

**AMENDMENT #1 TO AGREEMENT
BETWEEN THE COUNTY OF LAKE
AND THE VILLAGE OF OLD MILL CREEK
FOR THE CONSTRUCTION AND MAINTENANCE
OF A MULTI-USE TRAIL UNDERPASS
ALONG HUNT CLUB ROAD (COUNTY HIGHWAY 29),
APPROXIMATELY 200 FEET SOUTH OF MILL CREEK
IN OLD MILL CREEK, ILLINOIS**

THIS AMENDMENT #1 is entered into this ____ day of _____, A.D. 20____, by and between the COUNTY OF LAKE, Illinois, an Illinois body politic and corporate, acting by and through its Chairman and County Board, hereinafter referred to as the COUNTY, and the VILLAGE of OLD MILL CREEK, an Illinois Municipal Corporation, acting by and through its Village President and Board of Trustees, hereinafter referred to as the VILLAGE. The COUNTY and the VILLAGE are hereinafter referred to collectively as the “parties” to THIS AMENDMENT, and either one is referred to individually as a “party” to THIS AMENDMENT.

WITNESSETH

WHEREAS, the COUNTY and the VILLAGE have entered into an agreement dated August 11, 2011, hereinafter referred to as the AGREEMENT, regarding the construction of a multi-use trail underpass along Hunt Club Road (County Highway 29), approximately 200 feet south of Mill Creek in Old Mill Creek, Illinois (hereinafter MULTI-USE TRAIL UNDERPASS) concurrent with the COUNTY’s construction of its roadway improvement project along Hunt Club Road, between Millburn Road and Wadsworth Road, known as County Section No. 02-00076-13-CH; and,

WHEREAS, under the AGREEMENT, construction of the MULTI-USE TRAIL UNDERPASS by the VILLAGE was to be substantially complete (as defined under Section II.A.6 of the AGREEMENT) within the 80-day prescribed road closure of Hunt Club Road (i.e., on or before September 26, 2011), otherwise the VILLAGE would be subject to certain penalties pursuant to the AGREEMENT; and,

WHEREAS, as a result of certain timing and project coordination issues, the COUNTY and the VILLAGE recognize that it is no longer reasonably possible for the VILLAGE to complete the construction of the MULTI-USE TRAIL UNDERPASS within the timetable set forth under the AGREEMENT, creating the need for THIS AMENDMENT #1; and,

WHEREAS, THIS ADMENDMENT #1 shall effectuate a omnibus revision to the AGREEMENT such that the date for the substantial completion of the construction of the MULTI-USE TRAIL UNDERPASS shall be extended to October 10, 2011, with all other terms and conditions of the AGREEMENT (including prescribed penalties thereof) remaining intact; and,

WHEREAS, the VILLAGE shall be subject to certain penalties pursuant to Section III of the AGREEMENT should the construction of the MULTI-USE TRAIL UNDERPASS not be substantially complete on or before October 10, 2011;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, made pursuant to all applicable statutes, local ordinances and authority, the COUNTY and the VILLAGE do hereby enter into the following:

1. It is mutually agreed by and between the parties hereto that THIS AMENDMENT #1 of the parties hereto, pursuant to Paragraph IV-8 of the AGREEMENT, is contained herein and that THIS AMENDMENT #1 supersedes all oral agreements and negotiations between the parties hereto relating to the subject matter hereof.
2. It is mutually agreed by and between the parties hereto that the date for the substantial completion of the construction of the MULTI-USE TRAIL UNDERPASS shall be changed from September 26, 2011 of the AGREEMENT to October 10, 2011 by THIS AMENDMENT #1, with all other terms and conditions of the AGREEMENT (including prescribed penalties thereof) remaining intact.

ATTEST:

Village Clerk

VILLAGE OF OLD MILL CREEK

By: _____
Village President

Date: _____

RECOMMENDED FOR EXECUTION

Lake County
County Engineer/
Director of Transportation

COUNTY OF LAKE

ATTEST:

By: _____
Chairman
Lake County of Board

Clerk
Lake County

Date: _____

DRAFT