

MILTON TOWNSHIP BOARD

Resolution No. R-05-1

A Resolution of the Township of Milton, County of DuPage, Illinois

A RESOLUTION AUTHORIZING THE ENTRY INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY, THE VILLAGE OF LOMBARD AND MILTON TOWNSHIP REGARDING OWNERSHIP AND MAINTENANCE OF PLEASANT LANE

WHEREAS, Milton Township (hereinafter the "Township") is a body politic and corporate, organized and existing pursuant to the Illinois Township Code, 60 ILCS 1/1-1 *et seq.*; and

WHEREAS, Article VII, Section 10 of the Constitution of Illinois, 5 ILCS 220/1 *et seq.*, and the Intergovernmental Cooperation Act, 5 ILCS 220/1 authorizes the Township to enter into intergovernmental agreements with other governmental entities; and

WHEREAS, pursuant to said authorization, the Township and the Illinois State Toll Highway Authority (hereinafter the "Tollway") entered into an Intergovernmental Agreement dated April 15, 1987, which set forth the terms and conditions for cooperation between the Township and the Tollway in relation to construction of I-355 in the Township; and

WHEREAS, pursuant to the Intergovernmental Agreement, the Township was to assume right, title and interest to, and maintenance responsibility for, all roadways constructed or reconstructed by the Tollway in the area of Milton Township where a grade separation to carry Pleasant Lane over I-355 was constructed as part of the I-355 project; and

WHEREAS, while the Township Highway Commissioner assumed maintenance responsibility for a portion of the right-of-way in this area, the Tollway never conveyed its right, title and interest to said right-of-way to the Township; and

WHEREAS, the Village of Lombard (hereinafter the "Village") desires to annex the properties adjacent to Pleasant Lane, which are contiguous to the east approach of the Pleasant Lane grade separation structure from the Tollway; and

WHEREAS, for purposes of the annexation, the Village has agreed to assume the Township's rights and obligations as to this roadway right-of-way, as set forth in the April 1987 Intergovernmental Agreement; and

WHEREAS, the Milton Township Highway Commissioner has indicated that it is in the best interests of the Township to allow the Tollway to transfer its right, title and interest in the Pleasant Lane properties at issue herein, as well as all maintenance, repair and reconstruction of the roadways to the Village; and

WHEREAS, the Township, the Tollway and the Village desire to enter into an Intergovernmental Agreement which sets forth the terms and conditions for the cooperation between the parties and the conveyance of the Township's rights and responsibilities, said Intergovernmental Agreement being attached hereto and incorporated herein by reference as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED by the Supervisor and the Board of Trustees of the Milton Township Board, DuPage County, Illinois, as follows:

Section 1. That the recitals set forth above are incorporated herein and made a part hereof.

Section 2. That it is necessary and desirable that the Township enter into the Intergovernmental Agreement attached hereto with the Illinois Toll Highway Authority and the Village of Lombard.

Section 3. That the Supervisor is hereby authorized to execute the Intergovernmental Agreement, and the Town Clerk is hereby authorized to attest thereto, all on behalf of Milton Township.

Section 4. That all ordinances or resolutions or parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 5. That this Resolution shall be in full force and effect from and after its passage and approval according to law.

PASSED the 12th day of January, 2005.

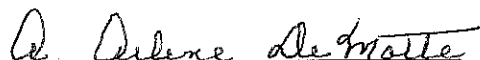
	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Supervisor O. Chris Heidorn	X		
Trustee Barbara A. Murphy	X		
Trustee Ken J. McNatt	X		
Trustee James Flickinger			X
Trustee Donald Sender			X

APPROVED the 12th day of January, 2005.



O. Chris Heidorn, Supervisor and
Chairman of the Milton Township Board

ATTEST:


A. Arlene DeMotte, Town Clerk

(SEAL)