

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: May 26, 2016 BOT DATE: June 16, 2016

TITLE: AN ORDINANCE DELARING 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.)

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 approved this Ordinance at the May 19, 2016 meeting. Upon approval, it was determined that the second parcel to be included in the conveyance was not identified in Exhibit "A". As such, the Staff is recommending the Village Board adopt an amended Ordinance to include the additional parcel 05-12-404-026.

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 pm, Wednesday, prior to the Agenda Distribution.



May 26, 2016

TO: Village President and Board of Trustees

THROUGH: Scott Niehaus, Village Manager

FROM: Carl Goldsmith, Director of Public Works

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

At the May 19, 2016 Village Board of Trustees meeting, the Village Board approved Ordinance 7219, 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. It is anticipated that the intergovernmental agreement will be presented to the Village Board at the July 21, 2016 meeting. 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 include both 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 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 AMENDING ORDINANCE NO. 7219, ADOPTED MAY 19, 2016,
IN REGARD TO 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"; and

WHEREAS, pursuant to Ordinance No. 7219, adopted May 19, 2016, (the "Original Ordinance"), the President and Board of Trustees made the declaration referenced above, relative to the District Property; however, Exhibit "A" to the Original Ordinance, while containing the correct legal description for the property in question, did not contain a reference to both of the permanent tax index numbers ("PIN") covering the District Property, and it is necessary to amend said to the Original Ordinance and add said missing PIN;

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 the Original Ordinance is hereby amended by adding PIN 05-12-404-026 to Exhibit "A" thereto, so as to cause Exhibit "A" to said Original Ordinance to read in its entirety as set forth on Exhibit "A" to this Ordinance.

SECTION 3: That all other provisions of the Original Ordinance, not amended hereby, shall remain in full force and effect.

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 16th day of June, 2016.

Passed on second reading this 16th day of June, 2016, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 16th day of June, 2016.

Keith Giagnorio, Village President

ATTEST:

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.

PINs: 05-12-404-026 and 05-12-404-027

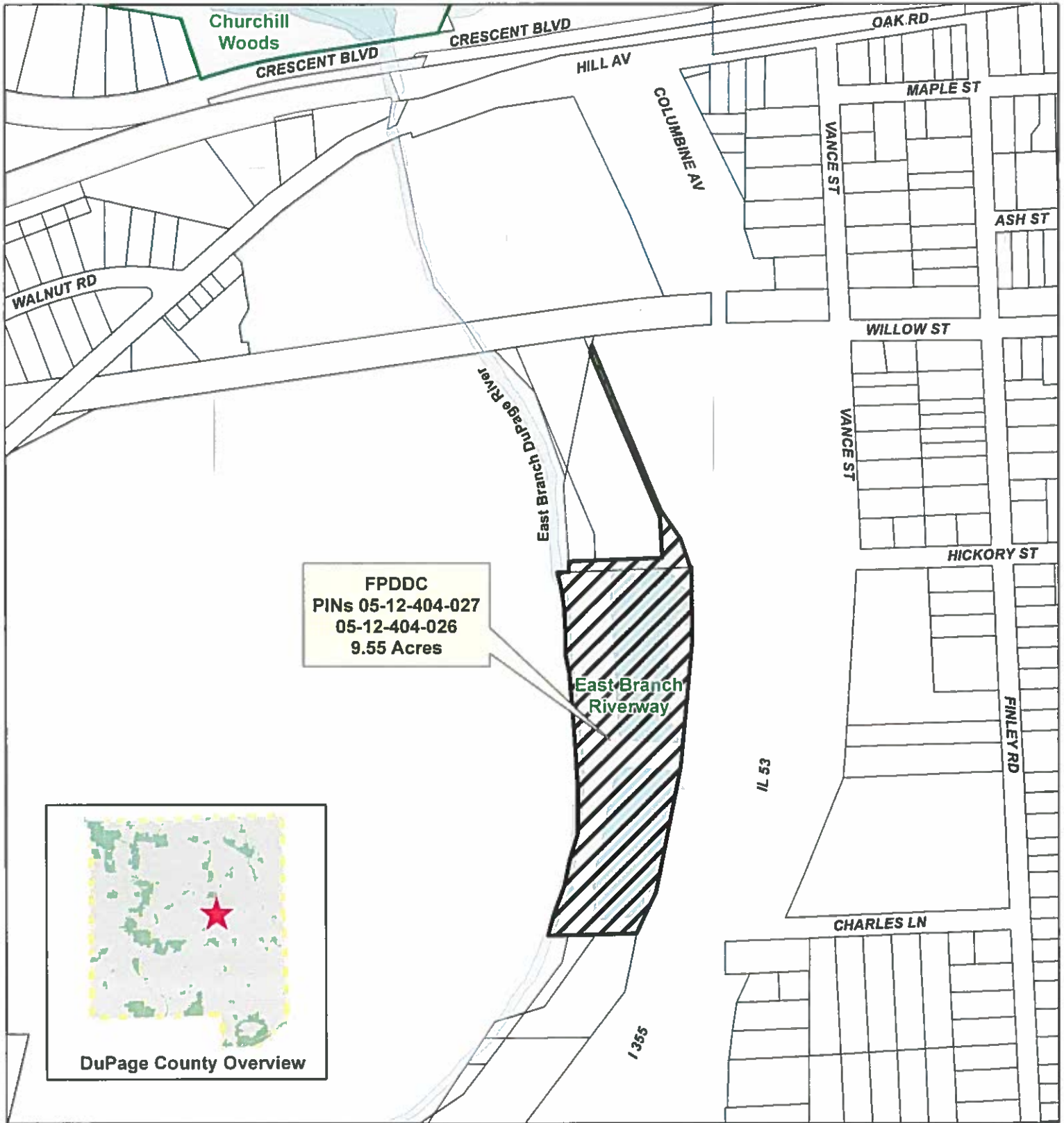
Exhibit "B"

The District Property

Depiction

(attached)

East Branch Riverway - District Property



-  FPD Bounds
-  Subject Property

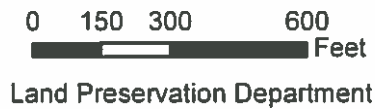


EXHIBIT "B"