

RESOLUTION NO. 19 - ____
**A RESOLUTION APPROVING ENCROACHMENT
LICENSE AGREEMENTS FOR USE OF THE
CHICAGO AVENUE ALLEY REFUSE ENCLOSURE**

WHEREAS, the alley between the Chicago Avenue Parking Deck and adjacent businesses, (hereinafter the “Chicago Avenue Alley”), is cluttered with several dumpsters which occupy valuable space and detract from the appearance of the alley which is used by the public; and

WHEREAS, the City owns a refuse enclosure in the Chicago Avenue Alley which houses a City dumpster (hereinafter the “**Chicago Avenue Alley Refuse Enclosure**” or Refuse **Enclosure**”); and

WHEREAS, the City Council has determined that it is in the best interests of the City to allow the Refuse Enclosure to also be used to house the dumpsters of nearby businesses for the disposal of refuse and recycling, subject to a determination by the Director of the Department of Public Works that there is adequate space in the Refuse Enclosure, and subject to the terms and conditions set forth in the “Chicago Avenue Alley Refuse Enclosure License Agreement” attached hereto as **Exhibit A** (hereinafter “**License Agreement**”); and

WHEREAS, any entities authorized to use the Chicago Avenue Alley Refuse Enclosure will be required to execute and strictly comply with the provisions of the License Agreement; and

WHEREAS, the City Manager shall be delegated authority to execute License Agreements on behalf of the City.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority as follows:

SECTION 1: The Chicago Avenue Alley Refuse Enclosure Encroachment Agreement, attached to this Resolution as **Exhibit A**, is hereby approved.

SECTION 2: The City Manager is delegated the discretion and authority to execute License Agreements for the Chicago Avenue Alley Refuse Enclosure on behalf of the City upon recommendation of the Director of the Department of Public Works, and the City Clerk is authorized to attest said License Agreements.

SECTION 3: This Resolution shall be in full force and effect upon its passage and approval.

ADOPTED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk