

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
COUNTY OF DUPAGE AND THE WHEATON PARK DISTRICT
FOR THE MAINTENANCE AND INSPECTION OF THE
HESTERMAN DRAIN

This Memorandum of Understanding (MOU) is made by and between the County of DuPage ("COUNTY") and the Wheaton Park District ("PARK DISTRICT") to establish the terms of inspections, notification, and maintenance of the portion of Rott Creek known as the Hesterman Drain System within the limits of the Arrowhead Golf Course.

The parties enter into this MOU pursuant to the provisions of the Intergovernmental Cooperation Act (5 ILCS 220/1, et seq.).

The Hesterman Drain diversion swale, within the Rott Creek Watershed and tributary to the East Branch DuPage River, was created to minimize flood impacts on the residential areas north of Illinois State Route 56. This includes areas of Unincorporated DuPage County and the City of Wheaton, making this a regional drainage ditch.

The Parties previously entered into an Intergovernmental Agreement (IGA) that memorializes the parties' various roles and responsibilities associated with the modification of the Hesterman Drain System, which IGA included the following responsibilities for maintenance:

5.2 The PARK DISTRICT will maintain those portions of the channel above and outside of the wetland buffer zone of the completed approved modifications on the PARK DISTRICT property.

and

5.5 The COUNTY will maintain the area between and below the outer boundaries of the wetland buffer zone on the completed project located on the PARK DISTRICT property.

As of the effective date for this MOU, the COUNTY and the PARK DISTRICT agree with to the following supplemental terms to define and delineate each Party's respective which will ensure the diversion swale is properly inspected and maintained.

The COUNTY shall:

1. Complete annual inspections of the area within its designated responsibility, submitting a memo to file and copying the PARK DISTRICT. Such memo shall note any deficiencies with the functioning of the Hesterman Drain System and shall propose a plan of maintenance or repairs necessary to remedy any deficiencies and to ensure that the Hesterman Drain System functions as intended. This inspection will be coordinated with PARK DISTRICT personnel.
2. Perform scheduled maintain and repairs in coordination with the PARK DISTRICT.
3. Schedule maintenance and repairs in such a manner that the impact to the PARK DISTRICT operations will be minimized.

The PARK DISTRICT shall:

1. Timely notify the COUNTY, in writing, of any suspected deficiencies or areas of concern within the COUNTY's area of responsibility and provide the COUNTY a reasonable opportunity to cure any deficiencies that are found. If any deficiency which negatively affects the operation of the Arrowhead Golf Course is not corrected, after notice and a reasonable opportunity to cure, then the PARK DISTRICT shall have the right but not the obligation to cure said deficiency and invoice the COUNTY for payment, which shall be paid within 45 days of receipt by the COUNTY.
2. Grant the COUNTY reasonable access to the area of the COUNTY'S designated responsibility on PARK DISTRICT property for all scheduled and approved inspections, maintenance and repairs.
3. Perform periodic maintenance and repairs of those areas "above and outside of" the wetland buffer zone to ensure there are no adverse impacts on the area of the COUNTY's responsibility.

The parties' authorized representatives who shall be responsible for carrying out the provisions of this MOU shall be:

Director, Stormwater Management
DuPage County
421 N. County Farm Road
Wheaton, IL 60187
630-407-6676

Executive Director
Wheaton Park District
102 E. Wesley Street
Wheaton, IL 60187
630-510-4945

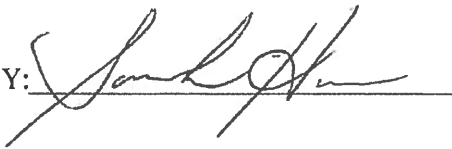
The term of this MOU shall commence upon the date of the latest signatory below.

This MOU is not intended to amend, modify, alter, supersede, replace, terminate or nullify the Parties' current IGA pertaining to the Hesterman Drain System but, rather, is meant to supplement and further clarify and define the Parties' rights and responsibilities under that IGA.

IN WITNESS WHEREOF, DuPage County and Wheaton Park District have executed this agreement as of the dates written below.

COUNTY OF DUPAGE

BY:



DATE: 06.03.2021

WHEATON PARK DISTRICT

BY:



Michael J. Bernard Executive Director

DATE: 6/3/2021