

PROPERTY ADDRESS:

Pioneer Greenway
1095 Hobson Mill Drive

West Branch Parkway
SW Corner of Hobson Road
and Shadow Creek Lane

Naperville, IL 60540

P.I.N.s:

08-19-308-002
08-19-403-007
08-19-405-011
08-30-200-008
08-30-215-001
08-30-213-006

County: DuPage

Prepared by and Return to:

Derke Price
Ancel Glink
1979 N. Mill Street, #207
Naperville, IL 60563

(for Recorder's use only)

**LAND USE PERMIT
FROM THE NAPERVILLE PARK DISTRICT TO
THE CITY OF NAPERVILLE**

For and in consideration of the use of one dollar and other good and valuable considerations to it paid, the Naperville Park District, DuPage and Will Counties, (hereinafter referred to as "District" or "Owner"), an Illinois unit of local government, does hereby permit the City of Naperville (hereinafter referred to as "City") the non-exclusive right, permission and authority to use the following described property for purposes of surveying, constructing, reconstructing, staging, using, operating, maintaining, testing, inspecting, repairing, and replacing the adjacent interceptor sewer line and associated improvements (hereafter the "Interceptor Project"), together with the right of access thereto for said purposes, in, upon, under, along, and across portions of property commonly known as Pioneer Greenway and West Branch Parkway, said portions being legally described on Exhibit "A" attached hereto and made part hereof (the "Premises") and depicted on Exhibit "B" attached hereto and made a part hereof.

The City covenants and agrees to provide the District with the reasonable opportunity to comment upon any plans or specifications for any work to be performed by City on the Premises.

The District agrees not to obstruct access to the Premises.

The City covenants and agrees to defend, indemnify and save harmless the District for any and all claims, demands, and causes, or causes of action, loss or damage which may occur by reason of the City's use of the Premises in conjunction with the Interceptor Project, excepting, however, any loss or damage arising out of negligence or willful acts on the part of the District, its successors and assigns, employees, and agents.

The right, permission, and authority is also given to the City, to trim, cut down and/or remove trees and/or brush, where in the opinion of the City said trees and/or brush interfere with Interceptor Project or present a hazard to the Interceptor Project, provided that the location and species of replacement trees shall be at the discretion of the District.

The City and their agents shall have the right to enter the Premises of the District for the purpose of exercising the rights herein acquired, but the City shall promptly restore the Premises of the District to the conditions existing prior to any entry by the City or their agents. The City shall be liable for making payment for damages, if any, to vegetation, turf, fences, parking lots, trails, walkways, signs, park improvements and any other fixtures owned by the District which damages were caused by the acts of the City, their agents or employees within forty-five (45) days of written acknowledgment by the City that such damages were the responsibility of the City and agreement by the City that the invoiced amount is reasonable.

This Land Use Permit may be recorded in the Office of the DuPage County Recorder. This Land Use Permit shall terminate on December 31, 2024 unless terminated earlier or extended by the written mutual consent of both parties.

The Naperville Park District, under the laws of the State of Illinois hereby certifies that it is the Owner of the Premises and that as such Owner hereby grants to the City, Land Use Permit described herein for the uses and purposes therein set forth as allowed and provided for by statutes and does hereby acknowledge and adopt the same under the style and title aforesaid.

Approved by the President, Naperville Park District Board of Commissioners, Naperville, Illinois at a meeting held the ____ day of _____, 2018.

In witness whereof the said Naperville Park District and the said City of Naperville have caused this License to be executed by their duly authorized officers and their corporate seals to be affixed this ____ day of _____, 2018.

Naperville Park District, Owner

By: _____ Attest: _____
President Secretary

Date: _____

Accepted by City of Naperville

By: _____ Attest: _____
City Manager City Clerk

Date: _____