

WHEATON PARK DISTRICT

ORDINANCE NO. 2021-03

**Ordinance Approving and Authorizing Execution of a
Funding and Reimbursement Agreement for the
Purchase and Installation of Play Equipment Within the Sensory Garden and Playground
Between the Wheaton Park District and Play for All Playground and Garden Foundation**

* * * *

WHEREAS, the Wheaton Park District (“Park District”) is a unit of local government operating pursuant to the Illinois Park District Code, 70 ILCS 1205/1-1 et seq.; and

WHEREAS, pursuant to Section 8-1 of the Park District Code [70 ILCS 1205/8-1] the Park District has the power and authority to contract in furtherance of any of its corporate purposes, including but not limited to funding the development, construction and maintenance of recreational improvements; and

WHEREAS, the Play for All Playground and Garden Foundation ("Foundation") is an Illinois not-for-profit organization whose purposes include supporting recreational opportunities for disabled children; and

WHEREAS, the Park District leases approximately 36.4 acres of real estate (the “Leased Premises”) from the DuPage County Forest Preserve District (the Forest Preserve District) pursuant to a lease between the Park District and the Forest Preserve District dated November 5, 2013 and amended in February of 2019 (the “Lease”); and

WHEREAS, in April of 2014 and again in April of 2019, the Park District and the Foundation executed two successful collaborations via funding and reimbursement agreements for the financing, development, construction and maintenance of Phases I and II of a new, fully inclusive sensory garden and barrier-free playground located on the Leased Premises to enhance the recreational opportunities for the disabled residents of the community and the State of Illinois; and

WHEREAS, the Park District and the Foundation desire to further collaborate on the financing, development, construction and maintenance of two new pieces of inclusive and barrier-free playground equipment be located on the Leased Premises to enhance the recreational opportunities for the disabled residents of the community and the State of Illinois; and

WHEREAS, the Foundation has determined that it is in its best interests and wholly in furtherance of its express purposes of providing support for recreational improvements that benefit disabled children to donate money to the Park District for the development and construction of the Project; and

WHEREAS, the Foundation and the Park District desire to enter into a Funding and Reimbursement Agreement to specify the terms and conditions under which the Foundation will donate funds for the Project; and

WHEREAS, The Park District has determined that it is in the public interest to enter into the Funding and Reimbursement Agreement for the Construction of a Sensory Garden and Playground between the Wheaton Park District and Play for All Playground and Garden (the "Funding and Reimbursement Agreement") in the form attached hereto as Exhibit A in order to provide additional benefits to the residents of the Park District

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Park Commissioners ("Park Board") of the Wheaton Park District, DuPage County, Illinois as follows:

Section 1. All of the foregoing recitals are hereby incorporated in and made a part of this Ordinance.

Section 2. The proposed form, terms, and provisions of the Funding and Reimbursement Agreement for the Construction of a Sensory Garden and Playground between the Wheaton Park District and Play for All Playground and Garden, providing for the purposes set forth above, as presented to the Park Board at this meeting, are approved as provided herein.

Section 3. The President or Vice President and Secretary of the Park Board are hereby authorized and directed to execute the Funding and Reimbursement Agreement, in the name of, and on behalf of, the Park District, and under its corporate seal, and to deliver a copy thereof to Play for All Playground and Garden.

Section 4. This Ordinance shall be in full force and effect immediately upon its passage and approval. All prior ordinances or parts of prior ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Passed this 15th day of September 2021.

ROLL CALL VOTE:

AYES: Kelly, Mee, Morrill, Vires, Frey

NAYS: None

ABSENT: Barrett


Bob Frey, President
Board of Park Commissioners

Attested and filed this 15th day of September 2021.

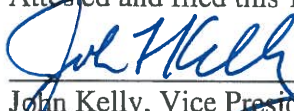

John Kelly, Vice President
Board of Park Commissioners

EXHIBIT A

**FUNDING AND REIMBURSEMENT AGREEMENT FOR THE PURCHASE AND
INSTALLATION OF PLAY EQUIPMENT WITHIN THE SENSORY GARDEN
PLAYGROUND BETWEEN THE WHEATON PARK DISTRICT AND PLAY FOR ALL
PLAYGROUND AND GARDEN FOUNDATION**

CERTIFICATION

I, Michael Benard, the Secretary of the Board of Park Commissioners of the Wheaton Park District of the County of DuPage, State of Illinois, do hereby certify that I am keeper of its books and records and that the foregoing is a true and correct copy of an Ordinance duly adopted by its Board of Park Commissioners at a meeting duly convened and held on the 15th day of September 2021

SEAL



Secretary of the Board of Park Commissioners