

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


 X Resolution or Ordinance (Blue) X *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: November 7, 2016 BOT DATE: November 17, 2016

TITLE: AN ORDINANCE DECLARING THE NECESSITY FOR THE VILLAGE OF LOMBARD TO USE AND OCCUPY CERTAIN REAL ESTATE OWNED BY THE FOREST PRESERVE DISTRICT OF DUPAGE COUNTY, FOR THE WASTEWATER TREATMENT FACILITIES OF THE GLENBARD WASTEWATER AUTHORITY, PURSUANT TO THE LOCAL GOVERNMENT PROPERTY TRANSFER ACT (50 ILCS 605/0.01 et seq.), AND REPEALING ORDINANCE NO. 7219, ADOPTED MAY 19, 2016, AND ORDINANCE NO. 7227, ADOPTED JUNE 16, 2016, IN RELATION THERETO

SUBMITTED BY: Carl Goldsmith, Director of Public Works 

BACKGROUND/POLICY IMPLICATIONS:

The ordinance sets forth the process for the Village of Lombard to obtain fee simple title for Property owned by the Forest Preserve District of DuPage County to be used in conjunction with the operation of the Glenbard Wastewater Authority sanitary treatment facility. The Village Board previously approved this Ordinance at the May 19, 2016 and an amended Ordinance at the June 16, 2016 meeting. Upon approval, it was determined that the legal description in Exhibit "A" did not match the property included in the conveyance. As such, the Staff is recommending the Village Board adopt an amended Ordinance.

FISCAL IMPACT/FUNDING SOURCE

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: Materials must be submitted to/approved by the Village Manager's Office by 12:00 p.m. Wednesday, prior to the Agenda Distribution



November 7, 2016

TO: Village President and Board of Trustees

THROUGH: Scott Niehaus, Village Manager

FROM: Carl Goldsmith, Director of Public Works *CG*

SUBJECT: Property Transfer between the Village of Lombard and the Forest Preserve District of DuPage County – Amended Ordinance

At the May 19, 2016 and June 16, 2016 Village Board of Trustees meetings, the Village Board approved Ordinances, which declared the need for the Village to use property owned by the DuPage County Forest Preserve District. The property was subject to an easement agreement dating back to 1966 for the property just south of the Combined Sewer Overflow plant on Hill Avenue. The Village obtained use of the property for the treatment of sanitary sewerage via a 50 year easement agreement.

Village staff has been actively working on the conveyance of three (3) parcels that would allow for continued use of the District's property for the Combined Sewer Overflow plant. Prior to the adoption of an intergovernmental agreement that will effectuate the property conveyance process, the Village Board of Lombard and the Forest Preserve Board must first adopt companion ordinances DECLARING THE NECESSITY FOR THE VILLAGE OF LOMBARD TO USE AND OCCUPY CERTAIN REAL ESTATE OWNED BY THE FOREST PRESERVE DISTRICT OF DUPAGE COUNTY, FOR THE WASTEWATER TREATMENT FACILITIES OF THE GLENBARD WASTEWATER AUTHORITY. Which would satisfy the requirements of the Local Government Property Transfer Act (50 ILCS 605/0.01 et seq.)

Upon review of the Ordinance approved by the Village Board, it was determined that the legal descriptions contained in Exhibit "A" did not match the parcels that will be part of the conveyance process. Exhibit "B" depicts the property that will be conveyed through the IGA. An ordinance amending Ordinance 7219 and 7227 has been prepared to include the legal descriptions for both parcels.

Thank you for your time and consideration of this matter. Should you have any questions, please feel free to contact me.

ORDINANCE NO. _____

AN ORDINANCE DECLARING THE NECESSITY FOR THE VILLAGE OF LOMBARD TO USE AND OCCUPY CERTAIN REAL ESTATE OWNED BY THE FOREST PRESERVE DISTRICT OF DUPAGE COUNTY, FOR THE WASTEWATER TREATMENT FACILITIES OF THE GLENBARD WASTEWATER AUTHORITY, PURSUANT TO THE LOCAL GOVERNMENT PROPERTY TRANSFER ACT (50 ILCS 605/0.01 *et seq.*), AND REPEALING ORDINANCE NO. 7219, ADOPTED MAY 19, 2016, AND ORDINANCE NO. 7227, ADOPTED JUNE 16, 2016, IN RELATION THERETO

WHEREAS, the Forest Preserve District of DuPage County (the "District") owns an approximately 9.5 +/- acre property within the East Branch Riverway Forest Preserve that is legally described on Exhibit "A" attached hereto and made part hereof, and depicted in Exhibit "B" attached hereto and made part hereof (the "District Property"); and

WHEREAS, the District granted an easement to the Village of Lombard (the "Village"), on March 15, 1966, for the purpose of operating a wastewater treatment facility on the District Property, which easement has now expired; and

