

RESOLUTION 2017-04

Resolution Providing for a Hold Harmless Agreement between the Village of West Dundee and the State of Illinois for Storm Sewer Utilization for the Route 31 Highway Improvement in the Village of West Dundee

WHEREAS, The Village of West Dundee, an Illinois Municipal Corporation, hereinafter referred to as the VILLAGE, wishes to have the Illinois Department of Transportation hereinafter referred to as the STATE for the diversion of storm water into the Illinois Route 31, FAP 860, Section: (R&V-4-D)BY and R-R-1(88), Kane County, to allow for the diversion of storm water into the existing oversized storm water facilities and capacity paid for by the developer HLC Partners, and to divert storm water runoff into the existing oversized storm sewer system along Illinois Route 31 from Station 70+00 to the storm outfall at Jelke Creek, Station 94+00,; and

WHEREAS, the STATE for consideration and allowing for conveyance of storm water and diversion to these oversized improvements to Illinois Route 31, FAP 860, Section: (R&V-4-D)BY and R-R-1(88), as above described, desires that the VILLAGE hold the STATE harmless from any damages which may occur by virtue of allowing for the conveyance of storm water from the property east of Illinois Route 31 into the existing storm water system;

NOW THEREFORE BE IT RESOLVED by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

- Section 1. The VILLAGE agrees that to divert the approximate 26 acres to the forty-two (42) inch CMP tied at Station 84+00 is reasonable and will not cause an adverse effect to the downstream property owners.
- Section 2. The VILLAGE agree to assume all risk of loss and indemnify and hold the State of Illinois, Department of Transportation, its officers, agents and employees harmless from and against any and all liabilities, demands, claims, suits, losses, damages, causes of action, fines of judgements, including costs, attorneys' and witnesses' fees, and expenses incident thereto for injuries to persons (including death) and for loss of, damage to, or destruction of property (including property of the STATE) that is immediately adjacent to Illinois Route 31 from Station 70+00 through Station 94+00 and the downstream property owners of the forty-two (42) inch CMP tied at Station 84+00 arising as a result of damages caused by diverting the 26 acres. In the event that any demand or claim is made or suit is commenced against the STATE, the STATE shall give prompt written notice thereof to the VILLAGE, and the VILLAGE shall have the right to compromise or defend the same to the extent of its own interest.
- Section 3. The acceptance of this resolution by the STATE and the terms contained herein shall constitute an agreement between the VILLAGE and STATE for modifying the storm water drainage from Station 70+00 through Station 94+00 Acceptance of this resolution will not be construed to mean that additional agreements/understandings would not be required as part of this modification.
- Section 4. That the VILLAGE Clerk is hereby directed to transmit a certified copy of this resolution to the Illinois Department of Transportation, Division of Highways,

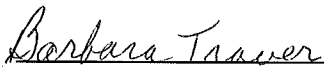
District 1, Region 1, 201 West Center Court, Schaumburg, Illinois 60196-1096, Attn: Anthony Quigley, Region 1 Engineer.

Section 5. That this resolution will be in full force and effect after its passage and approval according to the law.


PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 8th day of May, 2017.

AYES: Trustees Yuscka, Anderley, Wilbrandt, Kembitzky, Price and Hanley
NAYS: None

ATTEST:



Barbara Traver
Village Clerk



Christopher Nelson
Village President