

PROPERTY ADDRESS:

**Knoch Park (north)
West Street and Martin Avenue
Naperville, IL 60540**

P.I.N.: 07-24-208-103 (part)

County: DuPage

Township: Naperville

Return to:

City Clerk

City of Naperville

P.O. Box 3020

Naperville, IL 60566-7020

(for Recorder's use only)

**LICENSE
FROM THE NAPERVILLE PARK DISTRICT TO
THE CITY OF NAPERVILLE**

For and in consideration of the use of ten dollars and other good and valuable considerations from the City of Naperville to the Naperville Park District, DuPage and Will Counties, (hereinafter referred to as "District" or "Owner"), an Illinois unit of local government, the District does hereby permit the City of Naperville (hereinafter referred to as "City"), an Illinois municipal corporation and home rule unit of local government under the laws and Constitution of the State of Illinois, the non-exclusive right, permission and authority at the sole cost and expense of the City, construct, reconstruct, use, operate, maintain, test, inspect, repair, replace, alter, remove or abandon in place, a cabinet, ethernet cable, and two (2) Fluidmesh 1200 Volo antennas or other antenna of similar physical characteristics approved by the Park District on an existing 5' tall tower and 3/4" connection conduit attached to the roof of the Central Maintenance Facility to operate CCTV security cameras to be mounted by City on existing light poles and temporary Ribfest event structures annually, including any and all related attachments and appurtenances thereto ("Facilities"), and, upon reasonable prior notification to the Park District and consent (which will not be unreasonably withheld but sought by the City so as not to disrupt scheduled programming) the right of access, thereto for said purposes, in, upon, and across

that defined portion of Central Maintenance Facility located at Knoch Park and legally described on **Exhibit "A"** attached hereto and made part hereof (hereinafter the "Premises").

The City covenants and agrees to obtain all permits and to provide the District with the reasonable opportunity to comment upon any plans or specifications for any work to be performed by City in the Premises. The City will undertake the portion of work that involves installation of Facilities before June 15, 2017. The City also will reimburse the Park District for the cost to purchase and install a permanent ladder to access the said rooftop tower for routine repair and maintenance of the antennas and related components.

The District agrees not to obstruct access to the Premises.

The City further 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 construction, installation, operation, repair, and maintenance of the Facilities and all related or appurtenant equipment 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.

City shall notify Park District by June 1st of each year of planned work and schedule and its agents shall have the right to enter the Premises of the District from June 15th through July 15th annually for the purpose of exercising the rights herein acquired, but City shall promptly restore the Premises of the District to the conditions existing prior to any entry by City or its agents. City shall be liable for making payment within of an invoice for damages, if any, to the Central Maintenance Facility, equipment, and any other fixtures owned by the District and caused by the acts of City, its agents or employees within forty-five (45) days of written acknowledgment by the City that such damages were the responsibility of the City agreement by the City that the invoiced amount is reasonable.

All notices to the District shall be sent by email and Certified Mail addressed to the Director of Planning, Naperville Park District, 425 West Jackson Avenue, Naperville, Illinois 60540. All notices to the City shall be sent by Certified Mail addressed to the City Manager, City of Naperville, 400 S. Eagle Street, Naperville, Illinois, 60540.

Upon completion of installation of the Facilities, As-Built documentation relative to the location and construction of the Facilities shall be appended hereto and made part hereof as **Exhibit "B"**. This License shall be binding upon and/or in use to the benefit of the District's successors and assigns but all rights granted to City by this permit are expressly non-transferable and shall not be assigned. This License shall terminate at the end of five (5) years from the date of this agreement and automatically extend one (1) year increments, unless terminated earlier 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, License described hereon 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.

In witness whereof the said Naperville Park District has caused this Certificate to be executed by its duly authorized officers and its corporate seal to be affixed this ____ day of _____, 2017.

Naperville Park District, Owner

By: _____ Attest: _____
Ray McGury Secretary
Executive Director
Date: _____

Accepted by the City of Naperville

By: _____
Douglas A. Krieger
City Manager

ATTEST

By: _____
Pam LaFeber
City Clerk
Date: _____

EXHIBIT A

Legal Description

THAT PART OF THE NORTH HALF OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF HILLSIDE ROAD 884.90 FEET WEST OF THE WEST LINE EXTENDED OF WEBSTER STREET, SAID POINT BEING THE NORTHWEST CORNER OF NAPERVILLE CEMETERY; THENCE SOUTH 01 DEGREE 01 MINUTE 17 SECONDS WEST ALONG THE WEST LINE OF SAID CEMETERY, 1115.18 FEET TO THE NORTHERLY LINE OF MARTIN AVENUE; THENCE SOUTH 87 DEGREES 54 MINUTES WEST ALONG SAID NORTHERLY LINE, 741.16 FEET TO THE EASTERLY LINE OF WEST STREET; THENCE NORTHERLY ALONG SAID EASTERLY LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 3900.00 FEET, A DISTANCE OF 1087.10 FEET; THENCE NORTHERLY ALONG SAID EASTERLY LINE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2211.83 FEET, A DISTANCE OF 97.41 FEET TO THE SOUTH LINE OF HILLSIDE ROAD; THENCE SOUTH 88 DEGREES 58 MINUTES EAST ALONG SAID SOUTH LINE 979.93 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

PIN: 07-24-208-103
Address: 724 S West Street, Naperville, Illinois 60540 (Knoch Park North)
427 Martin Avenue, Naperville, Illinois 60540 (Central Maintenance Facility)

EXHIBIT B

As-Built Design