

EXHIBIT A

Resolution

SM-R-0261-21

PROVIDING NEGOTIATION AUTHORITY TO ACQUIRE NECESSARY PROPERTY INTERESTS FOR STORMWATER MANAGEMENT PROJECTS

WHEREAS, the Illinois General Assembly has granted the County of DuPage ("COUNTY") authority to develop watershed plans, undertake measures to control and protect against flooding, manage stormwater and to enter into agreements for the purposes of stormwater management and flood control (Illinois Compiled Statutes, Chapter 55, paragraphs 5/5-1062.3 and 5/5-15001 et seq.); and

WHEREAS, pursuant to said authority, the COUNTY, through its Stormwater Department, periodically undertakes small scale stormwater management, drainage and flood control projects; and

WHEREAS, projects undertaken by the COUNTY, and its contractors, on private property, require the appropriate authorization from the underlying property owner; and

WHEREAS, the COUNTY also owns a large number of properties which it utilizes for various drainage, stormwater management, and flood control purposes; and

WHEREAS, the COUNTY receives multiple requests each year from other governmental units seeking the COUNTY'S authorization to utilize COUNTY-owned properties for some governmental purpose or project; and

WHEREAS, the COUNTY obtains, or grants, the appropriate authorization as permanent easements, temporary easements, and licenses; and

WHEREAS, the estimated number of parcels requiring some manner of authorization from the underlying private property owners within the next few years is significant; and

WHEREAS, because of the number of authorizations, the COUNTY'S planned projects can be accomplished with greater efficiency and control by modifying the existing procedures for handling easement grants and license agreements; and

WHEREAS, the COUNTY utilizes standardized licenses and easement grants on forms approved by the State's Attorney; and,

WHEREAS, that most exchanges of property rights involve nominal consideration; and

WHEREAS, it is in the best interest of the COUNTY to formalize its acquisition process for easements and licenses associated with the Stormwater Department projects.

NOW, THEREFORE, BE IT RESOLVED, that the County Board hereby delegates authority to the DuPage County Director of Stormwater Management, (or whomever serves as the County's "Director" under the Countywide Stormwater and Flood Plain Ordinance), authority to negotiate and enter into contracts on behalf of the COUNTY with owners of the real property for the acquisition of necessary property interest, including easements and license, necessary or prudent for undertaking COUNTY projects, or to grant authorization to another governmental entity for it to utilize County-owned property for a public purpose, without further County Board approval, provided that: i) compensation paid is a nominal sum; and ii) where

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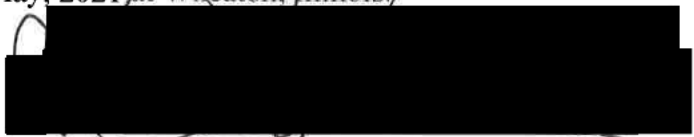
compensation is not nominal, but less than fifteen thousand dollars (\$15,000.00), the compensation is no greater than the fair market value determined by an Illinois licensed and certified real estate appraiser (MAI, SRA, SRPA, CAI, or similar certificate from a national accrediting organization); and iii) the contract form has been reviewed the Stormwater Management staff and the State's Attorney's Office; and iv) all payments shall be approved by the Finance Committee as part of the COUNTY's regular pay list; and

BE IT FURTHER RESOLVED, compensation for property interests for amounts equal to or in excess of fifteen thousand dollars (\$15,000.00) but no greater than the fair market value determined by an Illinois licensed and certified real estate appraiser, and not exceeding the Committee's spending limit, shall require approval from the Stormwater Planning Committee but not the County Board; and

BE IT FURTHER RESOLVED, that pursuant to law, in the event of either: i) a condemnation filing is contemplated or necessary for the acquisition of easement interests; or ii) the total compensation to be paid for the required property interests exceeds the Committee's spending limit, individual resolutions for each affected parcel shall be brought to the Stormwater Planning Committee for recommendation and the County Board for approval; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the Auditor, Treasurer, Finance Department, and the State's Attorney's Office, Attn: Patrick Collins, by and through the Stormwater Management Department.

Enacted and approved this 11th day of May, 2021 at Wheaton, Illinois.


DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest: 
JEAN KACZMAREK, COUNTY CLERK

AYES 16
NAYS 0
ABSENT 2