

**VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY**

INITIATED: Village Attorney **DATE:** December 18, 2001
(Name)

RECOMMENDATION FROM: N/A **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "A RESOLUTION AUTHORIZING AN AMENDMENT TO AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ORCHARD BROOK HOMEOWNERS ASSOCIATION", as presented.

03

SUMMARY OF ITEM:

Adoption of this resolution will amend the agreement between the Village of Downers Grove and the Orchard Brook Homeowners Association regarding the Orchard Brook Wetlands Restoration Project. The agreement will be amended to extend the term of the agreement to December 31, 2002.

RECORD OF ACTION TAKEN:

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT TO
AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE
AND THE ORCHARD BROOK HOMEOWNERS ASSOCIATION**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a certain Agreement (the "Agreement") entitled "*An Agreement between the Village of Downers Grove and the Orchard Brook Homeowners Association Regarding the Orchard Brook Wetlands Restoration Project*", between the Village of Downers Grove (the "Village") and the Orchard Brook Homeowners Association (the "Association"), for the planning, design, funding and construction of certain improvements to Lacey Creek and surrounding wetlands areas, as set forth in the form of the Amendment Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Mayor and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____

Village Clerk

**AMENDMENT TO AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE
AND THE ORCHARD BROOK HOMEOWNERS ASSOCIATION**

WHEREAS, the Village of Downers Grove, an Illinois Municipal Corporation (hereinafter referred to as the "Village") and the Orchard Brook Homeowners Association (hereinafter referred to as the "Association") have previously entered into an agreement entitled "An Agreement between the Village of Downers Grove and the Orchard Brook Homeowners Association Regarding the Orchard Brook Wetlands Restoration Project" which was authorized by the Downers Grove Village Council on July 6, 1998 as Resolution 98-40 and authorized by the Orchard Brook Homeowners Association by Resolution passed August 6, 1998; and

WHEREAS, by the terms of this agreement, the Village and the Association are to cooperate in the planning, design, funding and construction of certain improvements to Lacey Creek and surrounding wetlands areas; and

WHEREAS, this agreement is due to expire on December 31, 2001; and

The parties have agreed to modify the agreement and to extend its term until December 31, 2002.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions, the parties agree as follows:

1. The provisions set forth in the preamble of this agreement are hereby incorporated into and made a part hereof.
2. Wherever the date "December 31, 2001" appears in the agreement such date shall be amended and revised to read "December 31, 2002".
3. That except as set forth herein, the terms and the provisions shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their designated and authorized officers.

VILLAGE OF DOWNERS GROVE

BY: _____
Mayor

ATTEST:

Village Clerk

ORCHARD BROOK HOMEOWNERS
ASSOCIATION

BY: _____
(Title)

ATTEST: