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Doc#: 1108218052 Fee: \$58.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 03/23/2011 04:11 PM Pg: 1 of 12

RESOLUTION NO. 11-15

A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT TO EXECUTE A TRAFFIC AND PARKING REGULATION AGREEMENT WITH THE BOARD OF EDUCATION OF TOWNSHIP HIGH SCHOOL DISTRICT 214 (WHEELING HIGH SCHOOL)

WHEREAS, the VILLAGE OF WHEELING, Lake and Cook Counties, Illinois (the "Village") is a home rule municipality, pursuant to Article 7, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the Board of Education of Township High School District 214 is desirous of entering into an agreement to provide for the regulation of traffic upon the parking areas and private streets of its property, Wheeling High School; and

WHEREAS, the President and Board of Trustees deem it to be in the best interests of the citizens of Wheeling for the Village to enter into such an agreement with the Board of Education of Township High School District 214 to provide for traffic regulation in the parking areas and private streets by traffic law enforcement personnel of the Village; and

WHEREAS, the Village is empowered to enter into such an agreement under its home rule powers pursuant to Section 11-209 of the Illinois Vehicle Code, 625 ILCS 5/11-209 and Section 11-209.1 of the Illinois Vehicle Code, 625 ILCS 5/11-209.1; and

WHEREAS, the Board of Education of Township High School District 214, beneficial owner of Wheeling High School, has executed such a traffic agreement, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COOK AND LAKE COUNTIES, ILLINOIS, that the traffic agreement between the Village of Wheeling and the Board of Education of Township High School District 214 is approved and that the President and Village Clerk be and hereby are authorized and directed to affix their signatures to the traffic agreement attached hereto.

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Trustee Argiris moved, seconded by Trustee Heer,
that Resolution No. 11-15 be adopted.

Trustee Argiris Aye

Trustee Horcher Aye

Trustee Brady Aye

Trustee Lang Aye

Trustee Heer Aye

Trustee Vogel Aye

President Abruscato Aye

ADOPTED this 7th day of February, 2011, by the
President and Board of Trustees of the Village of Wheeling, Illinois.

Judy Abruscato
Judy Abruscato, Village President

ATTEST:

Elaine E. Simpson
Elaine E. Simpson
Village Clerk



Clerk's Office

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TRAFFIC AND PARKING REGULATION AGREEMENT

WHEREAS, the Board of Education of Township High School District 214, owner of Wheeling High School (hereinafter referred to as the "High School"), and the Village of Wheeling (hereinafter referred to as the "Village"), within which corporate jurisdiction the High School is located, desire to enter into an agreement for regulation of traffic and parking within the High School area as set forth in the legal description attached as Exhibit "A" and the enforcement of said traffic laws and ordinances by the traffic law and enforcement personnel of the Village.

WHEREAS, the Illinois Vehicle Code (Illinois Compiled Statutes, Chapter 625, Sections 5/11-209 and 5/11-209.1) and the Illinois Municipal Code (Illinois Compiled Statutes, Chapter 65, Section 5/1-1-7) provide for such agreement between the corporate authorities of a municipality and the board of education of a school district and said statutory authority enumerates those matters which may be included in such an agreement.

WHEREAS, the President and Board of Trustees of the Village deem it necessary for the health, safety, and welfare of the citizens and residents of the Village to regulate and control motor vehicle traffic and motor vehicle parking, and the use of motor vehicle parking areas and private streets, at the High School, the legal description and P.I.N. number(s) of the High School is attached hereto as Exhibit "A" and made a part hereof. A copy of a map of the parking areas and private streets is attached hereto as Exhibit "B" and made a part hereof.

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WHEREAS, the Board of Education of Township High School District 214 is in agreement with the Village and desires to have the Village and its Police Department enforce certain regulations regarding motor vehicle traffic and motor vehicle parking, and the use of motor vehicle parking areas, within said parking areas and private streets.

NOW, THEREFORE, IN CONSIDERATION OF the mutual promises contained herein and other good and valuable consideration, receipt of which is hereby acknowledged, it is hereby agreed by and between the parties named above, as follows:

(1) The Board of Education of Township High School District 214 requests the enforcement at the High School by the Wheeling Police Department of all traffic and parking regulations which are established in accordance with the Illinois Vehicle Code, (Illinois Compiled Statutes, Chapter 625) and the Wheeling Municipal Code, and hereby authorizes the issuance of traffic citations by said police department for any and all violations thereof occurring within the parking areas and private streets of the High School area as set forth in the legal description attached hereto as Exhibit "A".

(2) The Principal or other authorized agent of the High School is directed, in cooperation with the Village Fire Chief, to establish and mark such fire lanes as the Fire Chief shall recommend as necessary for effective movement of Fire Department and other emergency vehicles. The cost of establishing and marking such fire lanes shall be borne by the Board of Education of Township High School District 214.

(3) The Board of Education of Township High School District 214 and the High School authorize the Village to remove vehicles parked or abandoned in the parking areas and private streets of the High School during snow storms, floods, fires, or other public emergencies, or found unattended in the parking areas and private streets where said vehicles constitute an obstruction to traffic or where stopping, standing, or parking is prohibited and clearly posted in accordance with State Statute and the Wheeling Municipal Code. The appropriate citations shall be issued to the owners of said abandoned or unattended vehicles and the Board of Education of Township High School District 214 agrees that it shall be solely responsible for payment of any towing and storage fees incurred for the removal or storage of said vehicles which are not recovered from the owners or operators of the vehicles. Any such removal or towing shall be done in accordance with the provisions of the Wheeling Municipal Code.

(4) The Principal of the High School or his/her designated representative shall, in cooperation with the Village Police Chief, make an

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inspection of the parking areas and private streets and shall determine what, if any, traffic signs, signals or markings are believed necessary for the safe and efficient movement of traffic. The Chief of Police shall determine the necessity of traffic signs or markings for the safe and efficient movement of traffic and shall implement other measures as may be required by the Illinois Vehicle Code. The Board of Education of Township High School District 214 shall bear the cost of installation of such signs, signals and markings as that are determined to be required and the expense of the maintenance of such signs, signals and markings.

(5) The Board of Education of Township High School District 214 and the High School grant to the Wheeling Police Department permission to enter upon the High School and its parking areas and private streets for the purpose of enforcement of traffic and parking violation judgments by use of a vehicle immobilizer or wheel locks.

(6) This Agreement shall continue in full force and effect for a period of five (5) years from the date of its execution and shall be renewed automatically for additional periods of like duration, not to exceed twenty (20) years. Either party to this Agreement may terminate the Agreement by giving thirty (30) days notice, in writing, to the other party.

(7) The legal description of said High School is attached hereto and made a part hereof as Exhibit "A". A depiction of said High School, including the parking areas and private streets is attached hereto and made a part hereof as Exhibit "B".

(8) The Board of Education of Township High School District 214 and the High School agree to indemnify, hold harmless, and defend the Village of Wheeling, its officers, officials, agents, and employees and each of them from any and all claims, demands, liabilities, losses, and expenses, including but not limited to covert costs and attorneys' fees, costs and expenses of litigation, claims and judgments in connection with any and all claims for damages of any kind which may arise, directly out of the Village's performance of the terms of this Agreement.

The above indemnity agreement does not apply to the Village of Wheeling workers' compensation exposure. The Village of Wheeling will annually provide Township High School District 214 with a Certificate of Insurance that provides a workers' compensation waiver of subrogation.

(9) A fully executed copy of this Agreement shall be recorded in the Office of the Recorder of Deeds of the County of Cook, as provided for by statute.

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(10) The Post Office address of the High School is 900 S. Elmhurst Road, Wheeling, Illinois 60090. The Permanent Index Numbers are: 03-10-303-004 and 03-10-303-005.

(11) At such time as this Agreement becomes effective, and traffic and parking regulations are thereby established for the High School pursuant to this Agreement, it shall be an offense for any person to do any prohibited or forbidden act, or to fail to perform any act required by such traffic and parking regulations. Such offense shall be punishable by a fine in accordance with the Wheeling Municipal Code.

(12) The Board of Education of Township High School District 214, shall at all times, upon receipt of an invoice, be required to reimburse the Village for the full amount of any and all costs and expenses associated with, or relating to, the installation, maintenance, repair, and/or replacement of any signs and/or pavement markings designed to regulate motor vehicle traffic and/or motor vehicle parking in or around the parking areas and private streets.

(13) The Village shall, at least once per year, inspect said parking areas and private streets to verify and determine that all required signs and/or pavement markings are in place and in good condition. If the Village determines at any time that additional signs and/or pavement markings are needed, or that existing signs and/or pavement markings are in need of repair or replacement, the Village shall have the power and authority to install such additional signs and/or pavement markings, or undertake the repair and/or replacement of such signs and/or pavement markings, in a reasonable manner. Upon completion of said installation, repair, and/or replacement, the Board of Education of Township High School District 214, upon receipt of an invoice, shall be required to reimburse the Village for all costs and expenses relating to said installation, repair, and/or replacement.

(14) The Board of Education of Township High School District 214 and the High School hereby authorize the Village to enforce State or Local laws, not specifically referenced herein in the parking areas and private streets.

