8.1 of the Intergovernmental Agreement provides that the Agreement may be amended by written agreement approved by both parties; and

WHEREAS, it is in the COUNTY'S best interest to amend the term of the Intergovernmental Agreement with the CITY such that the remaining bond funds can be available for reimbursement to the CITY.

NOW, THEREFORE, BE IT RESOLVED that the referenced Agreement between the COUNTY and the CITY is hereby accepted and approved amended as set forth on the attachment hereto and the Chairman of the DuPage County Board is hereby authorized and directed to execute said Agreement Amendment on behalf of the COUNTY.

BE IT FURTHER RESOLVED that the County Clerk be directed to transmit certified copies of this Resolution and attached Amendment to City of Wheaton, 303 W. Wesley Street, Wheaton, IL 60189-0727; Anthony Hayman/State's Attorney's Office.

Enacted and approved this 22nd day of January, 2013 at Wheaton, Illinois.

  
\_\_\_\_\_  
Daniel J. Cronin, Chairman  
DuPage County Board

ATTEST:   
\_\_\_\_\_  
Gary A. King, County Clerk

Ayes: 17  
Absent: 1

AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE COUNTY OF DU PAGE, ILLINOIS  
AND THE CITY OF WHEATON  
FOR THE NORTH MAIN STREET FLOOD CONTROL PROJECT

This Amendment to an Agreement, made this \_\_\_ day of January, 2013 between the COUNTY OF DU PAGE, a body politic and corporate with offices at 421 North County Farm Road, Wheaton, IL 60187 (hereinafter referred to as the COUNTY) and the City of Wheaton, an Illinois municipal corporation, with offices located at 303 W. Wesley Street, Wheaton, IL 60189-0727; (hereinafter referred to as the CITY)

R E C I T A L S

WHEREAS, the COUNTY and the CITY entered into an Intergovernmental Agreement under Resolution SMp-026-07, adopted and approved by the DuPage County Board on November 13, 2007, whereby the COUNTY would contribute \$400,000.00 in bond funds to the CITY for the construction of the North Main Street Flood Control Project (PROJECT); and

WHEREAS, it is necessary to extend the term of the Intergovernmental Agreement with the CITY in order to make available for reimbursement the remaining bond funds already obligated to the PROJECT; and

WHEREAS, it is in the COUNTY'S best interest to amend the term of the Intergovernmental Agreement with the CITY such that the remaining bond funds can be available for reimbursement to the CITY.

NOW, THEREFORE, in consideration of the premises, the mutual covenants and agreements herein set forth, and the understandings of each party to the other, the parties do hereby mutually covenant, promise and agree as follows:

1.0 RECITALS INCORPORATED.

1.1 The foregoing recitals are incorporated as though fully set forth herein.

2.0 INTERGOVERNMENTAL AGREEMENT REMAINS IN EFFECT.

2.1 The INTERGOVERNMENTAL AGREEMENT remains in full force and effect except to the extent that the provisions of

the AMENDMENT conflict with the terms of the INTERGOVERNMENTAL AGREEMENT, or any prior amendments, in that case the provisions of this AMENDMENT shall control.

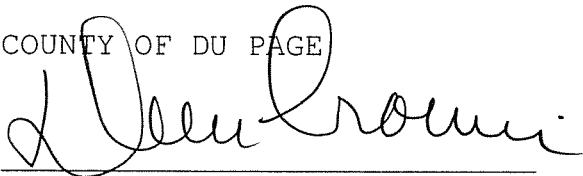
3.0 AMENDMENT TO EFFECTIVE DATE.

3.1 Paragraph 9.2.a. shall be amended to state as follows:

9.2.a. ~~November 30, 2012~~ November 30, 2013, or to a new date agreed upon by the parties.

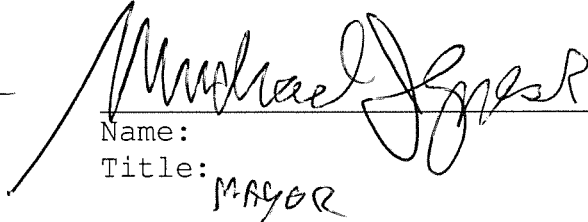
IN WITNESS WHEREOF, the parties set their hands and seals as of the date first written above.

COUNTY OF DU PAGE



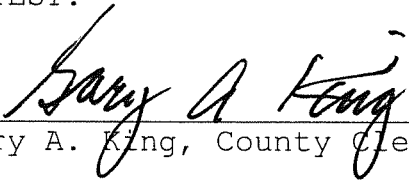
Daniel J. Cronin  
Chairman  
DuPage County Board

CITY OF WHEATON



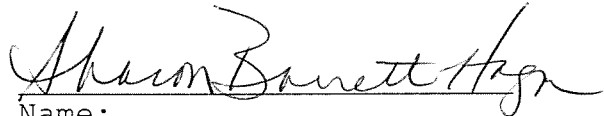
Name:  
Title: *MAYOR*

ATTEST:



Gary A. King, County Clerk

ATTEST:



Name:  
Title: