
SUGAR GROVE PARK DISTRICT
KANE COUNTY, ILLINOIS

RESOLUTION NUMBER 06-01

**RESOLUTION RELATING TO THE EXECUTION OF THE
BOUNDARY AGREEMENT BETWEEN
FOX VALLEY PARK DISTRICT AND SUGAR GROVE PARK DISTRICT,
KANE COUNTY, ILLINOIS**

ADOPTED BY THE PRESIDENT AND
BOARD OF COMMISSIONERS OF THE
SUGAR GROVE PARK DISTRICT
THIS 9th DAY OF October, 2006

Published in pamphlet form by authority of the Executive Director
and Commissioners of the Sugar Grove Park District
on October 9, 2006

RESOLUTION #06-01

**RESOLUTION RELATING TO THE EXECUTION OF THE
BOUNDARY AGREEMENT BETWEEN
FOX VALLEY PARK DISTRICT AND SUGAR GROVE PARK DISTRICT,
KANE COUNTY, ILLINOIS**

WHEREAS, the Sugar Grove Park District and the Fox Valley Park District have determined that it is in the best interest of the citizens of their communities to engage in their normal and customary activities, including, but not limited to, land and park acquisition and management;

WHEREAS, per Article VII 10 of the Constitution of the State of Illinois and the Intergovernmental Cooperation Act, ("Intergovernmental Cooperation Act") 5ILCS 200/1 et seq., the Sugar Grove Park District and the Fox Valley Park District are authorized to enter into Intergovernmental Agreements and to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance;

WHEREAS, the Sugar Grove Park District and the Fox Valley Park District are public agencies as defined in Section 2(1) of the Intergovernmental Cooperation Act;

WHEREAS, the Sugar Grove Park District and the Fox Valley Park District wish to enter into a certain Boundary Agreement substantially in the form attached as Exhibit A hereto and incorporated by reference herein, which document sets forth the terms and conditions of the Boundary Agreement.

WHEREAS, the Sugar Grove Park District and the Fox Valley Park District are authorized to enter into this Boundary Agreement pursuant to the Intergovernmental Cooperation Act;

NOW, THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of the Sugar Grove Park District, Kane County, Illinois, in regular session assembled as follows:

SECTION 1: The recitals set forth above are incorporated herein and made a part of this Resolution.

SECTION 2: The Sugar Grove Park District has reviewed the Boundary Agreement and has determined that it is in the best interests of the Park District for the Sugar Grove Park District to execute said Boundary Agreement.

SECTION 3: The Park District President is authorized to sign, and the Secretary to attest to, the Boundary Agreement in the form attached hereto as Exhibit A under the terms and conditions stated therein.

SECTION 4: If any section, paragraph, clause, or provision of this Resolution shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Resolution.

SECTION 5: This Resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 9th day of October, 2006.

Kevin Johnson X
Park District President

ATTEST:

David Pretelut
Secretary

VOTES:

AYES: Johnson, Bachio, Campbell-Spry, Rzeminski, Wette

NAYS: — NONE —

ABSTAIN: — NONE —

ABSENT: — NONE —

SECRETARY CERTIFICATE

I, Karen B. Pritchard, do hereby certify that I am the Secretary of the Sugar Grove Park District Board of Commissioners, Kane County, Illinois, and due hereby certify that I am the duly authorized and serving Secretary of the Sugar Grove Park District Board of Commissioners, I am the keeper and custodian of the records, file, proceedings, books, papers and reports of the Park District, and the attached is a true and correct copy of:

RESOLUTION #06-01

RESOLUTION RELATING TO THE EXECUTION OF THE BOUNDARY AGREEMENT BETWEEN FOX VALLEY PARK DISTRICT AND SUGAR GROVE PARK DISTRICT, KANE COUNTY, ILLINOIS

Adopted by the President and Board of Commissioners of the Sugar Grove Park District this 9th day of October, 2006.

I do further certify that said Resolution became effective upon passage, that said meeting of the Board of Park Commissioners was called and held in strict compliance with the provision of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Park District Code for the State of Illinois, as amended, and that the Board has complied with all the provisions of said Act and said Code and with all the procedural rules of the Board.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of said Sugar Grove Park District, Kane County, Illinois this 9th day of October, 2006.



