

**INTERGOVERNMENTAL AGREEMENT
RELATING TO THE
O’HARE MODERNIZATION PROGRAM
PLANNING INFORMATION**

THIS INTERGOVERNMENTAL AGREEMENT (this “Agreement”) is entered into this ___ day of _____, 2004, by and between the **CITY OF CHICAGO**, and Illinois municipal corporation (“CITY”), and the **COUNTY OF DUPAGE**, an Illinois body corporate and politic (“COUNTY”).

WHEREAS, the COUNTY is undertaking a land use study (the “Study”) in order to assess the relationships between land use, roadway and transit developments and community issues beyond the boundaries of Chicago O’Hare International Airport (the “Airport”); and

WHEREAS, the CITY owns and operates the Airport and is undertaking the O’Hare Modernization Program (the “OMP”), a comprehensive program providing for the phased reconfiguration of the airfield at the Airport as well as the construction of access/circulation systems and necessary support facilities at the Airport that will be implemented over a multi-year period in order to address flight delays and increase capacity at the Airport; and

WHEREAS, the improvements proposed under the OMP will generally include, among other things, the addition of a new runway, the relocation of three runways and the extension of two runways, the creation of a new western terminal and parking facilities, and the connection of the western terminal facility to the existing terminal core by an automated people mover system; and

WHEREAS, in Section 5(a)(5) of the O’Hare Modernization Act, Public Act 93-450 (“OMA”), the Illinois General Assembly finds and determines:

“Public roadway access through the existing western boundary of O’Hare to passenger terminal and parking facilities located inside the boundary of O’Hare and reasonably accessible to that western access is an essential element of the O’Hare Modernization Program. That western access to O’Hare is needed to realize the full economic opportunities created by the O’Hare Modernization Program and to improve ground transportation in the O’Hare area. It is important to the State that the western access be constructed not later than the time existing runway 14R-32L is removed from service.” 620 ILCS 65/5(a)(5);

and

WHEREAS, the OMP improvements will provide numerous benefits, including the reduction of weather delays at the Airport by an estimated 95% and overall delays by an estimated 79% (which will have the effect of providing savings to consumers an estimated \$380 million dollars per year) and the projected creation of 195,000 jobs and an additional \$18 billion dollars a year in economic activity.

WHEREAS, no local or State of Illinois taxpayer dollars will be used to fund the OMP;

and

WHEREAS, the CITY will provide funding as hereinafter provided by those aspects of the Study relating to planning for land use that is compatible with the Airport as it will exist upon implementation of the OMP, planning for multi-modal transportation facilities that will complement and be compatible with the OMP and planning for non-Airport roadways in as much as it will be helpful to the CITY in the planning and conceptual design of Airport facilities related to the OMP (collectively, “OMP Planning Information”); and

WHEREAS, the COUNTY will make the reports and other documents produced as a result of the Study (the “Study Documents”) available to the CITY;

NOW, THEREFORE, the CITY and the COUNTY agree, as follows:

SECTION 1. THE STUDY. The COUNTY will undertake the Study, including specifically but not limited to, the aspects related to OMP Planning Information, and will proceed with due diligence to cause the Study to be completed in a professional manner by the projected completion date of June 30, 2005. The COUNTY will inform the CITY thirty (30) days prior to the projected completion date of when the Study will be completed or if an extension will be necessary.

SECTION 2. CITY'S FUNDING CONTRIBUTION. The CITY will pay to the COUNTY the following amounts (the "CITY's Funding Contribution"), which shall be applied by the COUNTY toward payment or reimbursement of the costs of the Study related to the OMP Planning Information. The CITY will pay to the COUNTY, solely from Airport funds legally available to be used for purposes of planning for or implementing the OMP, (a) \$100,000 within forty-five (45) days of the CITY's receipt of all preliminary documents, and (b) \$100,000 within 45 days of the CITY's receipt of the final Study Documents. The CITY will receive all final documents thirty (30) days prior to public release. The COUNTY will cooperate with the CITY to ensure that the CITY's Funding Contribution will be used in compliance with all requirements applicable to the source or sources of funding used by the CITY to make the CITY Funding Contribution. The CITY will inform the COUNTY of all such requirements.

SECTION 3. STUDY DOCUMENTS. The COUNTY will cause completed Study Documents to be delivered to the CITY promptly upon their completion by the COUNTY. The COUNTY will take all necessary actions to ensure that the CITY shall have the right to use the Study Documents in connection with planning for and implementing the OMP and for other purposes of the Airport.

SECTION 4. GOVERNING LAW. This Agreement shall be governed by and interpreted under the applicable laws of the State of Illinois.

SECTION 5. ASSIGNMENT AND AMENDMENT. This Agreement shall not be assigned by either party without the express, written consent of the other party. This Agreement shall not be amended except by a written amendment duly authorized and executed by both parties.

IN WITNESS WHEREOF, the CITY and the COUNTY have caused this Agreement to be duly authorized and to be executed by their respective duly authorized officers as of the date first written above.

COUNTY OF DUPAGE

Attest:

County Clerk

(SEAL)

By: _____
Chairman, DuPage County Board

Date: _____

CITY OF CHICAGO

By: _____
Executive Director, O'Hare Modernization Program

Date: _____