

**AN ORDINANCE ACCEPTING THE TRANSFER OF REAL PROPERTY
FROM THE ARLINGTON HEIGHTS PARK DISTRICT
PURSUANT TO THE LOCAL GOVERNMENT PROPERTY TRANSFER ACT**

WHEREAS, the Village is an Illinois home rule municipal corporation; and

WHEREAS, the Local Government Property Transfer Act, 50 ILCS 605/0.01 *et seq.* (“Act”), authorizes a municipality to transfer real property to another municipality upon such terms as may be agreed by the corporate authorities of the parties, subject to the requirements of the Act; and

WHEREAS, the Village and the Arlington Heights Park District (“*Park District*”) are municipalities as defined in Section 1(c) of the Act, 50 ILCS 605/2; and

WHEREAS, the Park District owns certain real property located at 2206 N. Verde Dr., Arlington Heights, Illinois 60004 (“*Park Property*”); and

WHEREAS, the Village owns certain real property directly adjacent to the Park Property (“*Village Property*”); and

WHEREAS, the Park Property and the Village Property, together, comprise what is commonly referred to as “*Happiness Park*”; and

WHEREAS, the southern portion of Happiness Park consists of approximately 1.12 acres of green, open space, of which 0.42 acres are owned by the Park District (“*Subject Parcel*”), as generally depicted on Exhibit A attached to this Ordinance; and

WHEREAS, the Village and Park District have determined that it is in their best interests and the best interests of their respective residents to transfer ownership of the Subject Parcel from the Park District to the Village for public purposes of the Village, including, without limitation, the completion of certain public improvements relating to the Village’s planned stormwater management project at Happiness Park; and

WHEREAS, on November 10, 2020, the Park District adopted its Resolution No. R-9-20, attached to this Ordinance as Exhibit B (“*Park District Resolution*”), approving and authorizing the conveyance of the Subject Parcel to the Village pursuant to the Act, subject to certain terms and conditions, including the Village’s adoption and delivery to the Park District of a certified copy of this Ordinance; and

WHEREAS, in accordance with the Section 2 of the Act, 50 ILCS 605/2, the Village has determined, and hereby declares, that it is necessary and convenient for the Village to use, occupy, and improve the Subject Parcel in the making of public improvements, including, without limitation, to facilitate the Village’s planned stormwater management project at Happiness Park; and

WHEREAS, the Village desires that the Park District transfer the Subject Parcel to the Village pursuant to the Park District Resolution and this Ordinance; and

WHEREAS, the Park District is willing to transfer the Subject Parcel to the Village in accordance with the terms of the Act, the Park District Resolution, and this Ordinance; and

WHEREAS, the President and Board of Trustees have determined that it is necessary, appropriate, and in the best interests of the Village to acquire the Subject Parcel by transfer from the Park District, according to the terms of the Park District Resolution and this Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: The foregoing recitals are hereby incorporated into this Ordinance as findings of the President and Board of Trustees.

SECTION TWO: The President and Board of Trustees hereby acknowledge that the Board of Park Commissioners of the Park District (“*Park District Board*”) have adopted the Park District Resolution authorizing the transfer of the Subject Parcel to the Village, and that the Park District Board will take all other necessary and appropriate actions, in conjunction with the necessary and appropriate actions of the Village, to transfer the Subject Parcel to the Village, all in accordance with the terms of the Illinois Local Government Property Transfer Act.

SECTION THREE: The President, the Village Clerk, the Village Manager, and the Village Attorney are hereby authorized to take all steps necessary and appropriate to acquire the Subject Parcel and to cause a quit claim deed conveyed by the Park District Board transferring the Subject Parcel to the Village to be recorded in the Office of the Cook County Recorder of Deeds.

SECTION FOUR: The Village President, the Village Clerk, the Village Manager, and the Village Attorney are hereby authorized and directed to execute and attest on behalf of the Village any documentation necessary to complete the transfer of the Subject Parcel from the Park District pursuant to this Ordinance.

SECTION FIVE: The Village Clerk is hereby authorized and directed to deliver a certified copy of this Ordinance to the Park District Board, in care of the Park District’s Executive Director.

SECTION SIX: This Ordinance will be in full force and effect from and after its passage and approval in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED THIS 7th day of December, 2020

ATTEST:

Village President

Village Clerk

EXHIBIT A

DEPICTION OF SUBJECT PARCEL



N

CAMBRIDGE ST

YALE AVE

Legend

- .42 acres (18,511 sq ft)
- .70 acres (30,575 sq ft)

0 50 100 200 Feet

EXHIBIT B

**ARLINGTON HEIGHTS PARK DISTRICT
RESOLUTION NO. R-9-20**

A RESOLUTION APPROVING AND AUTHORIZING THE CONVEYANCE OF CERTAIN PARK DISTRICT PROPERTY TO THE VILLAGE OF ARLINGTON HEIGHTS PURSUANT TO THE LOCAL GOVERNMENT PROPERTY TRANSFER ACT (50 ILCS 605/0.01 ET SEQ.)

