

WHEATON PARK DISTRICT
RESOLUTION NO. 2013-09

**A RESOLUTION APPROVING THE TERMS OF THE AMENDED AND RESTATED LEASE
AGREEMENT WITH COMMUNITY CONSOLIDATED SCHOOL DISTRICT NO. 89 AND
AUTHORIZING ITS EXECUTION**

WHEREAS, Article VII of the Illinois Constitution and Illinois Statutes, including without limitation Section 10-7 of the Park District Code [70 ILCS 1205/10-7(e)], Section 10-22.12 of the School Code [105 ILCS 5/10-22.12], and Section 3 of the Intergovernmental Cooperation Act [5 ILCS 220/3] encourage and permit intergovernmental cooperation between units of local government; and

WHEREAS, Community Consolidated School District No. 89 Glen Ellyn, Illinois ("School District") is the legal titleholder to certain real property, containing approximately nine (9) acres commonly known as "Scottsdale School Site," located at 1855 Scottsdale Circle, Glen Ellyn, Illinois ("School Site"); and

WHEREAS, the Wheaton Park District ("Park District") and the School District entered into a certain Lease Agreement dated April 16, 1984 (the "Lease") with respect to the Park District's lease of the School Site; and

WHEREAS, the Lease expired by its terms and the School District and the Park District thereafter mutually determined that it would be in the best interests of their residents for the Park District to continue its use of the School Site for public recreation proposes on modified terms; and

WHEREAS, on July 17, 2013, the Board of Park Commissioners of the Wheaton Park District ("Park Board") adopted Resolution No. 2013-06, a resolution approving the terms of an Amended and Restated Lease Agreement with Community Consolidate School District No. 89 and authorizing its execution; and

WHEREAS, subsequent to the Park Board's adoption of Resolution No. 2013-06, but prior to the School District's approval and execution of the amended and restated lease, the parties agreed to certain additional modifications to the Lease; and

WHEREAS, the Park District and the School District desire to amend and restate the Lease to reflect all agreed upon modifications.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Park Commissioners of the Wheaton Park District, DuPage County, Illinois as follows:

1. The foregoing preambles to this Resolution are hereby determined to be true and correct and are hereby incorporated in and made part of this

Resolution.

2. The form, terms and provisions of the proposed Amended and Restated Lease Agreement for Lease of the Scottsdale School Site between the School District and the Park District ("Amended and Restated Lease Agreement") with respect to the Park District's lease of the School Site, are hereby in all respects approved substantially in the form as presented to the Park Board at this meeting, with such modifications thereto as the Park Board President in consultation with the Park District's legal counsel shall approve, which approval shall be evidenced by his execution of the Amended and Restated Lease Agreement.

3. The President and Secretary of the Board are hereby authorized and directed to execute and deliver the Amended and Restated Lease Agreement, in the name and on behalf of the Park District, and to take all such other actions and steps and execute all such further documents as said President and Secretary deem necessary or appropriate to carry out the terms and conditions of the Amended and Restated Lease Agreement and to effectuate its purpose.

Adopted this 16th day of October, 2013 by roll call vote of the members of the Park Board as follows:

Roll Call:

Ayes: Schubel, Marill, Vander Schaaf, Mee, Kelly & Ludke


Nays: —

Absent: Hodgkinson

Abstain: —



John Kelly
President, Board of Park
Commissioners

ATTEST: 

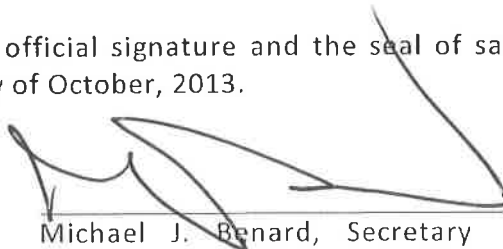
Michael J. Benard
Secretary, Board of Park Commissioners

SECRETARY'S CERTIFICATE

I, Michael J. Benard, do hereby certify that I am Secretary of the Board of Park Commissioners of the Wheaton Park District, DuPage County, Illinois, 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 THE TERMS OF THE AMENDED AND RESTATED LEASE AGREEMENT WITH COMMUNITY CONSOLIDATED SCHOOL DISTRICT NO. 89 AND AUTHORIZING ITS EXECUTION, adopted at a duly called Regular Meeting of the Board of Park Commissioners of the Wheaton Park District, held at Wheaton, Illinois, in said District at 7:00 p.m. on the 16th day of October, 2013.

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 called and held at a specified time and place convenient to the public, that notice of said meeting was called and held in strict compliance with the provisions of the Open Meeting 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 Wheaton Park District at Wheaton, Illinois this 16th day of October, 2013.

A handwritten signature in black ink, appearing to read "Michael J. Benard", written over a horizontal line.

Michael J. Benard, Secretary
Board of Park Commissioners
Wheaton Park District

[SEAL]