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March 14, 2016

TO: Mayor Morley and Members of the City Council

RE: **Intergovernmental Agreement Between the City of Elmhurst and the Elmhurst Park District for the Construction, Operation and Maintenance of Stormwater and Other Improvements at Golden Meadows Park**

The Public Works and Buildings Committee met on Monday, March 14, 2016 to review the Intergovernmental Agreement Between the City of Elmhurst and the Elmhurst Park District for the Construction, Operation and Maintenance of Stormwater and Other Improvements at Golden Meadows Park.

In 2010 and 2013, the City experienced widespread flooding including the area centered on Pine St. and Avon Ave. A study completed by Christopher B. Burke Engineering Ltd, presented a concept of using the park land for stormwater detention. By providing approximately 14 acre feet of storage in this location, flood reduction benefits could be provided to 20 homes in a 100 year design storm (Ex. 7.58" in 24 hours).

The City held communication meetings with representatives of the Elmhurst Park District over the last two years, working out the details of an intergovernmental agreement which would allow the City use of this land for stormwater detention purposes. This IGA was developed with input from the Public Works & Building Committee and limited input from the Park District Board. Upon approval of the City Council, it is recommended to send this draft IGA to Executive Director Jim Rogers and request the Park Board review and approve the IGA. Some of the highlights of the intergovernmental agreement include the following:

- Stormwater improvements to be constructed in the west lobe, with a pipe to be constructed in the east lobe. City to bear the cost of designing and constructing the facility.
- City to own, maintain, and repair the storm water improvements.
- City will own the west lobe fee simple (subject to the IDNR conversion process).
- City will receive an easement across the east lobe for a storm water pipe. (City to maintain storm sewer and Park District to maintain land)
- Within 10 days after signing this agreement the Park District and City will jointly approach the IDNR and work collaboratively to begin the conversion process.
- Outlines appraisal process, 3 "Yellow Book" certified appraisers, one selected by the City, one selected by the Park District and the third selected by the two selected appraisers.
- Average of the three appraisals used to determine value, with highest and best use "being subject to IDNR regulation restrictions of passive, outdoor recreational use, with a valuation date of April 1, 2016 or another agreed upon date."


- City has 60 days to determine whether or not to proceed after receipt of the 3 appraisal reports and determining appraised value.
- If city accepts appraised value (average of 3 appraisal reports), within 7 days the city shall establish escrow for appraised value for ParkDistrict to acquire replacement property.
- When Park District enters into a bona fide real estate contract within one year, if required, the city will deposit additional funds up to one half the determined appraised market value for the Park District to acquire replacement property.
- Within 30 days of IDNR approving the conversion, the Park District will convey fee simple and easement interests in west and east lobes to the City.
- If IDNR does not approve the conversion, the IGA is null and void and the City gets the escrowed money back.
- If Park District invokes eminent domain to acquire the replacement property, it is entirely their cost and responsibility to do so.
- City has the right to conduct environmental testing after signing the IGA.
- If any environmental contamination is found, the City retains three options: the City can pay for the clean-up, the land can be reappraised based on the newly discovered information, or the City can cancel the agreement.
- City may terminate the IGA prior to construction start.
- Park District may terminate the IGA if City does not enter into a construction contract within 2 years of signing the agreement.

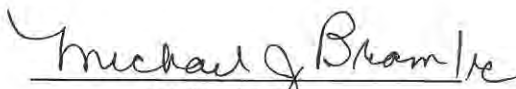
Based on the recommendations of the Burke Report, and the desire to provide stormwater relief to this area of the City, it is therefore the recommendation of the Public Works and Building Committee that the Intergovernmental Agreement Between the City of Elmhurst and the Elmhurst Park District for the Construction, Operation and Maintenance of Stormwater and Other Improvements at Golden Meadows Park be sent to the Elmhurst Park District for their review and approval. Once the Park District approves the agreement, it will be brought to the City Council for ratification.

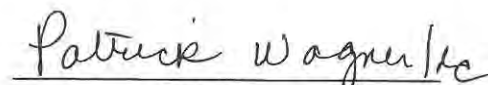
Respectfully Submitted,

PUBLIC WORKS AND BUILDINGS COMMITTEE


Jim Kennedy, Chairman


Marti Deuter, Vice Chairman


Michael J. Bram


Patrick Wagner