

RESOLUTION R-2020-50

A RESOLUTION AUTHORIZING THE EXECUTION  
OF AN AMENDMENT TO INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE WHEATON SANITARY DISTRICT AND THE CITY OF WHEATON  
FOR THE NORTHSIDE INTERCEPTOR SEWER PROJECT

**IT IS HEREBY RESOLVED** that the Mayor is hereby authorized to sign, and the City Clerk is directed to attest to the Amendment to Intergovernmental Agreement with the Wheaton Sanitary District for the Northside Interceptor Sewer Project, attached hereto as Exhibit 1; and

Staff is hereby authorized and directed to undertake any and all acts reasonably necessary to effectuate the Intergovernmental Agreement.

ADOPTED this 15<sup>th</sup> day of June 2020.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Ayes: Roll Call Vote  
Councilman Rutledge  
Councilman Zaruba  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilwoman Fitch  
Mayor Suess  
Councilwoman Robbins

Nays: None  
Absent: None

Motion Carried Unanimously

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## AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

### Intergovernmental Agreement Between the Wheaton Sanitary District and the City of Wheaton

#### Relates to the Sanitary District's Northside Interceptor Sewer Project

This Amendment to Intergovernmental Agreement ("Amendment") by and between Wheaton Sanitary District (hereinafter "District"), a body politic and corporate of DuPage County, Illinois, and the City of Wheaton (hereinafter "City"), an Illinois home rule municipality, DuPage County, Illinois, is effective June 1, 2020.

WHEREAS, the City and the District entered into an Intergovernmental Agreement effective December 1, 2019 ("IGA") which IGA addressed:

- a. The District's installation of a new interceptor sewer from Community Park in Carol Stream to the District's treatment plant to serve the north side of the District's service area and to minimize sanitary sewer overflows which may occasionally occur ("NSI Project" or "NSP");
- b. The District's transfer to the City of the District's ownership rights with respect to certain sewers and manholes;
- c. The City's grant to the District the right to use certain City easements and rights-of-way for the NSI Project;

WHEREAS, based on field conditions and engineering considerations during construction, the final route of the NSI may vary from the route of the NSI identified in the IGA; and

WHEREAS, the District and the City believe approval of any alterations in the route of the NSI are best reviewed and approved simply on an administrative/ministerial basis by the City Engineer and the District's Executive Director.

NOW THEREFORE, the City and the District agree as follows:

1. In the event the route of the NSI is adjusted or altered from time to time by the District resulting in the District's need to use City easements and/or rights-of-way in addition to those identified in the IGA to accommodate conditions or circumstances arising before or after the initial construction of the NSI and throughout the term of the IGA, the District's use of such additional easements and rights-of-way is granted provided such use is first approved in writing by the City Engineer and the District's Executive Director.
2. The form of such written approval by the City Engineer and the District's Executive Director is attached as Exhibit 1.

3. The City and District covenant and agree to act in good faith and to take all actions and execute all documents from time to time as may be necessary and appropriate in order to carry out and effectuate the purpose and intent of the IGA.
4. Except as modified by this Amendment, the IGA remains in full force and effect.

Philip J. Sauer  
Mayor, City of Wheaton

Date signed: 6/16/20

John J. Kavanagh  
President, Wheaton Sanitary District

Date signed: 05/13/2020

ATTEST:

Shawn Bennett-Hagan  
Clerk, City of Wheaton

Date signed: 6/16/20

ATTEST:

Jeffrey A. Wallen  
Clerk, Wheaton Sanitary District

Date signed: 05/13/2020

5/13/20

APPLICATION FOR USE OF CITY EASEMENTS/CITY RIGHTS-OF-WAY

In connection with the Wheaton Sanitary District's construction of the Wheaton Sanitary District's Northside Interceptor Sewer, Wheaton Sanitary District requests use of certain City of Wheaton easements and rights-of-way as depicted on the map attached hereto as Exhibit A, such use subject to all terms of an Intergovernmental Agreement effective December 1, 2019.

WHEATON SANITARY DISTRICT

By: \_\_\_\_\_

Matthew A. Larson, P.E., J.D.  
Executive Director

Date signed: \_\_\_\_\_

APPROVAL OF USE OF CITY OF WHEATON EASEMENTS/RIGHTS-OF-WAY

The City of Wheaton grants to Wheaton Sanitary District use of the easements/rights-of-way as depicted on the map attached hereto as Exhibit A, such use subject to all terms of an Intergovernmental Agreement effective December 1, 2019.

CITY OF WHEATON

By: \_\_\_\_\_

Joe Tebrugge  
City Engineer

Date signed: \_\_\_\_\_

Exhibit 1

Amendment to Intergovernmental Agreement

(relates to the Wheaton Sanitary District's Northside Interceptor Sewer Project)

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