(15) Whenever notice is required to be sent to the Village, it shall be addressed as follows:

Village Clerk
Village of Wheeling
2 Community Boulevard
Wheeling, Illinois 60090

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With a copy to: Police Chief
 Village of Wheeling
 1 Community Boulevard
 Wheeling, Illinois 60090

Whenever notice is required to be sent to the High School, it shall be addressed as follows:

Principal
 Wheeling High School
 900 South Elmhurst Road
 Wheeling, Illinois 60090

And whenever notice is required to be sent to the Board of Education of Township High School District 214, it shall be addressed as follows:

Superintendent
 Board of Education of
 Township High School District 214
 2121 South Goebbert Road
 Arlington Heights, Illinois 60005

All notices shall be sent by personal delivery or certified mail, return receipt requested, and shall be deemed given as of the date of the personal delivery or, if given by certified mail, three (3) days from the date of mailing.

(16) The Board of Education of Township High School District 214 and the High School hereby warrant and covenant that they have the full power and authority to enter into this Agreement with the Village.

(17) This Agreement constitutes the entire understanding between the Village and the Board of Education of Township High School District 214 and the High School with respect to the subject matter contained herein and supersedes any and all prior understandings and/or agreements between the parties, whether written, oral, or otherwise. Any and all representations, agreements, promises, and/or understandings not expressly set forth herein are hereby null, void, and of no legal effect.

(18) This Agreement may be modified or amended only by the mutual consent of the parties. Any modification or amendment of this Agreement must be in writing, signed by the parties, and duly executed. Any attempt to modify or amend this Agreement that fails to conform to

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the aforementioned requirements shall be null, void, and of no legal effect.

(19) This Agreement may be executed in any number of counterparts, with each counterpart deemed to be an original. This Agreement shall be effective on the last date executed by the parties below.

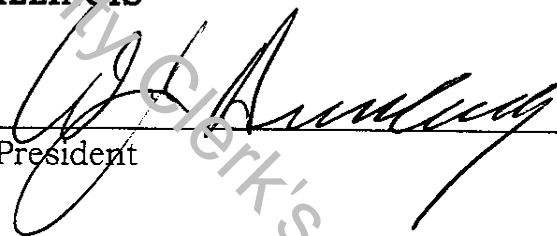
(20) The terms, conditions, and provisions of this Agreement shall be severable, and if any terms, condition, or provision is found to be unenforceable for any reason whatsoever, the remaining terms, conditions, and provisions shall remain in full force and effect.

(21) This Agreement is entered into under, and shall be governed for all purposes by, the laws of the State of Illinois.

IN WITNESS WHEREOF, the parties hereto have caused this instrument, consisting of TEN (19) pages, this page included, to be executed this THIRD day of MARCH, 2011.

**BOARD OF EDUCATION OF
TOWNSHIP HIGH SCHOOL
DISTRICT 214, COOK COUNTY,
ILLINOIS**

BY:



President

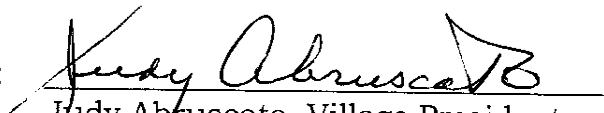
ATTEST:



Secretary

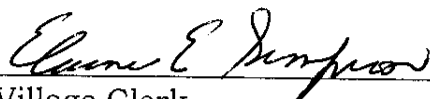
**THE VILLAGE OF WHEELING, an
Illinois Municipal Corporation,**

BY:



Judy Abruscato, Village President

ATTEST:



Village Clerk

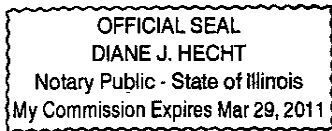


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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, DIANE J. HECHT, a Notary Public in and for and residing in said County and the State aforesaid, do hereby certify that WILLIAM J. SUSSLING, the PRESIDENT of Board of Education of Township High School District 214, personally known to me to be the same person whose name is subscribed to the foregoing Agreement, appeared before me this day in person and acknowledged that he/she signed and delivered such instrument as his/her own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 3rd day of March, 2011.



Diane J. Hecht
NOTARY PUBLIC

My Commission Expires: March 29, 2011

This instrument was prepared by:
KLEIN, THORPE AND JENKINS, LTD.
Civic Opera Building
20 N. Wacker Drive, Suite 1660
Chicago, IL 60606-2903
(312) 984-6444
Recorder's Box 324

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EXHIBIT A

LEGAL DESCRIPTION OF

WHEELING HIGH SCHOOL
900 SOUTH ELMHURST ROAD
WHEELING, ILLINOIS 60090

LOT ONE IN SCHOOL PARK SUBDIVISION OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$
OF SECTION 18-42-11 (EXCEPT THE WEST 100' OF THE SOUTH 350'
THEREOF) ACCORDING TO THE PLAT THEREOF RECORDED 11-25-69
AS DOCUMENT NO. 21021706, IN COOK COUNTY, ILLINOIS

PERMANENT INDEX NUMBER: 03-10-303-004.

