

**ORDINANCE 7470  
PAMPHLET**

**PROPERTY TRANSFER BETWEEN THE VILLAGE OF LOMBARD  
AND THE FOREST PRESERVE DISTRICT OF DUPAGE COUNTY  
AMENDED ORDINANCE – GLENBARD WASTEWATER FACILITY**



PUBLISHED IN PAMPHLET FORM THIS 16<sup>th</sup> DAY OF FEBRUARY 2018, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE  
COUNTY, ILLINOIS.

A handwritten signature in black ink that reads "Sharon Kuderna". The signature is written in a cursive style.

Sharon Kuderna  
Village Clerk

**ORDINANCE NO. 7470**

**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 parcel of 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**, the Village has determined that it is necessary or convenient for the Village to use, occupy or improve the District Property, and to acquire a new easement over the District Property, for a period of ninety-nine (99) years, for the public use being made thereon by the GWA on behalf of the Village (the "Easement"); and

**WHEREAS**, per the District's rules and regulations, the District must charge the Village for the Easement, at the rate of Fifteen Thousand and No/100 Dollars (\$15,000.00) per acre, resulting in a total charge for the Easement of One Hundred Forty-Two Thousand Five Hundred and No/100 Dollars (\$142,500.00) (the "Easement Price"); and

**WHEREAS**, GWA has agreed to reimburse the Village for the cost of the Easement in the amount of the Easement Price; and

**WHEREAS**, based on GWA's agreement to reimburse the Village for the cost of the Easement, the Village is willing to pay the District the Easement Price for the Easement; and

**WHEREAS**, the District 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 or any interest therein 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 a new easement over the District Property, for a period of ninety-nine (99) years, 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 easement, between the Village and the District, over 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 \_\_\_\_, 2018.

First reading waived by action of the Board of Trustees this 15<sup>th</sup> day of February, 2018.

Passed on second reading this 15<sup>th</sup> day of February, 2018.

Ayes: Village President Giagnorio, Trustee Fugiel, Foltyniewicz,  
and Ware

Nays: None

Absent: Trustee Pike, Whittington and Johnston

Approved this 15<sup>th</sup> day of February, 2018.



**Keith T. Giagnorio**  
**Village President**

ATTEST:



**Sharon Kuderna**  
**Village Clerk**

Published by me in pamphlet form on this 16<sup>th</sup> day of February, 2018.



**Sharon Kuderna**  
**Village Clerk**

**Exhibit "A"**

**The District Property**

**Legal Description**

(attached)

## **LEGAL DESCRIPTION**

### **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 RIER 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 OF THE EAST LINE OF THE AFORESAID 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 QUITCLAIM DEED RECORDED AUGUST 19, 2005 AS DOCUMENT R2005-180812, IN DUPAGE COUNTY, ILLINOIS.

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

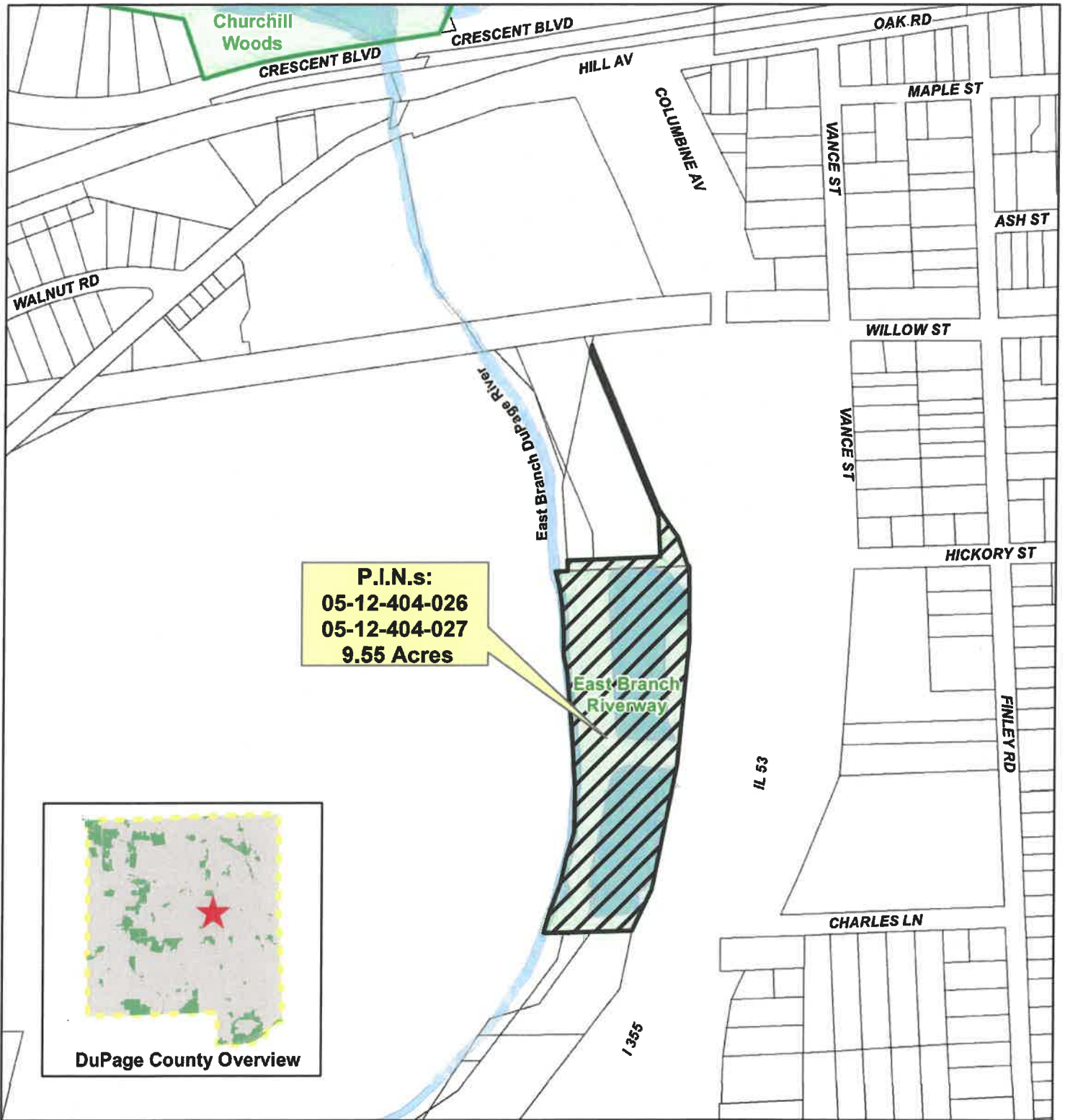
**Exhibit "B"**



**The District Property**

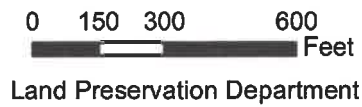
**Depiction**

(attached)

# East Branch Riverway - Easement Agreement Depiction



-  FPD Bounds
-  Easement Premises



**EXHIBIT "B"**