



## Legislation Text

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**File #:** PW-R-0003-23, **Version:** 1

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### EASEMENT AGREEMENT BETWEEN THE COUNTY OF DU PAGE AND THE FOREST PRESERVE DISTRICT OF DU PAGE COUNTY PROVIDING FOR THE OPERATION AND MAINTENANCE OF EXISTING SANITARY INTERCEPTORS WITHIN PORTIONS OF WATERFALL GLEN FOREST PRESERVE

WHEREAS, the COUNTY and the DISTRICT are public agencies within the meaning of the Illinois “Intergovernmental Cooperation Act,” as specified in Illinois Statute, 5 ILCS 220/1 *et seq.*, and as authorized by Article 7, Section 10 of the Constitution of the State of Illinois; and

WHEREAS, the purposes of the “Intergovernmental Cooperation Act” and Article 7 of the Constitution of the State of Illinois include fostering cooperation among governmental bodies; and

WHEREAS, the DISTRICT owns certain property commonly known as the Waterfall Glen Forest Preserve (hereinafter “Waterfall Glen”); and

WHEREAS, on June 11, 1984, the DISTRICT granted a license to the COUNTY for the construction, operation, and maintenance of about 1.7 +/- miles of sanitary Interceptors within Waterfall Glen; and

WHEREAS, the 1984 license for the sanitary Interceptors expired on June 11, 2004; and

WHEREAS, the COUNTY also constructed two additional sanitary interceptor segments of about 0.5 +/- miles in length within Waterfall Glen without a License or Easement as depicted Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the COUNTY requests the granting of easements to allow the access to and continued operation and maintenance of the existing sanitary interceptors within certain portions of Waterfall Glen (hereinafter referred to as “Sanitary Interceptors”); and

WHEREAS, the DISTRICT and the COUNTY are municipalities as defined in Section 1(c) of the Local Government Property Transfer Act, 50 ILCS 605/1(c), hereinafter referred to as the “Transfer Act”; and

WHEREAS, Section 2 of the Transfer Act authorizes transfers of real estate, or interests therein, between municipalities for any public purpose upon such terms as are agreed to by the corporate authorities of the respective municipalities; and

WHEREAS, in accordance with Section 2 of the Transfer Act, the COUNTY, pursuant to a duly passed ordinance, has determined that it is necessary to be granted easements to allow the COUNTY access to and continued use and maintenance of the Sanitary Interceptors within Waterfall Glen; and

NOW THEREFORE IT BE RESOLVED, the DISTRICT has determined that it is reasonable, necessary and in the public interest and welfare to grant the COUNTY easements within Waterfall Glen subject to the terms and conditions set forth herein.

Enacted and approved this 23<sup>rd</sup> day of May, 2023, at Wheaton, Illinois.

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DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest: \_\_\_\_\_

JEAN KACZMAREK, COUNTY CLERK