WHEREAS, the Arlington Heights Park District ("Park District") owns certain real property located at 2206 N. Verde Dr., Arlington Heights, Illinois 60004 ("Park Property"); and

WHEREAS, the Village of Arlington Heights ("Village") owns certain real property directly adjacent to the Park Property ("Village Property"); and

WHEREAS, the Park Property and the Village Property, together, comprise what is commonly referred to as "Happiness Park"; and

WHEREAS, the southern portion of Happiness Park consists of approximately 1.12 acres of green, open space, and is partly owned by the Village (.70 acres) and the Park District (.42 acres), as generally depicted on Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Village and Park District have determined that it is in their best interests and the best interests of their respective residents to transfer ownership of the .42 acres in the southern portion of Happiness Park owned by the Park District ("Subject Parcel") to the Village to help facilitate the Village's planned stormwater management project at Happiness Park; and

WHEREAS, the Local Government Property Transfer Act (50 ILCS 605/0.01 *et seq.*) authorizes the Park District to transfer the Subject Parcel to the Village upon such terms as may be agreed upon by the corporate authorities of both parties, by an instrument of conveyance signed by the President of the Park District's Board of Park Commissioners ("Park Board"), attested by the Park Board Secretary, and sealed with its corporate seal, all duly authorized by a resolution passed by the vote of 2/3 of the members of the Park Board then holding office, and duly recorded in the office of the recorder in the county in which said real estate is located; and

WHEREAS, the Village has adopted or hereafter will adopt an Ordinance determining that is necessary, convenient and in the best interests of the Village to acquire the Subject Parcel in furtherance of its corporate purposes; and

WHEREAS, following extensive negotiation, the Park District has agreed to convey the Subject Parcel to the Village, on and subject to the terms and conditions set forth herein; and

WHEREAS, the Park District and Village have otherwise complied, or hereafter will comply, with all other applicable requirements and procedures set forth in the Local Government Property Transfer Act, 50 ILCS 605/1 *et seq.*; and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et.seq.*, authorizes and encourages units of local government to cooperate in the exercise of government functions.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Park Commissioners of the Arlington Heights Park District, as follows:

Section 1. The recitals set forth above are hereby determined to be true and correct and are incorporated herein and made a part hereof.

Section 2. It is hereby determined that it is necessary and in the best interests of the Park District and its residents that the Park District convey the Subject Parcel to the Village on and subject to the terms and conditions set forth herein.

Section 3. Upon presentation to the Park District of a certified copy of an ordinance adopted by the Village's Board of Trustees, as previously described in this Resolution, the President and the Secretary of the Park Board are hereby authorized and directed to execute and deliver to the Village, for and on behalf of the Park District, a quit claim deed to the Subject Parcel, and all such further documents, certificates, instruments and other writings, as the President of the Park Board shall deem necessary or appropriate in consultation with legal counsel for the Park District, in connection with the conveyance of the Subject Parcel, and to otherwise effectuate the purposes of this Resolution.

Section 4. The President and Secretary of the Park Board, the Park District's Executive Director and the Park District's attorneys (Tressler LLP) are hereby authorized, empowered and directed to take all action and execute any and all documents necessary or appropriate in order to carry out the intent and effect the provisions and purposes of this Resolution, and to effectuate the transfer of the Subject Parcel to the Village.

Section 5. This Resolution shall be in full force and effect immediately upon its passage as provided by law.

Adopted this 10th day of November, 2020, by the affirmative vote of two-thirds of the Board of Park Commissioners of the Arlington Heights Park District, as follows:

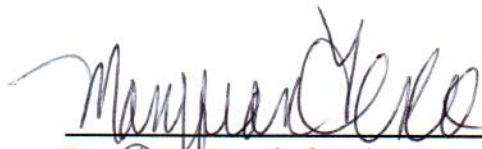
Roll call:

Ayes: Gelinas, Nesracil, Ploger, Owen, Leno

Nays: _____

Abstention: _____

Absent: _____



President, Board of Park Commissioners
Arlington Heights Park District

Attest: 

Secretary, Board of Park Commissioners
Arlington Heights Park District

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

SECRETARY'S CERTIFICATE

I, the undersigned, do hereby certify that I am Secretary of the Board of Park Commissioners of the Arlington Heights Park District, and as such official, I am keeper of the records, ordinances, files and seal of said Park District, and

I hereby certify that the foregoing instrument is a true and correct copy of:

A RESOLUTION APPROVING AND AUTHORIZING THE CONVEYANCE OF CERTAIN PARK DISTRICT PROPERTY TO THE VILLAGE OF ARLINGTON HEIGHTS PURSUANT TO THE LOCAL GOVERNMENT PROPERTY TRANSFER ACT (50 ILCS 605/0.01 ET SEQ.)

adopted by a two-thirds vote of the Park Commissioners at a duly called Regular Meeting of the Board of Park Commissioners of the Arlington Heights Park District, held in Arlington Heights, Illinois, in said District at 7:00 p.m. on the 10th day of November, 2020.

I do further certify that the deliberations of the Board on the adoption of said resolution were conducted openly, that the vote on the adoption of said resolution was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location at which said meeting was held and at the principal office of the Board at least 48 hours in advance of the holding of said meeting, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Park District Code of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of said Park District at Arlington Heights, Illinois this 10th day of November, 2020.



Secretary, Board of Park Commissioners
Arlington Heights Park District

[District Seal]