

CITY OF LeROY
COUNTY OF McLEAN
STATE OF ILLINOIS

ORDINANCE NO. 387

AN ORDINANCE APPROVING EXECUTION OF AN INTERGOVERNMENTAL
AGREEMENT WITH MC LEAN COUNTY, ILLINOIS

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LeROY THIS 4th DAY OF March, 1991

PRESENTED: March 4, 1991

PASSED: March 4, 1991

APPROVED: March 4, 1991

RECORDED: March 4, 1991

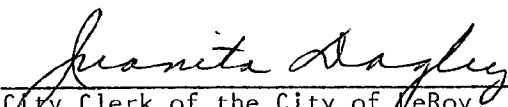
PUBLISHED: March 4, 1991

~~In Pamphlet Form/In Newspaper~~

Voting "Aye" 5

Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.



City Clerk of the City of LeRoy,
McLean County, Illinois

(SEAL)

Dated: March 4, 1991 :

ORDINANCE NO. 387

AN ORDINANCE APPROVING EXECUTION OF AN INTERGOVERNMENTAL
AGREEMENT WITH MC LEAN COUNTY, ILLINOIS

WHEREAS, the City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, has determined that it is in the best interests of the City to enter into an Intergovernmental Agreement as set forth in Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, the City of LeRoy, McLean County, Illinois, has authority to enter into intergovernmental agreements, said authority being established by provisions of the Illinois Constitution, and the statutes of the State of Illinois,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of LeRoy, Illinois, in lawful meeting assembled, as follows:

Section 1. The Mayor and City Clerk of the City of LeRoy are hereby directed and authorized to execute the original and several copies as may reasonably be required of the contract set forth in Exhibit "A" and incorporated herein by reference,

Section 2. This ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the City Council of the City of LeRoy, Illinois, on the 4th day of March, 1991, and deposited and filed in the office of the City Clerk in said City on that date.

Aldermen elected 6

Aldermen present 5

AYES Steve Dean, Randy Zimmerman, William Swindle, Jerry Davis, David Spratt

NAYS None

Juanita Dagley
Juanita Dagley, City Clerk of the City of
LeRoy, IL

Approved by the Mayor of the City of LeRoy, Illinois, this 4th day of
March, 1991.

Jack Moss
Jack Moss, Mayor of the City of LeRoy, IL

Attest:

(Seal)

Juanita Dagley
Juanita Dagley, City Clerk of the
City of LeRoy, Illinois

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT entered into by and between the County of McLean, Illinois a body politic and corporate, and the City of LeRoy, a municipal corporation.

WITNESSETH:

1. That the parties to this Intergovernmental Agreement are "units of local government" as defined by Article VII, Sec. 1 of the Constitution of Illinois 1970.
2. That all "units of local government" may contract or otherwise associate among themselves with other units of local government pursuant to Article 7, Sec. 10 of the Constitution of Illinois 1970.
3. That Illinois Revised Statutes, Ch. 34, Sec. 5-1080 permits the County Board of any county to demolish, repair or cause the demolition or repair of dangerous or unsafe buildings or uncompleted or abandoned buildings within the territory of the county outside any city, village or incorporated town.
4. That Illinois Revised Statutes, Ch. 34, Sec. 5-25013 permits a county Board of Health to initiate and carry out programs and activities of all kinds, not inconsistent with law, that may be deemed necessary or desirable in the promotion or protection of health.
5. That Illinois Revised Statutes, Ch. 24, Sec. 11-31-1 permits the corporate authority of any municipality to demolish, repair or enclose or cause demolition, repair or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any such municipality except in any county having a county health department.
6. That until the effective date of Public Act 86-1158 it could be argued that Cities, Villages and Incorporated Towns having less than 50,000 population and County Boards have concurrent jurisdiction to demolish, repair or cause the demolition or repair of dangerous and unsafe or uncompleted and abandoned buildings pursuant to Illinois Attorney General Opinion No. S-586 (May 22, 1973). The adoption of Public 86-1158 creates uncertainty as to whether that concurrent authority remains.

