

RESOLUTION R-62-11  
A RESOLUTION AUTHORIZING THE DISPOSAL  
OF CERTAIN SURPLUS PROPERTY

WHEREAS, Section 2-506 of the Wheaton City Code sets forth a procedure for disposal of property found to be surplus; and

WHEREAS, a request to dispose of property described in Exhibit "A" attached hereto and made a part hereof by reference, has been submitted; and

WHEREAS, the City Manager has approved said request and forwarded it to the City Council for authorization.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that the City Manager is authorized to proceed with disposal of said surplus property in compliance with the provisions of Section 2-506, and is authorized to either advertise for bids, contact directly likely purchasers, and to take other such responsible means to cause the most profitable recovery to the City of Wheaton, or, if unable to sell said property, give said property to any not-for-profit corporation, organization, or entity having its principal place of business or doing a substantial amount of business in the city, at no charge to the recipient or to junk the property at the least possible cost to the city. The City Manager shall report back to the City Council in compliance with paragraph (i) of said Section when all or a majority of said property has been disposed of.

ADOPTED this 7<sup>th</sup> day of November, 2011.



\_\_\_\_\_  
Michael Gresk  
Mayor

ATTEST:



\_\_\_\_\_  
Karen Barnett Hagan

City Clerk

	<u>Roll Call Vote:</u>
Ayes:	Councilman Suess Councilwoman Ives Councilman Mouhelis Councilman Rutledge Mayor Gresk Councilwoman Pacino Sanguinetti Councilman Scalzo
Nays:	None.
Absent:	None

Motion Carried Unanimously

# CONSENT AGENDA

## New Business #4

### MEMORANDUM

TO: Donald B. Rose, City Manager

FROM: Mark W. Field, Chief of Police

DATE: October 27, 2011

SUBJECT: Disposal of Surplus Property – Unit #333; Acquisition of 2009 Nissan Murano

Attached please find a recommendation to dispose of Police Department Unit #333 (2002 Jeep Liberty) and replace it with a 2009 seized Nissan Murano titled to the City by court order.

I respectfully request review and approval of the attached City Council resolution.

Attachments



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ROBERT B. BERLIN  
STATE'S ATTORNEY  
DU PAGE COUNTY, ILLINOIS

### CASE CLOSING NOTICE - ARTICLE 36 SEIZURE

TO: Angela Smith FAX: 260-2154  
 AGENCY WIT DATE: 6-27-2011 PAGES 2  
 FROM: ASA Tom Vega, Special Prosecution Unit

COURT CASE: 09 MR 1203

#### CASE HAS BEEN CLOSED BY:

- CONTESTED hearing with:  Legal counsel  Pro se
- UNCONTESTED hearing - SAO presented evidence and no parties appeared
- AGREED order between parties with:  Legal counsel  Pro se
- DEFAULT hearing - parties failed to file a claim or respond to notice

#### VEHICLE DISPOSITION:

- LIEN HOLDER RELEASE pursuant to 720 ILCS 5/36-1a
- RELEASE/RETURN  Innocent Owner  Spouse/Family  Owner/Def
- \* AWARD TO AGENCY  Default  Court Ruling  Agreement

**\* NOTE - VEHICLES AWARDED TO YOUR AGENCY:**  
 Per Civil Rules of Procedure, persons may file a motion to vacate a forfeiture order within thirty (30) days of the entry of the order. If you obtain a new title and seek to dispose of the vehicle, we suggest you wait more than 30 days before actual disposal.

AWARD ORDER

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New (12/04)

STATE OF ILLINOIS

UNITED STATES OF AMERICA

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

COUNTY OF DU PAGE

PEOPLE OF THE STATE OF ILLINOIS

CASE NUMBER

09 MR 1203.

VS-

2009 NISSAN

DEFENDANT(S)

AWARD ORDER

File Stamp Here

This cause coming on to be heard upon the motion of the PLAINTIFF and the Court being fully advised in the premises, having jurisdiction in the subject matter, upon a:

Forfeiture Hearing (720 ILCS 5/36-2)

ATTY M. BOTTI - WITHDRAW  
Agreed Order of the Parties  
READINGS.

Entry of Judgment on Default

Other \_\_\_\_\_

IT IS HEREBY ORDERED: The listed vehicle, a 2009 NISSAN

(Year) (Make)

J N B A Z 1 8 W 3 9 W Z 0 5 7 0 7  
 (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17)

1. Vehicle is awarded to WHEATON POLICE (090718-2667)  
 in accordance with 720 ILCS 5/36-2.  
 09-29437

2. The Illinois Secretary of State is directed to:

a. Indicate that all right, title and interest in the listed vehicle is terminated immediately against the parties listed on the official title records of the Secretary of State.

b. Accept the application for a Certificate of Title by WHEATON POLICE.

Other Terms or Conditions for Release: \_\_\_\_\_

Case Closed

Strike future Court date: \_\_\_\_\_

BY

TBV

JOSEPH E. BIRKETT, States Attorney  
 Attorney No. 50000  
 503 N. County Farm Road  
 Wheaton IL 60187  
 (630) 407-8000

ENTER: \_\_\_\_\_

DATE: 06-27-2011