

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR
THE SHARING OF CERTAIN COSTS RELATED TO THE PAVEMENT
IMPROVEMENT OF NELSON BOULEVARD IN DECATUR, ILLINOIS, BETWEEN
THE CITY OF DECATUR, ILLINOIS AND THE DECATUR PARK DISTRICT**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:**

Section 1. That the Intergovernmental Agreement for the sharing of certain costs related to the pavement improvement of Nelson Boulevard in Decatur, IL, between the City of Decatur, Illinois and the Decatur Park District whereby they may share services and expenses, presented to the Council, as Exhibit A, herewith be, and the same is hereby, received, placed on file and approved.

Section 2. That the Mayor and the City Clerk be, and they are hereby, authorized and directed to sign, seal and attest said Intergovernmental Agreement on behalf of the City.

PRESENTED and ADOPTED this 1st day of March 2021.

Julie Moore Wolfe, Mayor

ATTEST:

Kim Althoff, City Clerk

EXHIBIT A

Intergovernmental Agreement for the Sharing of Certain Costs Related to the Pavement Improvement of Nelson Boulevard in Decatur, IL, Between the City of Decatur, Illinois and the Decatur Park District.

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WHEREAS, the Decatur Park District is desirous of pavement improvements to Nelson Boulevard located in Nelson Park; and

WHEREAS, the City of Decatur is desirous of pavement improvements to Nelson Boulevard in the City of Decatur; and

WHEREAS, the City of Decatur is proposing to perform a roadway improvement contract for Nelson Boulevard in the City of Decatur; and

WHEREAS, the Decatur Park District desires to improve the portion of Nelson Boulevard within their jurisdiction; and

WHEREAS, the Decatur Park District is a body politic and corporate in the State of Illinois; and

WHEREAS, the City of Decatur is a body politic and corporate in the State of Illinois; and

WHEREAS, the 1970 Illinois Constitution, Art. VII, Section 10 and 5 ILCS 220/3 provide authority for intergovernmental co-operation;

WHEREAS, the Decatur City Council and Decatur Park Board believe the improvement of Nelson Boulevard will be of benefit to the health, safety and welfare of the residents of the City of Decatur; Illinois, and

NOW THEREFORE, in consideration of the mutual agreement contained in this agreement, the City of Decatur and the Decatur Park District agree as follows, subject to actual construction costs:

1. The Decatur Park District acknowledges that they have reviewed the bid specifications for this project and approved the bid specifications for their portion of the roadway and agrees that the City of Decatur will oversee the bidding process for this project.
2. The City of Decatur agrees to supervise the work performed and pay for the complete and total costs to the contractors for work performed on this project.
3. The Decatur Park District shall pay to the City of Decatur the portion of Nelson Boulevard project within their jurisdiction;
4. The Decatur Park District also shall pay the City of Decatur an additional sum of \$1,818.81 to compensate the City of Decatur for overhead and construction supervision costs.

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5. The City of Decatur will remit monthly invoices to each participant based upon the amount of work performed under the participant's jurisdiction with payment to the City of Decatur within thirty (30) days after receipt of the invoice by the Decatur Park District.
6. Liability Limits
 - a. The Decatur Park District agrees to indemnify, defend, and hold the City of Decatur its officers, agents, and employees harmless from and against any and all claims, suits, causes of action, liabilities, damages, judgments or expenses including, but not limited to, reasonable attorney's fees and litigation costs, for personal injuries (including, but not limited to, death) or property damage arising out of the City of Decatur's obligations, responsibilities and performance under this agreement. This provision shall not require the Decatur Park District, to indemnify the City of Decatur from the City of Decatur's sole gross negligence or willful misconduct.
 - b. During the term of this Agreement, the Decatur Park District, shall at all times procure and maintain insurance and shall name the City of Decatur its officers and employees, as an additional named insured for all insurance. The Decatur Park District shall furnish certificates and endorsements evidencing insurance and named insured prior to commencement of services under this Agreement.
 - c. The City of Decatur shall require the contractor awarded the contract under this agreement to execute contracts indemnifying The City of Decatur and the Decatur Park District for any liability arising out of the contractor's work. The Contractor shall provide certificates of insurance evidencing third party insurance in accordance with the construction contract documents and the City of Decatur its officers and employees and the Decatur Park District its officers and employees shall be named an additional insured on any liability insurance policy pertaining to work under the contract. Contractor's insurance shall be primary.
7. This agreement shall be in full force and effect upon its approval by the City of Decatur and the Decatur Park District Board, and shall inure to the benefit of the City of Decatur, its successors and assigns, and the Decatur Park District Board, until the roadway improvements are completed and all related costs therefore are paid or the project is cancelled.

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BE IT FURTHER RESOLVED, that this resolution shall become effective immediately upon the adoption thereof.

PRESENTED, PASSED, AND APPROVED this day of , 2021.

ATTEST:

By:

Melanie Moore, Secretary for the
Board of Park Commissioners

Stacey Young, President
Board of Park Commissioners

ATTEST:

By:

Kim Althoff, City Clerk
City of Decatur

Julie Moore Wolfe, Mayor
City of Decatur