7. That all parties to this Intergovernmental Agreement have a mutual interest in the eradication or repair of dangerous or unsafe or uncompleted or abandoned buildings within their respective jurisdictions.
8. It is the desire of the County of McLean pursuant to Article VII Section 10 of the Illinois Constitution and the provisions of the Illinois Intergovernmental Cooperation Act to transfer to the City of LeRoy such authority as may be necessary to permit the City to exercise concurrently with the County the County's authority to demolish, repair or cause the demolition or repair of dangerous or unsafe buildings or uncompleted or abandoned buildings within the corporate limits of the City of LeRoy pursuant to Illinois Revised Statutes Chapter 34, Section 5-1080 and 5-25013.

IT IS, THEREFORE, AGREED by and between the County of McLean City of LeRoy as follows:

1. That the County of McLean hereby transfers to the City of LeRoy such authority as may be necessary to permit the City to exercise concurrently with the County the County's authority under Illinois Revised Statutes Chapter 34, Sections 5-1080 and 5-25013 to demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or uncompleted or abandoned buildings within the corporate limits of the City of LeRoy including specifically but without limitation the authority to create and foreclose liens in connection therewith. The McLean County Clerk shall transmit a certified copy of this Intergovernmental Agreement to the City Clerk. Authority contained in this Intergovernmental Agreement shall take effect immediately upon the execution of this Agreement by the parties.
2. That in consideration of receiving the transfer of said authority from the County of McLean, the City of LeRoy shall save and hold the County of McLean free and harmless from all liability, public or private, penalties, contractual or otherwise, losses, damages, costs, attorney's fees, expenses, causes of action, claims or judgments, resulting from or arising out of or in any way connected with the transfer and grant of such authority from the County of McLean.
3. That the City of LeRoy shall be entitled to any and all fees, fines and penalties collected or realized pursuant to any and all action commenced by said municipality in the demolition or repair of dangerous or unsafe buildings or uncompleted or abandoned buildings within their respective jurisdictions.

4. That the County of McLean shall retain concurrent authority as to territory within the City and exclusive authority as to territory of the County outside the City.
5. Any party to this Intergovernmental Agreement may withdraw by giving a Notice of Intent to do so to the clerk of the other party. Such notice shall be given by delivery of a certified copy of a Resolution of Intent to Withdraw adopted by the corporate authority of the withdrawing party. Said withdrawal shall take effect thirty (30) days after the delivery of notice. The withdrawing party shall continue to be responsible for any pending claim or litigation made or conducted prior to the effective date of the withdrawal.
6. This Intergovernmental Agreement shall not be amended unless in writing expressly stating that it constitutes an amendment to this Intergovernmental Agreement signed by the parties hereto.
7. This Intergovernmental Agreement is severable, and the invalidity or unenforceability of any provision of this Intergovernmental Agreement, or any party hereof, shall not render the remainder of this Intergovernmental Agreement invalid or unenforceable.
8. No waiver of any breach of this Intergovernmental Agreement according to the provision hereof shall constitute a waiver of any other or further breach of this Intergovernmental Agreement or any provision hereof.
9. This Intergovernmental Agreement may not be assigned or subcontracted by any party without written consent of the remaining parties.
10. This Intergovernmental Agreement shall be binding upon the parties hereto upon the successors in interests, assigns, representatives and agents of such parties.

11. Parties agree that the foregoing constitutes all of the Agreement between the parties and that only one original copy of this Intergovernmental Agreement shall be signed and executed by all parties and that the photocopies of the executed Intergovernmental Agreement shall be deemed to be duplicate originals.

COUNTY OF McLEAN, a body
politic and corporate

By: Nancy J. Iselick
Chairman, McLean County Board

ATTEST:

Jeanette Barrett
McLean County Clerk

February 19, 1991
Date

CITY OF LEROY, a
municipal corporation

By: Jack W. Moss
Mayor

ATTEST:

Jeanita Hagley
City Clerk

MARCH 4, 1991
Date

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STATE OF ILLINOIS)
)SS
COUNTY OF MC LEAN)

I, JUANITA DAGLEY, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE APPROVING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH MC LEAN COUNTY, ILLINOIS.

That said ordinance was adopted by the Mayor and City Council of the City of LeRoy at a regular meeting on the 4th day of March, 1991, and that a faithful record of said ordinance has been made in the record books.

Dated this 4th day of March, 1991.



City Clerk

(seal)