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EXHIBIT A

LEGAL DESCRIPTION OF

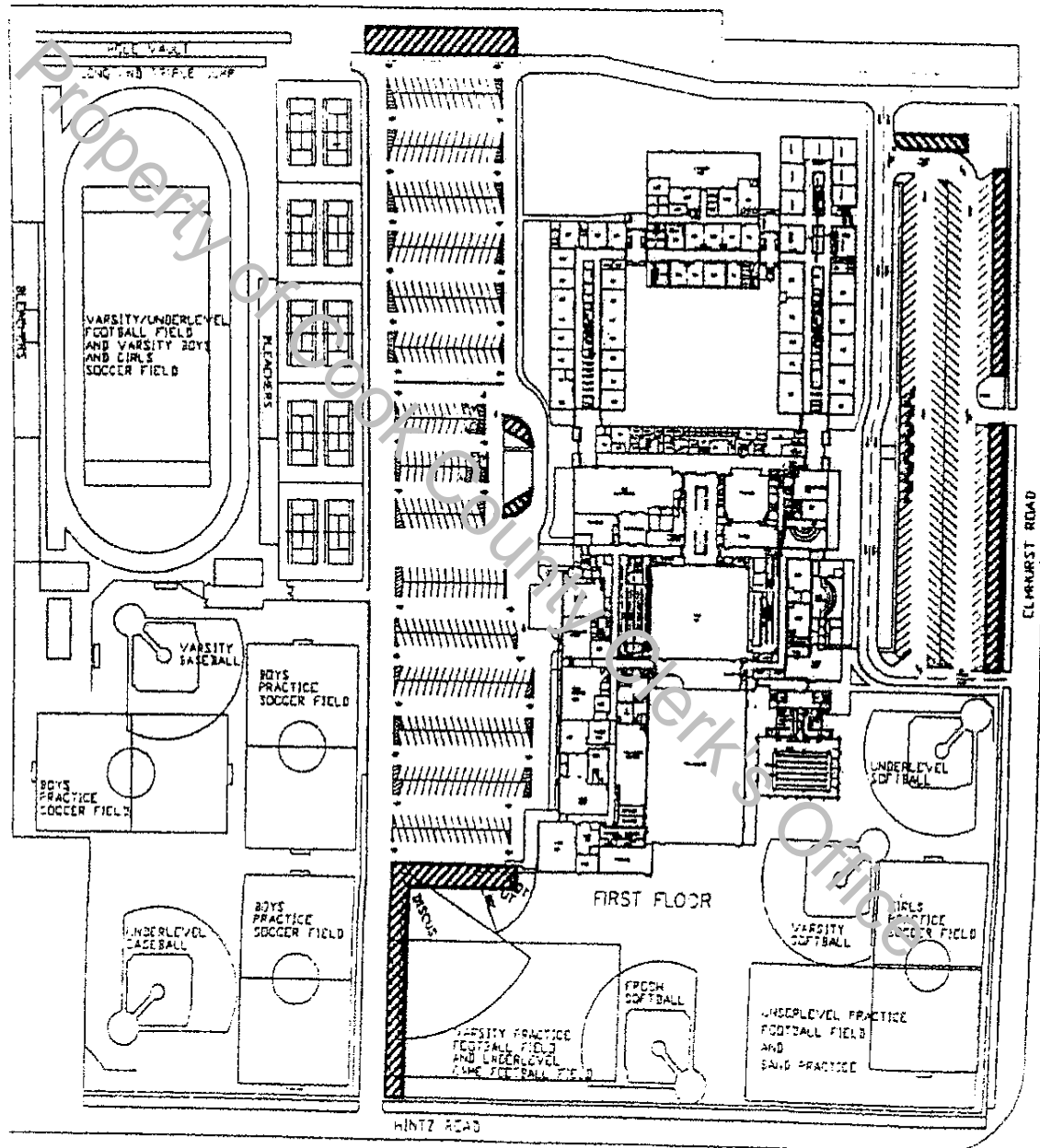
NEPTUNE POOL
WHEELING HIGH SCHOOL
900 SOUTH ELMHURST ROAD
WHEELING, ILLINOIS 60090

LOT TWO IN SCHOOL-PARK SUBDIVISION, A SUBDIVISION OF THE
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION
10, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL
MERIDIAN (EXCEPT THE WEST 100.00 FEET OF THE SOUTH 350.00
FEET THEREOF), IN COOK COUNTY, ILLINOIS

PERMANENT INDEX NUMBER: 03-10-303-005.

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EXHIBIT B



WHEELING HIGH SCHOOL N↑