WHEREAS, the Village of Glen Ellyn ("Glen Ellyn") and the Village jointly established, and are members of, the Glenbard Wastewater Authority ("GWA"), which is charged with the responsibility of treating and processing wastewater for Glen Ellyn, the Village and unincorporated portions of DuPage County; and

WHEREAS, the GWA operates the wastewater treatment facility on the District Property, and the GWA has determined that the wastewater treatment facility on the District Property is an integral part of the GWA's responsibilities in regard to treating and processing wastewater; and

WHEREAS, instead of renewing an easement on the District Property, the Village has determined that it is necessary or convenient for the Village to use, occupy or improve the District Property, and to acquire fee simple title to the District Property, for the public use being made thereon by the GWA on behalf of the Village; and

WHEREAS, instead of the District selling the 9.5 +/- acre District Property to the Village, Glen Ellyn and the Village have determined that they would prefer to exchange land, that Glen Ellyn and the Village each owns, for the District Property; and

WHEREAS, Glen Ellyn owns an approximately 4.5 +/- acre property located on the south side of Roosevelt Road and east of the East Branch DuPage River (the "Glen Ellyn Property"), which is currently unimproved open space; and

WHEREAS, the Village owns an approximately 5.0 +/- acre property located north of Bemis Road extended and east of the East Branch DuPage River (the "Lombard Property"), which is currently unimproved open space; and

WHEREAS, the District, Glen Ellyn and the Village are "municipalities," as defined in Section 1(c) of the Local Government Property Transfer Act, 50 ILCS 605/1(c) (the "Transfer Act"); and

WHEREAS, Section 2 of the Transfer Act authorizes municipalities, pursuant to a two-thirds (2/3rds) vote of the members of its corporate authority, to convey real estate to another municipality for any municipal or public purpose of the transferee municipality and upon such terms and conditions as may be agreed to by the municipalities; and

WHEREAS, as a condition precedent to conveyance under Section 2 of the Transfer Act, the transferee municipality must first declare, by ordinance, "that it is necessary or convenient for it to use, occupy or improve the real estate held by the transferor municipality";

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: The foregoing recitals to this Ordinance are hereby determined to be true and correct, and are hereby incorporated in and made part of this Ordinance.

SECTION 2: That it is necessary or convenient for the Village to use, occupy or improve the District Property, and to acquire fee simple title to the District Property, for the public use being made thereon by the GWA, for the benefit of the Village.

SECTION 3: That Village staff is authorized and directed to negotiate an intergovernmental agreement, between the Village, Glen Ellyn and the District, relative to the Village's acquisition of the District Property, and forward same to the President and Board of Trustees of the Village for approval at a future Village Board meeting.

SECTION 4: That Ordinance No. 7219, adopted May 19, 2016, and Ordinance No. 7227, adopted June 16, 2016, are hereby repealed.

SECTION 5: That 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 _____, 2016.

First reading waived by action of the Board of Trustees this ____ day of _____, 2016.

Passed on second reading this ____ day of _____, 2016,
pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2016.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Exhibit "A"

The District Property

Legal Description

(attached)

LEGAL DESCRIPTION

DISTRICT PROPERTY

PARCEL 1:

LOT 1 IN FOREST PRESERVE DISTRICT I-355 ASSESSMENT PLAT NO. 2, OF PART OF THE SOUTHEAST ¼ OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 28, 2008 AS DOCUMENT R2008-031313, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-12-404-026

PARCEL 2:

THAT PART OF THE SOUTHEAST ¼ OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 12; THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 12 FOR A DISTANCE OF 1070.8 FEET, TO A POINT ON THE SOUTHERLY LINE OF THE MEYER SHAPOTKIN PROPERTY; THENCE WESTERLY ALONG SAID PROPERTY LINE WHICH FORMS AN ANGLE OF 87 DEGREES 35 MINUTES TO THE RIGHT WITH A PROLONGATION OF LAST DESCRIBED COURSE FOR A DISTANCE OF 53.1 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE STATE BOND ISSUE ROUTE NO. 53 FOR A POINT OF BEGINNING; THENCE CONTINUING WESTERLY ON THE LAST DESCRIBED COURSE TO A POINT IN THE CENTERLINE OF THE EAST BRANCH OF THE DUPAGE RIVER IN ITS PRESENT COURSE; THENCE SOUTHERLY ALONG THE CENTERLINE OF SAID RIVER TO A POINT ON THE NORTHERLY LINE OF NICHOLAS SURGE'S ESTATE PROPERTY; THENCE EAST ALONG SAID PROPERTY LINE TO A POINT ON THE AFORESAID WESTERLY RIGHT OF WAY LINE OF STATE BOND ISSUE ROUTE 53 WHICH POINT IS 56.3 FEET WEST OF THE EAST LINE OF THE AFORESAID SAID SECTION 12; THENCE NORTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE OF STATE BOND ISSUE ROUTE NO. 53 FOR A DISTANCE OF 1147.7 FEET MORE OR LESS TO THE POINT OF BEGINNING EXCEPT THAT PART TAKEN BY ILLINOIS STATE TOLL HIGHWAY AUTHORITY FOR INTERSTATE I-355 PER QUIT CLAIM DEED RECORDED AUGUST 19, 2005 AS DOCUMENT R2005-180812, IN DUPAGE COUNTY ILLINOIS.