Karen B. Pritchard, Secretary
Board of Park Commissioners
Sugar Grove Park District

Exhibit A

**Boundary Agreement Between
Fox Valley Park District and
Sugar Grove Park District**

**BOUNDARY AGREEMENT BETWEEN FOX VALLEY PARK DISTRICT
AND SUGAR GROVE PARK DISTRICT**

THIS AGREEMENT is made and entered into as of the 16th day of October, 2006 by and between the FOX VALLEY PARK DISTRICT, a park district organized under "an Act to provide for the creation of pleasure driveway and park district", approved June 19, 1893, as amended, (hereinafter referred to as "FOX VALLEY PARK DISTRICT") and the SUGAR GROVE PARK DISTRICT, being a park district organized under 70 ILCS 1205/1-1 et seq. hereinafter referred to as "SUGAR GROVE PARK DISTRICT").

WITNESSETH:

WHEREAS, the FOX VALLEY PARK DISTRICT and the SUGAR GROVE PARK DISTRICT anticipate the annexation into the City of Aurora, the Village of North Aurora and the Village of Montgomery of certain properties depicted on Schedule "A" attached hereto located generally west of the easterly Sugar Grove Township boundary line with Aurora Township, Sugar Grove Township, Kane County, Illinois; and

WHEREAS, the FOX VALLEY PARK DISTRICT and the SUGAR GROVE PARK DISTRICT desire to establish certainty as to such boundary line between them, so as to eliminate any confusion for persons expecting to develop such property and for all other persons who may have an expectation as to such boundaries being consistent with the municipal boundaries between the Village of Sugar Grove and the municipalities lying east of the Village of Sugar Grove.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

1. AGREED BOUNDARY LINE FOR FUTURE PURPOSES. The boundary line between the FOX VALLEY PARK DISTRICT and the SUGAR GROVE PARK DISTRICT shall be as depicted on Schedule "A" attached hereto, being the boundary lines between the Village of Sugar Grove and each of the municipalities lying easterly of the Village of Sugar Grove, namely, the Village of North Aurora, the City of Aurora and the Village of Montgomery, all intended hereby to be consistent with the municipal boundary agreements reached by and between or among any of said municipalities (collectively, the "Boundary Line"). The parties shall endeavor to cause such Boundary Line to be described by metes and bounds description, or reference to roadway improvements as the same may arise hereafter, or by such other means as may readily identify it, but in any event such descriptions shall incorporate the line as set forth in each of the boundary agreements between the Village of Sugar Grove and the municipalities located easterly of the Village of Sugar Grove, which is depicted on Schedule "A" attached hereto in graphic form. The parties hereto agree to cooperate as necessary to effect contiguity for annexation of real estate hereafter consistent with the foregoing terms.

2. INCORPORATION OF LANDS INTO THE DISTRICTS. FOX VALLEY PARK DISTRICT and the SUGAR GROVE PARK DISTRICT agree to take such further action, from time to time and as development properties are annexed to the Village of North Aurora, the City of Aurora and the Village of Montgomery, as may be reasonable or necessary by each to cause the real estate lying within the respective areas of the districts, as provided hereunder and as determined by reference to the Boundary Line, to be incorporated into their respective districts. Each of the districts covenants to the other that it will not take any action which causes real estate to be incorporated into its district which lies outside the area for such district determined by reference to the Boundary Line, unless written consent and authorization is received from the other district. As of the date hereof, certain areas shall be immediately subject to being de-annexed from the SUGAR GROVE PARK DISTRICT and annexed into the FOX VALLEY PARK DISTRICT in accordance with the terms hereof and as otherwise permitted by Illinois law after giving effect to the terms hereof. The Boundary Line shall be applicable to the real estate lying in relation to it regardless of the use or zoning applicable to such real estate.

3. COOPERATION AND CONSENT. Each of the districts agrees to cooperate with the other and consent to and timely execute such other and further documentation as may be required from time to time by the City of Aurora, Village of North Aurora, or the Village of Montgomery, or by filings requested by a district or required by law to effect a de-annexation from one district and annexation into the other district to implement the intent of this Agreement. It is understood by both districts that if the municipal boundary line agreements between or among the Village of Sugar Grove and the City of Aurora, the Village of North Aurora, or the Village of Montgomery should change, this agreement could be re-negotiated by the mutual consent of both districts.

