

RESOLUTION R-07-06

A RESOLUTION AUTHORIZING THE EXECUTION OF AN
INTERGOVERNMENTAL AGREEMENT FOR THE VACATION OF RIGHTS OF WAY/
WHEATON PARK DISTRICT AND
FOREST PRESERVE DISTRICT OF DUPAGE COUNTY

WHEREAS, the City of Wheaton is currently the owner of certain rights of way commonly known as portions of Jefferson Avenue, Dorchester Avenue, Harrison Avenue, Electric Avenue, Sherwin Street, (north portion), Sherwin Street (south portion), Oak Knolls Street, Madison Avenue, a 20 foot alley running due south of the intersection of Harrison Avenue and Electric Avenue, and a 20 foot alley running southeast of the aforementioned alley; and

WHEREAS, the Wheaton Park District and/or Forest Preserve District of DuPage County own property abutting and contiguous to said rights of way; and

WHEREAS, the Wheaton Park District and Forest Preserve District of DuPage County have petitioned the City of Wheaton to vacate said rights of way and pursuant to notice as required by City Code a Public Hearing was conducted by the Wheaton City Council on May 23, 2005, to consider the vacation; and

WHEREAS, the City of Wheaton has determined it to be in the best interest of the City to vacate said rights of way to the Wheaton Park District and/or Forest Preserve District of DuPage County subject to the terms and conditions of an Intergovernmental Agreement.

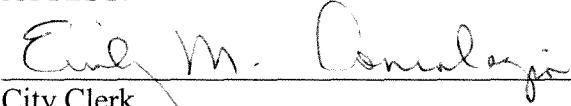
NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that the Mayor is hereby authorized to execute an Intergovernmental Agreement For the Vacation of Rights of Way Between the City of Wheaton and Wheaton Park District and Forest Preserve District of DuPage County for the vacation of portions of Jefferson Avenue, Dorchester Avenue, Harrison Avenue, Electric Avenue, Sherwin Street, (north portion), Sherwin Street (south portion), Oak Knolls Street, Madison Avenue, a 20 foot alley running due south of the intersection of Harrison Avenue and Electric Avenue, and a 20 foot alley running southeast of the aforementioned alley; and the City Clerk is hereby authorized to attest to the Mayor's signature.

ADOPTED this 6th day of February, 2006.



Mayor

ATTEST:



City Clerk

Roll Call Vote:
Ayes: Councilman Mouhelis
Councilman Suess
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilman Levine

Nays: None
Absent: None

Motion Carried Unanimously

Published: February 7, 2006

INTER-GOVERNMENTAL AGREEMENT
FOR THE VACATION OF RIGHT OF WAY

6th THIS Inter-Governmental Agreement (hereinafter "Agreement") is entered into this day of February, 2006, between the City of Wheaton, DuPage County, Illinois (hereinafter "City"), the Wheaton Park District, an Illinois park district, DuPage County, Wheaton, Illinois ("Park District") and the Forest Preserve District of DuPage County (hereinafter "FPD"). The City, Park District, and the FPD are sometimes hereinafter referred to as ("Parties").

WITNESSETH:

WHEREAS, Article 7, Section 10 of the Illinois Constitution and the Illinois Inter-Governmental Cooperation Act, 5ILCS 220/1 et. seq., authorize and encourage units of local government to enter into inter-governmental agreements when they serve the public interest; and

WHEREAS, Illinois Statutes, grant authority to the City, and the FPD, to vacate streets and alleys within their jurisdictions, and to provide a Transfer of Title to the vacated street, alley or right of way to another; and

WHEREAS, the City is currently the owner of certain rights of way in Wheaton, Illinois, as depicted on the Plats Of Vacation attached hereto and incorporated herein and is fully setforth as *Exhibit A* (hereinafter "the Property"); and

WHEREAS, the City has never improved the Property as a street or an alley for vehicular, bicycle or pedestrian traffic; and

WHEREAS, the Park District and/or the FPD own parcels abutting and contiguous to the Property; and

WHEREAS, the Park District and/or FPD propose upon vacation of the rights of way to use the Property for public purposes; and

WHEREAS, the Corporate Authorities of the City have determined that it is in the public interest for the City to vacate and convey the Property to the Park District and/or FPD subject the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and provisions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The Recitals are incorporated herein as representing the intent of the Parties and as substantive provisions of this Agreement.