P.I.N.: 05-12-404-027

EXHIBIT "A"

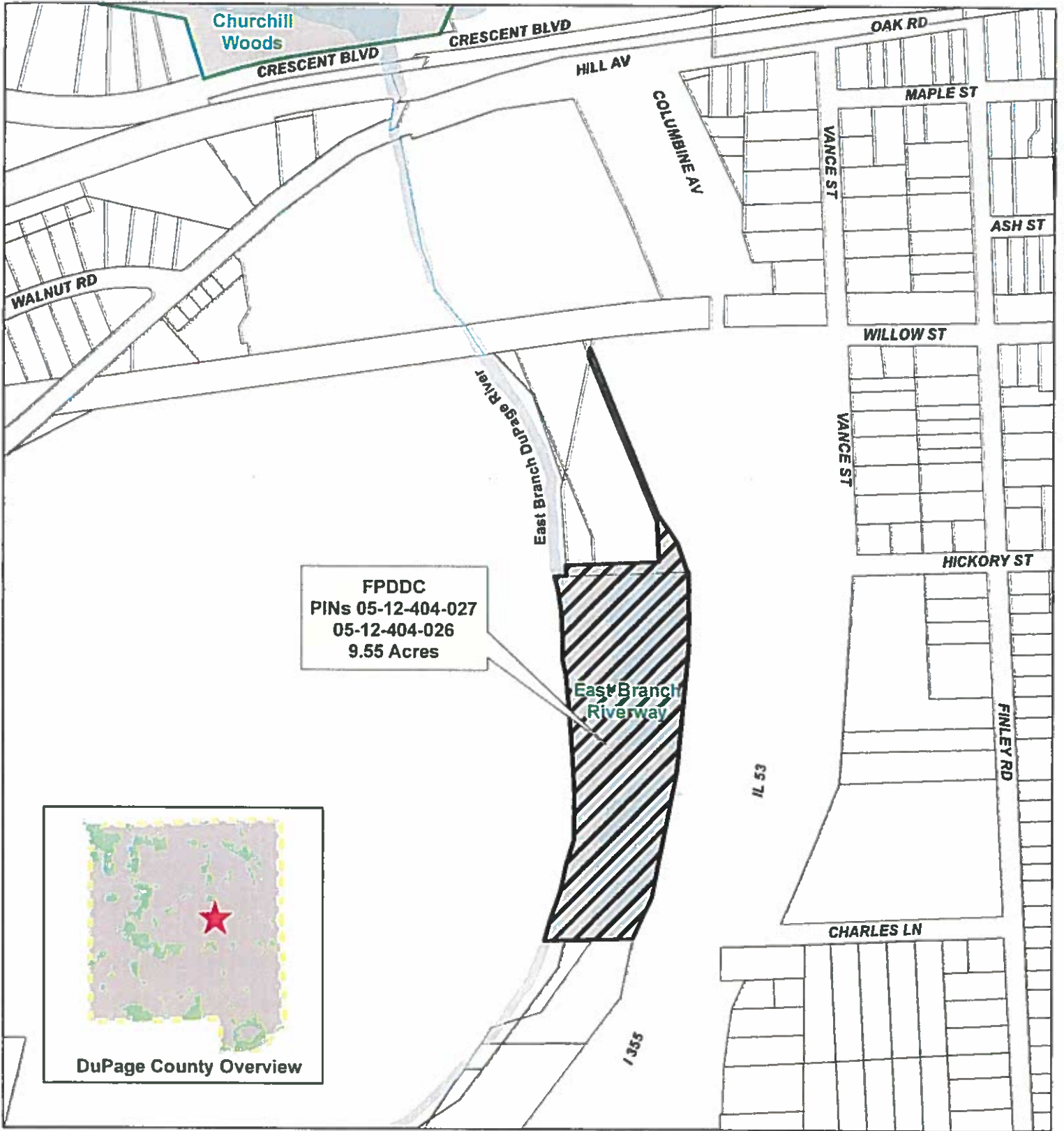
Exhibit "B"

The District Property

Depiction

(attached)

East Branch Riverway - District Property



 FPD Bounds

 Subject Property

0 150 300 600 Feet

Land Preservation Department



EXHIBIT "B"