

**CITY OF MATTOON, ILLINOIS
SPECIAL CITY COUNCIL AGENDA**

May 13, 2014

3:30 P.M.

3:30 PM BUSINESS MEETING

Pledge of Allegiance

Roll Call

Electronic Attendance

PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meetings Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments. We would ask you to state your name for the record as well as stand when speaking.

- **Public comments/presentations and non-agenda items**

NEW BUSINESS

- 1. Motion – Approve Resolution No. 2014-2915: Authorizing a lease agreement between the City of Mattoon and Douglas Hart Nature Center for bike trail connection purposes. (Cox)**

Adjourn

NEW BUSINESS:

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2014-2915

**A RESOLUTION AUTHORIZING A LEASE AGREEMENT
BETWEEN THE CITY OF MATTOON AND DOUGLAS HART NATURE CENTER**

WHEREAS, the Douglas Hart Nature Center is a 70 acre natural area and education center located at 2204 Dewitt Avenue East; and

WHEREAS, the City of Mattoon and the City of Charleston own and maintain a 12+ mile Recreational Trail between the two communities; and

WHEREAS, the City of Mattoon and Douglas Hart Nature Center wish to connect the Nature Center to the existing Recreation Trail by means of a 450' long x 10' wide bike trail for pedestrian and bicycle access; and

WHEREAS, Douglas Hart Nature Center has recently purchased the property located at 2121 Dewitt Avenue East for that expressed purpose; and

WHEREAS, the City of Mattoon and Douglas Hart Nature Center wish to enter into the attached Lease Agreement to allow construction and maintenance of said bike trail connection.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Mattoon, Coles County, Illinois, that the attached Lease Agreement between the City of Mattoon and Douglas Hart Nature Center be approved.

Upon motion by _____, seconded by _____, adopted this _____ day of _____, 2014, by a roll call vote, as follows:

AYES (Names): _____

NAYS (Names): _____

ABSENT (Names): _____

Approved this _____ day of _____, 2014.

Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

Susan J. O'Brien, City Clerk

Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on _____, 2014.

LEASE AGREEMENT

This LEASE AGREEMENT entered into this ____ day of _____, _____, by and between the City of Mattoon Illinois, hereinafter referred to as the CITY, and Douglas Hart Nature Center hereinafter referred to as DOUGLAS HART.

WHEREAS, DOUGLAS HART owns and maintains a 70 acre Nature Center located at 2204 Dewitt Avenue East; and

WHEREAS, the CITY (of Mattoon) and the City of Charleston own and maintain a 12+ mile Recreational Trail between the two communities; and

WHEREAS, the CITY and DOUGLAS HART wish to connect the Nature Center to the existing Recreation Trail by means of a 450' long x 10' wide bike trail for pedestrian and bicycle access; and

WHEREAS, DOUGLAS HART has recently purchased the property located at 2121 Dewitt Avenue East for that expressed purpose; and

WHEREAS, a Location Map of the proposed Bike Trail Connection is attached as Exhibit 'A'; and

WHEREAS, a Legal Description of the real estate at 2121 Dewitt Avenue East is attached as Exhibit 'B'; and

WHEREAS, a Legal Description of the real estate at 2204 Dewitt Avenue East is attached as Exhibit 'C'.

NOW, THEREFORE, in consideration of the mutual benefits contained herein, the parties agree as follows:

1. The CITY agrees to apply for funding assistance and to provide all design and construction engineering for the proposed Bike Trail Connection at no cost to DOUGLAS HART.
2. DOUGLAS HART agrees to allow the CITY to enter upon the properties at 2121 Dewitt Avenue East and 2204 Dewitt Avenue East for the construction and maintenance of the proposed Bike Trail Connection.
3. The CITY and DOUGLAS HART agree to each pay 50% of the demolition and construction costs to complete the proposed Bike Trail Connection.
4. The CITY agrees to use any grant funds received to evenly reduce the construction costs for both parties.

5. The CITY agrees to maintain the proposed Bike Trail Connection, at no cost to DOUGLAS HART, including the pavement surface, aggregate base, signs, and pavement markings for the life of the Bike Trail Connection.

6. DOUGLAS HART agrees to maintain the surrounding properties at 2121 Dewitt Avenue East and 2204 Dewitt Avenue East, at no cost to the CITY, for the life of the Bike Trail Connection.

7. This LEASE AGREEMENT shall be considered null and void if demolition and construction of the project has not begun by June 30, 2015. This LEASE AGREEMENT may be terminated by either party, on 30 days written notice, prior to the start of demolition or construction. This LEASE AGREEMENT shall supersede the Letter of Intent dated March 12, 2014.

City of Mattoon Illinois,

Douglas Hart Nature Center,

Timothy D. Gover
Mayor, City of Mattoon

Gary Boske, Executive Director
Douglas Hart Nature Center

Attest,

Susan J. O'Brien
City Clerk, City of Mattoon

EXHIBIT 'B'
LEGAL DESCRIPTION
2121 DEWITT AVENUE EAST

From the Northwest Corner of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 16, Township 12 North, Range 8 East of the 3rd Principal Meridian, measure Eastwardly along said Section line 257 feet to the Point of Beginning; thence continuing the last described course measure 100 feet East; thence South to the right-of-way of the C.C. & ST.L. RY. CO.; thence Southwesterly along said right-of-way line to a point directly south of the Point of Beginning; thence North to the Point of Beginning, Coles County, Illinois.

EXHIBIT 'C'
LEGAL DESCRIPTION
2204 DEWITT AVENUE EAST

The south 200' of the following tract:

Tract #1: 25 acres off the West side of the Southeast Quarter (SE1/4) of Section 9, Township 12 North, Range 8 East, 3rd Principal Meridian, Coles County Illinois.

Nothing follows