

**VILLAGE OF LOMBARD**  
**REQUEST FOR BOARD OF TRUSTEES ACTION**  
For Inclusion on Board Agenda


Resolution or Ordinance (Blue)       Waiver of First Requested  
 Recommendations of Boards, Commissions & Committees (Green)  
 Other Business (Pink)

**TO :** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott Niehaus, Village Manager

**DATE :** March 9, 2018                      **(BOT) Date:** March 15, 2018

**SUBJECT:** Ordinance Authorizing the Disposal and Transfer of Title to Municipal Owned Personal Property (Sanitary Sewer Line) Clover Creek Apartments (830 Foxworth Blvd.)

**SUBMITTED BY:** William J. Heniff, AICP, Director of Community Development 

**BACKGROUND/POLICY IMPLICATIONS:**

This action is being requested in order to allow for a proposed clubhouse building addition to occur. The Ordinance would deem the sanitary sewer line as surplus and allow the property owner to take ownership and maintenance responsibility of the line.

Staff recommends a waiver of first reading so that the approval will coincide with the companion Resolution Accepting a Plat of Easement that is also placed on the Board agenda.

**Fiscal Impact/Funding Source:**

Review (as necessary):

Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager \_\_\_\_\_ Date \_\_\_\_\_

**NOTE:** All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**MEETING DATE:** March 15, 2018

**SUBJECT:** **Ordinance and Bill of Sale of a Sanitary Sewer Line – Clover Creek Apartments (830 Foxworth Blvd.)**

The construction of a building addition to the existing clubhouse at the Clover Creek Apartments requires a conveyance of title to an existing sanitary sewer. The building addition will be built over a Village-owned sanitary sewer which was approved by the Plan Commission as part of SPA 17-04. To address a condition of approval of SPA 17-04, the Public Works Department noted they could consent to have the property owners take ownership of the sanitary sewer, thereby making the sanitary sewer a private service line. For this action to occur, the Village will need to declare the public sanitary service line as surplus property.

The building addition was approved by the Plan Commission at SPA 17-04.

### **ACTION REQUESTED**

The attached ordinance and bill of sale was prepared by Village Counsel. Staff recommends approval by the Village Board, at their March 15, 2018 meeting. A waiver of first is requested so that the approval will coincide with the companion Resolution Accepting a Plat of Easement that is also placed on the Board agenda as well.

ORDINANCE \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE DISPOSAL OF, AND  
TRANSFER OF TITLE TO, MUNICIPAL OWNED PERSONAL PROPERTY**

**WHEREAS**, in the opinion of the Corporate Authorities of the Village of Lombard, it is no longer necessary or useful to or in the best interests of the Village of Lombard to retain the following-described personal property:

- Three hundred seventy (370) lineal feet of eight (8) inch diameter sanitary sewer main and two (2) sanitary sewer manholes on the Clover Creek Apartments property located at 830 Foxworth Boulevard, Lombard, Illinois,

now owned by the Village of Lombard; and

**WHEREAS**, the Village routinely declares such type of personal property surplus when: (1) the underlying property owner desires to take over the ownership and maintenance thereof, as a private sanitary sewer service line; (2) no other property owners rely on said personal property for sewage disposal purposes; and (3) the best interests of the Village of Lombard will be served by the transfer of title thereto;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:**

Section 1: Pursuant to 65 ILCS 5/11-76-4, the President and Board of Trustees find the following-described property:

- Three hundred seventy (370) lineal feet of eight (8) inch diameter sanitary sewer main and two (2) sanitary sewer manholes on the Clover Creek Apartments property located at 830 Foxworth Boulevard, Lombard, Illinois,

now owned by the Village of Lombard is no longer necessary or useful to the Village of Lombard and the best interests of the Village will be served by the transfer of title thereto to the underlying property owner, Clover Creek Apartments Property Owner, LLC.

Section 2: Pursuant to said 65 ILCS 5/11-76-4, the Village President and Clerk are hereby authorized and directed to transfer ownership of the aforementioned personal property now owned by the Village of Lombard to Clover Creek Apartments Property Owner, LLC, and to execute any and all documents necessary to transfer ownership of the personal property to Clover Creek Apartments Property Owner, LLC, including, but not limited to, the bill of sale relative to said personal property, attached hereto as Exhibit 1 and made part hereof.

Section 3: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2018.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2018.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2018,  
pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Keith Giagnorio  
Village President

**ATTEST:**

\_\_\_\_\_  
Sharon Kuderna  
Village Clerk

**Exhibit 1**

**BILL OF SALE**

(attached)

**BILL OF SALE**

The Village of Lombard, 255 East Wilson Avenue, Lombard, Illinois 60148 (the "Seller"), in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Seller, does hereby sell, assign, transfer and set over unto Clover Creek Apartments Property Owner, LLC, a Delaware limited liability company authorized to do business in Illinois (the "Buyer") the following-described personal property (the "Personalty"):

- Three hundred seventy (370) lineal feet of eight (8) inch diameter sanitary sewer main and two (2) sanitary sewer manholes on the Clover Creek Apartments property located at 830 Foxworth Boulevard, Lombard, Illinois,

the location of which is depicted on Exhibit A attached hereto and made part hereof.

