

RESOLUTION NO. 2020-08-037R

**A RESOLUTION ACCEPTING A “TORNADO TREES” FOR TREE TOWN GRANT
FROM ROTARY CLUB OF URBANA**

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Resolution constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, the responsibility to maintain public trees within the jurisdictional boundaries of the City rests with the City; and

WHEREAS, the City finds that the best interests of the public are served by maintaining a proactive urban forestry management program; and

WHEREAS, the Arbor Day Foundation designated the City as a “Tree City USA” community in 1976, the first city on Illinois so designated; and

WHEREAS, the City has recently sustained damage to the urban forest from natural disasters such as the emerald ash borer and a recent F-1 tornado which struck Urbana on May 26, 2019; and

WHEREAS, a total of 64 public trees (valued in excess of \$14,000) were destroyed with an additional 89 public trees damaged in the tornado; and

WHEREAS, Rotary Club of Urbana applied for and received a Rotary District 6490 “Tornado Trees” for Tree Town grant; and

WHEREAS, Rotary Club of Urbana has offered a \$5,000 portion of the grant to the City; and

WHEREAS, such grant will enable the City to strengthen and rebuild its urban forest and to provide education and outreach to the greater community.

WHEREAS, the City Council, after due consideration, finds that the acceptance of the grant, upon such rules and criteria as contained in the Subcontract Agreement attached hereto, promotes the diverse urban forest of the City, is in the best interests of the residents of the City, and is desirable for the benefit of the City’s government and affairs.

NOW, THEREFORE, BE IT RESOLVED by the City Council, of the City of Urbana, Illinois, as follows:

Section 1.

The City of Urbana, Illinois, hereby accepts a Rotary Club of Urbana grant in the amount of \$5,000, substantially upon such terms as contained in the copy of the Agreement between the Rotary Club of Urbana and the City of Urbana, attached hereto and hereby incorporated by reference.

Section 2.

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said agreement and all other documents necessary for the City to accept such grant as so authorized and approved for on and behalf of the City of Urbana, Illinois.

Section 3.

From and after the execution and delivery of such agreement, the Arbor Division Supervisor/City Arborist is hereby authorized and directed to perform all acts necessary on behalf of the City of Urbana to carry out the purpose and intent of this Resolution.

PASSED BY THE CITY COUNCIL this Date day of Month, Year.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this Date day of Month, Year.

Diane Wolfe Marlin, Mayor

**AGREEMENT BETWEEN THE CITY OF URBANA AND ROTARY CLUB OF
URBANA FOR RECEIPT OF “TORNADO TREES” FOR TREE TOWN GRANT
FUNDING**

This agreement is made between Rotary Club of Urbana and the City of Urbana, Illinois (“Urbana”), each a “party” and together the “parties,” and is effective on the last date signed by a party hereto. The parties agree as follows:

1. **Rotary Club of Urbana’s Commitment.** Rotary Club of Urbana agrees to grant Urbana the amount of \$5,000 for strengthen and rebuild its urban forest and to provide education and outreach to the greater community.
2. **Urbana’s Commitment.** Urbana agrees to strengthen and rebuild the tree inventory damaged and lost due to the May 26, 2019 F-1 tornado, and plant trees in underserved zones in the community. Additionally, all planted trees will be recognized and listed as Rotary Club of Urbana-sponsored in Urbana’s tree inventory database.
3. **Default.** Either party may terminate this agreement at any time for cause if the other party breaches any term of this agreement and does not cure such breach by the 30th day after written notice is given. The party giving notice shall specify the reason or reasons for such termination and shall state the effective date of such termination if the breach is not fully corrected.
4. **Assignment.** Rotary Club of Urbana shall not assign its rights under this agreement unless Urbana provides its prior written express consent of the proposed assignee of such rights, which consent Urbana may withhold in its sole discretion.
5. **Entire agreement; amendments.** This agreement constitutes the entire agreement between the parties concerning the subject matter and supersedes all prior agreements or understandings pertaining to the matter of this agreement. Any modification of this agreement must be in writing and signed by the parties.
6. **Notices.** Except where the terms of this agreement expressly provide otherwise, the parties shall give all notices required or permitted by this agreement in writing, addressed as set forth below, unless another address is provided in writing. Notices will be deemed given when personally delivered; deposited in the U.S. mail, postage prepaid, first class; or delivered to a commercial courier.

Urbana: Kevin Sanderson, Arbor Division Supervisor/City Arborist, City of Urbana, 706 South Glover Ave., Urbana, Illinois, 61802

Rotary Club of Urbana: Celeste Choate, President

7. **Authority.** Each party represents to the other that the person signing this agreement on behalf of the party is authorized and empowered to enter into this agreement by and on behalf of such party and to bind that party to all terms, performances, and provisions herein set forth.
8. **Counterparts.** The parties may sign this agreement in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same

instrument. Signatures delivered by email in Adobe Portable Document Format (PDF) or by facsimile will be deemed original signatures for all purposes.

The parties are signing this agreement on the dates indicated below their signatures.

Rotary Club of Urbana

City of Urbana, Illinois

BY:

BY:

Name: Celeste Choate

Title: President

Name: Diane Wolfe Marlin

Title: Mayor

Date: _____, 2020

Date: _____, 2020