


**ORDINANCE 7219
PAMPHLET**

**PROPERTY TRANSFER BETWEEN THE VILLAGE OF LOMBARD
AND THE FOREST PRESERVE DISTRICT OF DUPAGE COUNTY**



**PUBLISHED IN PAMPHLET FORM THIS 20th DAY OF MAY, 2016, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.**


Sharon Kuderna
Village Clerk

ORDINANCE NO. 7219

**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.)**

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 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 19th day of May, 2016.

Passed on second reading this 19th day of May, 2016.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

Approved this 19th day of May, 2016.


Keith T. Giagnorio
Village President

ATTEST:


Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 20th day of May, 2016.


Sharon Kuderna
Village Clerk

Exhibit "A"

The District Property

Legal Description:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, COUNTY OF DUPAGE AND STATE OF ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER 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° 35' TO THE RIGHT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE FOR A DISTANCE OF 53.1 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE BOND ISSUE ROUTE #53 FOR A POINT OF BEGINNING; THENCE CONTINUING WESTERLY ON THE LAST DESCRIBED COURSE TO A POINT IN THE CENTER LINE OF THE EAST BRANCH OF THE DUPAGE RIVER IN ITS PRESENT COURSE; THENCE SOUTHERLY ALONG THE CENTER LINE OF SAID RIVER TO A POINT ON THE NORTHERLY LINE OF NICHOLAS SURGES 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 SECTION 12; THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE BOND ISSUE #53 FOR A DISTANCE OF 1147.7 FEET MORE OR LESS, TO THE POINT OF BEGINNING;

EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF SECTION 12, WHICH IS 759.00 FEET (11.50 CHAINS) NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 12; THENCE SOUTH 89 DEGREES 09 MINUTES 19 SECONDS WEST, 56.34 FEET TO A POINT ON THE WEST LINE OF ROUTE 53 AS DEDICATED PER DOCUMENT 350244 FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 09 MINUTES 19 SECONDS WEST ALONG A LINE PARALLEL TO AND 759.00 FEET NORTHERLY (AS MEASURED AT RIGHT ANGLES THERETO) OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 12, 168.61 FEET (224.95 RECORD); THENCE NORTH 25 DEGREES 09 MINUTES 13 SECONDS EAST, 130.40 FEET; THENCE NORTH 11 DEGREES 21 MINUTES 05 SECONDS EAST, 390.40 FEET; THENCE NORTH 5 DEGREES 21 MINUTES 04 SECONDS EAST, 390.49 FEET; THENCE NORTH 0 DEGREES 33 MINUTES 04 SECONDS WEST, 245.17 FEET TO A POINT ON A LINE PARALLEL TO AND 1070.8 FEET SOUTHERLY OF (AS MEASURED AT RIGHT ANGLES THERETO) THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 12; THENCE NORTH 86 DEGREES 31 MINUTES 52 SECONDS EAST ALONG THE AFOREMENTIONED PARALLEL LINE, 7.93 FEET TO A POINT ON THE WEST LINE OF ROUTE 53 AS DEDICATED PER DOCUMENT 350244; THENCE SOUTH 0 DEGREES 17 MINUTES 08 SECONDS WEST ALONG SAID WEST LINE OF ROUTE 53, 1132.75 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS; SAID PROPERTY CONTAINING THEREIN 55,537 SQUARE FEET (1.2750 ACRES) MORE OR LESS.

PIN: 05-12-404-027

Exhibit "B"

The District Property

Depiction

(attached)