Seller hereby represents and warrants to Buyer that Seller is the absolute owner of the Personalty, that the Personalty is free and clear of all liens, charges and encumbrances, and that Seller has full right, power and authority to sell the Personalty and to provide this Bill of Sale. **ALL WARRANTIES OF QUALITY, FITNESS AND MERCHANTABILITY ARE HEREBY EXCLUDED AND DISCLAIMED.**

**IN WITNESS WHEREOF**, Seller has signed and sealed this Bill of Sale as of the \_\_\_\_ day of \_\_\_\_\_, 2018.

**Seller:**  
**Village of Lombard**

**Buyer:**  
**Clover Creek Apartments Property Owner, LLC, a Delaware limited liability company authorized to do business in Illinois**

**ACCEPTED:**

By: \_\_\_\_\_  
Keith Giagnorio, Village President

By: JRK MF Opportunities II LP  
Its Manager

Attest: \_\_\_\_\_  
Sharon Kuderna, Village Clerk

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2018

Date: \_\_\_\_\_, 2018

**Exhibit A**



**Depiction of the Location of the Personalty**

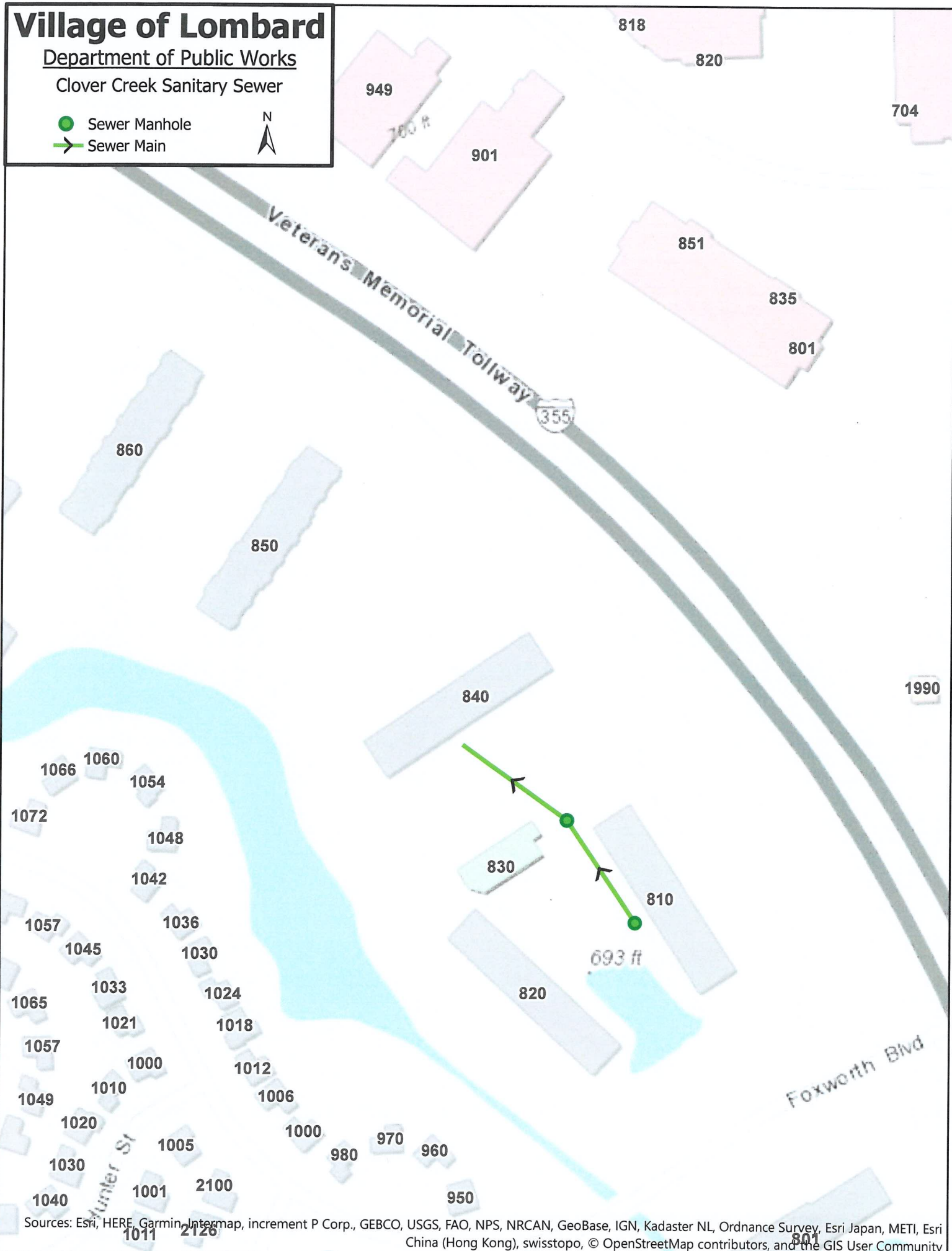
(attached)

# Village of Lombard

Department of Public Works

Clover Creek Sanitary Sewer

-  Sewer Manhole
-  Sewer Main



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community