4. RESIDENT RATES TO APPLY TO RESIDENTS OF BOTH DISTRICTS. For purposes of admission, participation, use or program rates and fees for facilities, activities or programs offered by FOX VALLEY PARK DISTRICT, all residents of SUGAR GROVE PARK DISTRICT shall be charged as if such resident were a resident of FOX VALLEY PARK DISTRICT. All residents of SUGAR GROVE PARK DISTRICT, shall not, however, receive any further special consideration for or priority relating to eligibility, registration or availability as to any FOX VALLEY PARK DISTRICT activity, program, facility use or class. Accordingly, for all purposes other than applicable rates, fees and charges, all residents of SUGAR GROVE PARK DISTRICT shall be considered to be non-residents of FOX VALLEY PARK DISTRICT. Notwithstanding the foregoing, however, for ease of administration, no refund for fees paid prior to the effective date shall apply to the arrangement relative to residence fees nor shall residence fees apply retroactively to currently issued or sold passes, paid program fees or pending charges for currently in-season programs or the like, but the residence fee arrangement shall be applicable to future fees payable for any renewal of any such passes or program fees for seasons starting after the effective date hereof.

Likewise, for purposes of admission, participation, use or program rates and fees for facilities, activities or programs offered by SUGAR GROVE PARK DISTRICT, all residents of FOX VALLEY PARK DISTRICT shall be charged as if such resident were a resident of

SUGAR GROVE PARK DISTRICT. All residents of FOX VALLEY PARK DISTRICT, shall not, however, receive any further special consideration for or priority relating to eligibility, registration or availability as to any SUGAR GROVE PARK DISTRICT activity, program, facility use or class. Accordingly, for all purposes other than applicable rates, fees and charges, all residents of FOX VALLEY PARK DISTRICT shall be considered to be non-residents of SUGAR GROVE PARK DISTRICT. Notwithstanding the foregoing, however, for ease of administration, no refund for fees paid prior to the effective date shall apply to the arrangement relative to residence fees nor shall residence fees apply retroactively to currently issued or sold passes, paid program fees or pending charges for currently in-season programs or the like, but the residence fee arrangement shall be applicable to future fees payable for any renewal of any such passes or program fees for seasons starting after the effective date hereof.

5. STUART SPORTS COMPLEX POTENTIAL FUTURE EXPANSION. Additional development or future expansion of the Stuart Sports Complex on Jericho Road (hereafter the "Complex") is anticipated by the districts. Upon mutual written agreement of the districts, capital contribution by SUGAR GROVE PARK DISTRICT toward such additional development or future expansion and commensurate shared use of the Complex facilities will be considered by the districts to facilitate their respective programs or joint program offerings.

6. MISCELLANEOUS. This agreement is expressly adopted under the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1 et. seq.) This Agreement shall become effective only upon approval by the governing boards of the respective districts hereto. Upon approval by the respective governing boards, this Agreement shall be and remain binding upon and inure to the benefit of the respective successors and assigns of the parties hereto. Either district shall have the right to compel specific performance of the terms and conditions of this Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective presidents and attested to by their respective secretaries as of the day and year first above written.

FOX VALLEY PARK DISTRICT

SUGAR GROVE PARK DISTRICT

By: Linda A Cole
President, Board of Trustees

ATTEST:
M. Hays
Secretary

By: Kevin Johnson
Its President

ATTEST:
Kenneth B. Pritchard
Secretary



Fox Valley Park District

712 South River Street • Box 818 • Aurora, Illinois 60507 • (630) 897-0516 • FAX (630) 897-6896

October 18, 2006

BOARD OF TRUSTEES

Linda Cole
President

Rose Smilgys
Vice President

Bill Thompson
Secretary

Theodia Gillespie
Treasurer

Christine Coakley
Trustee

John McGary
Trustee

Emily Pahlavan
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Steven K. Messerli
Executive Director

Bill Donnell
Director of Park Operations
& Natural Resources

Laurie Hoffman
Director of Recreation,
Education, Marketing &
Communications

Mark Johnson
Chief of Park Police &
Public Safety

Nancy McCaul
Director of Finance &
Administration

Jeff Palmquist
Director of Planning,
Development & Grants

Debbie Thompson
Executive Assistant &
Assistant Board Secretary

Mr. Greg Repede, Executive Director
Sugar Grove Park District
41 Main Street
PO Box 716
Sugar Grove, IL 60554

Dear Greg:

The Fox Valley Park District's Board of Trustees was pleased to hear that the Sugar Grove Park District Board approved the boundary agreement.

Please find enclosed four fully executed agreements signed by the Fox Valley Park District's Board President and Secretary. Please provide your required signatures on all four documents, keep two copies for your files and return two for our files.

On behalf of the Fox Valley Park District Board of Trustees and staff, we look forward to our continued intergovernmental cooperation efforts.

Sincerely,


Steven K. Messerli
Executive Director

SKM/ddt
Enclosures

