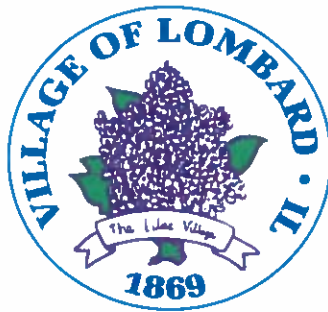


**ORDINANCE 7299  
PAMPHLET**

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



PUBLISHED IN PAMPHLET FORM THIS 18<sup>th</sup> DAY OF NOVEMBER, 2016, BY ORDER OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS.

A handwritten signature in black ink, which appears to read "Sharon Kuderna". The signature is written in a cursive style with a horizontal line underneath.

Sharon Kuderna  
Village Clerk

**ORDINANCE NO. 7299**

**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 17<sup>th</sup> day of November, 2016.

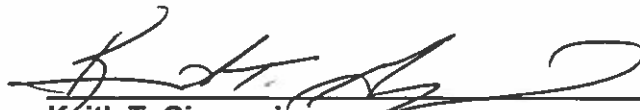
Passed on second reading this 17<sup>th</sup> day of November, 2016.

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

Nays: None

Absent: None


Approved this 17<sup>th</sup> day of November, 2016.

  
Keith T. Giagnorio  
Village President

ATTEST:

  
Sharon Kuderna  
Village Clerk

Published by me in pamphlet form on this 18<sup>th</sup> day of November, 2016.

  
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"**

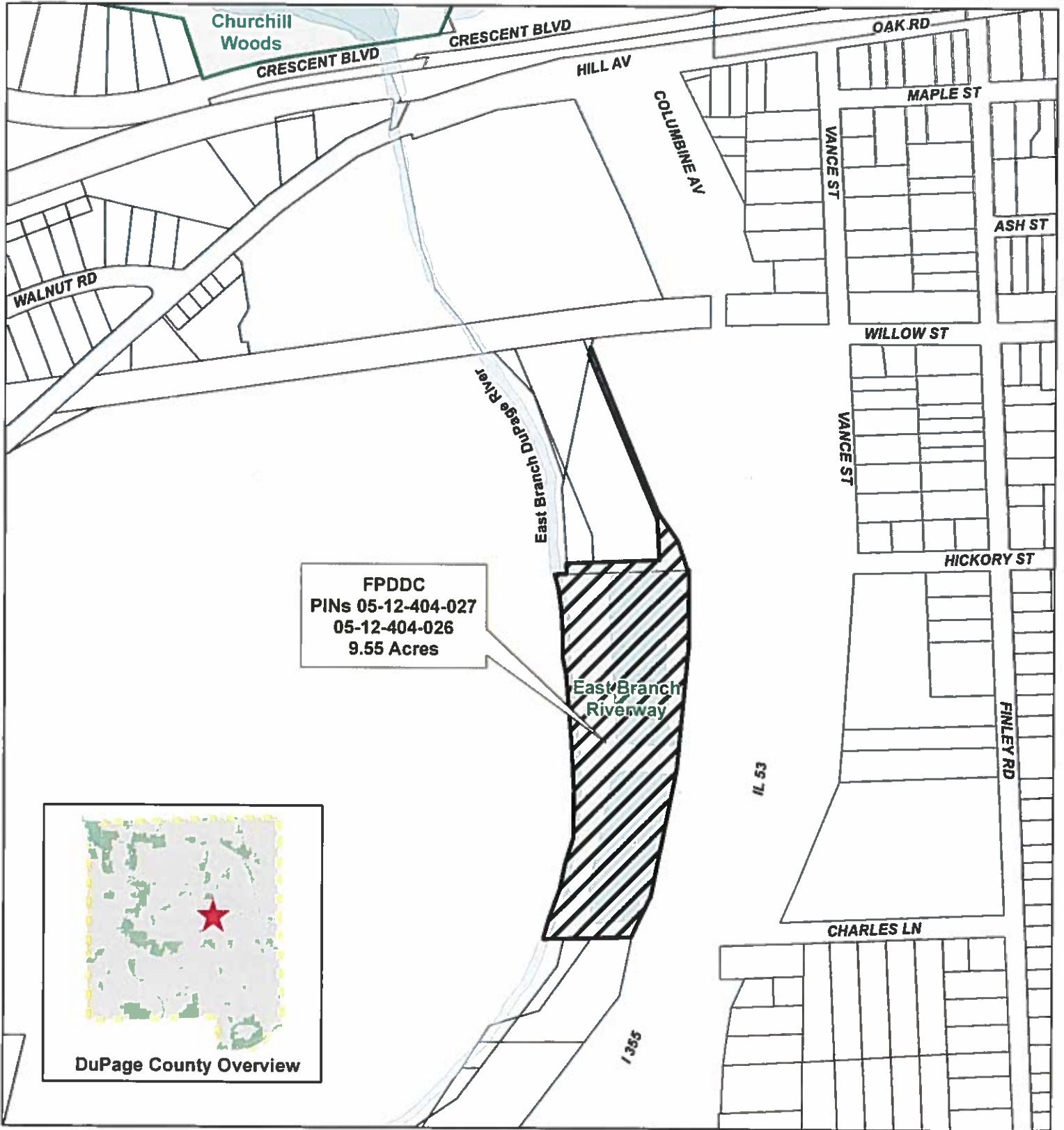
**Exhibit "B"**

**The District Property**

**Depiction**

**(attached)**

# East Branch Riverway - District Property



-  FPD Bounds
-  Subject Property



**EXHIBIT "B"**