

VILLAGE OF BEACH PARK

2006-O-35

***An Ordinance Authorizing Execution of an Indemnification Agreement
Between the Village of Beach Park and School District 3***

ADOPTED BY THE VILLAGE BOARD

OF THE

VILLAGE OF BEACH PARK, ILLINOIS

ON

JUNE 27, 2006

**Published in pamphlet form by authority of the Village Board
of the Village of Beach Park, Lake County, Illinois
this 28th day of June _____, 2006**

**MILTON C. JENSEN, President
RICHARD GUST, Trustee
JOHN HUCKER, Trustee
REGINA MILLER, Trustee
MARK OTTERSEN, Trustee
ROGER SPENCER, Trustee
LARRY WELLS, Trustee
LAURELLA CVENGROS, Clerk
DAVID W. McARDLE, Attorney**

ORDINANCE NO. 2006-O-35

An Ordinance Authorizing Execution of an Indemnification Agreement Between the Village of Beach Park and School District 3

WHEREAS, the Village of Beach Park, Lake County, Illinois, through its ordinances or through the provisions of its *Second Amendment to Annexation and Development Agreement (Heatherstone at Beach Park)* between the Village and DRH Cambridge Homes, Inc. has required that DRH Cambridge Homes make certain contributions to the Village, which the Village, in turn, may make available to other government bodies that are affected by the subdivision improvements; and

WHEREAS, such contributions may be in money and, when transferred or paid over by the Village to those other government bodies, may inure to the benefit of those other government bodies and not entirely to the direct benefit of the Village; and

WHEREAS, on December 13, 2005, the Village adopted Ordinance Number 2005-0-51 an *Ordinance Designating a Portion of the Cambridge North Parcel Development Impact Fees to the Zion Benton Township High School District 126 and Beach Park Community Consolidated School District 3 (the Ordinance)*, providing for the transfer of a part of the impact fee money collected from Cambridge Homes to be paid to the two school districts named in that ordinance; and

WHEREAS, that Ordinance conditioned such payment on the execution by each school district of an agreement indemnifying the Village and holding it harmless from any damages and costs which might arise out of any challenge to the validity of the Ordinance; and

WHEREAS, the Village is willing, at its discretion, to accept the contribution of money from Cambridge Homes and to turn a portion of that money over to the benefiting school districts; and

WHEREAS, the Village is willing, in its discretion, to pay over to or require contributions for the school districts only on the condition that they execute the indemnification agreement annually; and

WHEREAS, it is in the best interests of the Village that a certain Indemnification Agreement, a true and correct copy of which is attached hereto and incorporated herein by reference, be entered into; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Beach Park, Lake County, Illinois, as follows:

SECTION 1: That the President be, and is hereby authorized and directed to execute, and the Village Clerk is authorized and directed to attest, duplicate original copy of the indemnification agreement, a copy of which is attached hereto and made a part hereof.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.


Voting Aye: Gust, Huckler, Miller, Ottersen, Wells & Mayor Jensen

Voting Nay: -0-

Absent: Tr. Spencer

Abstain: -0-

APPROVED:



President Milton C. Jensen

(SEAL)
ATTEST: 
Village Clerk Laurella Cvengros

Passed: June 27, 2006

Approved: June 27, 2006

Published: June 28, 2006

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