2. The Corporate Authorities of the City of Wheaton hereby approve the Plats of Vacation attached hereto and incorporated herein as Group *Exhibit A*. All portions of the Property depicted as Vacated by the Plats are hereby transferred to the Park District and FPD as stated in *Exhibit B*, for any and all public purposes authorized by state enabling statutes pertaining to their operations.

3. In consideration of the aforesaid vacation, the Park District and FPD will prepare at their sole cost and expense any and all other documents which may be necessary to effectuate and complete transfer of title for the Property from the City to the Park District and FPD. The City will cooperate in any further steps required to effectuate and complete said transfer.

4. The Park District and FPD shall use the Property for public purposes only. The Property will not be sold to private entities for subsequent use for non-public purposes. Any efforts by the Park District or FPD to alienate the Property for non-public use shall cause title to the Property to revert to the City of Wheaton. Nothing contained herein shall prohibit the Park District and FPD from conveying or otherwise transferring all or part of their respective ownerships interests in the Property to one another.

5. The City represents to the Park District that the Property is currently exempt from real estate taxes, and the City shall reasonably cooperate with the Park District and FPD as may be requested to enable the Park District and FPD to apply for and obtain real estate tax exemptions for the Property.

6. The Park District and FPD shall then defend and indemnify and hold harmless the City of Wheaton, its elected officials, appointees, employees, agents and assigns, from any and all claims, actions or litigation directed at or attempting to set aside these vacations and the transfer of title in the Property from the City to the Park District and the FPD.

7. This Agreement shall be recorded with the Plat of Vacation at the office of the DuPage Recorder of Deeds.

8. This Agreement represents the entire agreement between the Parties and all prior negotiations and agreements related to this matter subsumed herein. This Agreement may not be modified except in writing unanimously approved by the Parties.

IN WITNESS whereof the Parties have executed this Agreement this 6th day of February, 2006.

ATTEST:

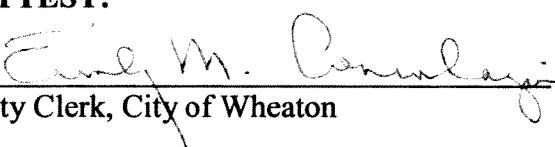


Mayor, City of Wheaton

ATTEST:

President, Wheaton Park District

ATTEST:



City Clerk, City of Wheaton

ATTEST:

Secretary, Wheaton Park District

President, Forest Preserve District of DuPage County

ATTEST:

Secretary, Forest Preserve District of DuPage County

**EXHIBIT B – PORTIONS OF PROPERTY TRANSFERRED
TO PARK DISTRICT AND FPD**

Jefferson Avenue – entire north half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) ownership interest; entire south half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) interest.

Dorchester Avenue – entire east half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) ownership interest; entire west half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) interest.

Harrison Avenue – entire north half of right of way to Park District; entire south half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) interest.

Electric Avenue – entire right of way to Park District and FPD as tenants in common, each with a one half (1/2) interest.

20 foot alley running due south of intersection of Harrison Avenue and Electric Avenue - entire east half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) ownership interest; entire west half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) interest.

20 foot alley running southeast of previously described alley – entire northeast half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) ownership interest; entire southwest half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) ownership interest.

Sherwin Street, north portion – entire east half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) ownership interest; entire west half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) interest.

Sherwin Street, south portion – entire east half of right of way to Park District, and entire west half to Park District and FPD as tenants in common, each with a one half (1/2) interest.

Oak Knolls Street – entire east half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) ownership interest; entire west half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) interest.

Madison Avenue – entire north half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) ownership interest; entire south half of right of way to Park District and FPD as tenants in common, each with a one half (1/2) interest.

PLAT OF VACATION

THESE ARE THE WORDS WHICH I HAVE WRITTEN TO YOU, THAT YOUR FAITH MIGHT NOT DIE IN THE LAST HOUR.

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GROWTH 1

HARRISON ALLEGHENY
CHURCHES AND MEMPHIS
JEWELL BOARD

MINTURN

The seal of the State of Illinois, featuring a central shield with a plow, a sheaf of wheat, and a sheaf of corn, surrounded by a circular border with the words "THE SEAL OF THE STATE OF ILLINOIS".

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NUMBERED

— 1 —

EXHIBIT A

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UNSUBDIVIDED

R-07-06

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UNSUBDIVIDED

EXHIBIT A