

Unfinished Business 2

WHEATON PARK DISTRICT

ORDINANCE NO. 2013-07

**AN ORDINANCE REQUESTING THE TRANSFER OF PROPERTY
FROM THE FOREST PRESERVE DISTRICT OF DUPAGE COUNTY**

* * * *

WHEREAS, the Wheaton Park District (the "Park District") desires to lease approximately 36.4 acres of certain property owned by the Forest Preserve District of DuPage County (the "Forest Preserve District") which is part of the Danada Forest Preserve in Wheaton, Illinois and is a portion of property commonly referred to as the "Lucent East Parcel" as depicted in Exhibit A, attached to and incorporated herein; and

WHEREAS, the Park District and the Forest Preserve District are municipalities as defined in Section 1(c) of the Local Government Property Transfer Act (50 ILCS 605/0.01 *et seq*), an act in relation to the transfer of interests in real estate by units of local government and school districts; and

WHEREAS, Section 2 of the Local Government Property Transfer Act (50 ILCS 605/2) authorizes a municipality ("transferor municipality") to convey or lease real property to another municipality ("transferee municipality") for any public purpose upon two-thirds vote of the corporate authorities of the transferee municipality declaring that it is necessary or convenient for the transferee municipality to use, occupy or improve said property for any public purposes; and

WHEREAS, the Board of Park Commissioners of the Wheaton Park District (the "Board") hereby declares that it is necessary or convenient for the Park District to use, occupy or improve the Lucent East Parcel held by the Forest Preserve District for public purposes; and

WHEREAS, the Board desires that the Forest Preserve District transfer its rights and interest in the Lucent East Parcel to the Park District by the authority conferred by the Local

Government Property Transfer Act and upon such terms as may be agreed upon between the Park District and the Forest Preserve District.

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

Section 1: All of the foregoing recitals are hereby incorporated in and made a part of this Ordinance.

Section 2: That it is hereby declared that it is necessary or convenient for the Wheaton Park District to use, occupy or improve the property commonly referred to as the Lucent East Parcel held by the Forest Preserve District of DuPage County for public purposes.

Section 3: That it is hereby requested that the Forest Preserve District transfer its leasehold rights and interest in and to the Lucent East Parcel to the Park District as described in the Lease Agreement Between the Forest Preserve District of DuPage County and the Wheaton Park District for the Lease of a Portion of the Lucent East Parcel by the authority conferred by the Local Government Property Transfer Act and upon such terms as may be agreed upon between the Park District and the Forest Preserve District.

Section 4: The proper officers and staff of the Park District are hereby authorized and directed to execute all such further documents and take all such further actions as they shall deem necessary and appropriate, in consultation with the Park District's legal counsel, to carry out the terms and effectuate the provisions of the lease of the property described herein.

Section 5: All other ordinances, resolutions, motions and parts of the same in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed to the extent they are inconsistent with this Ordinance.

Section 6: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective

by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof.

Section 7: This Ordinance shall become effective upon its passage and approval as provided by law.

Passed this 20th day of Nov., 2013.

ROLL CALL VOTE:

AYES: Kelly, Wolkowich, Hoffmann, Mee, Maxwell +
Vander Schaaf

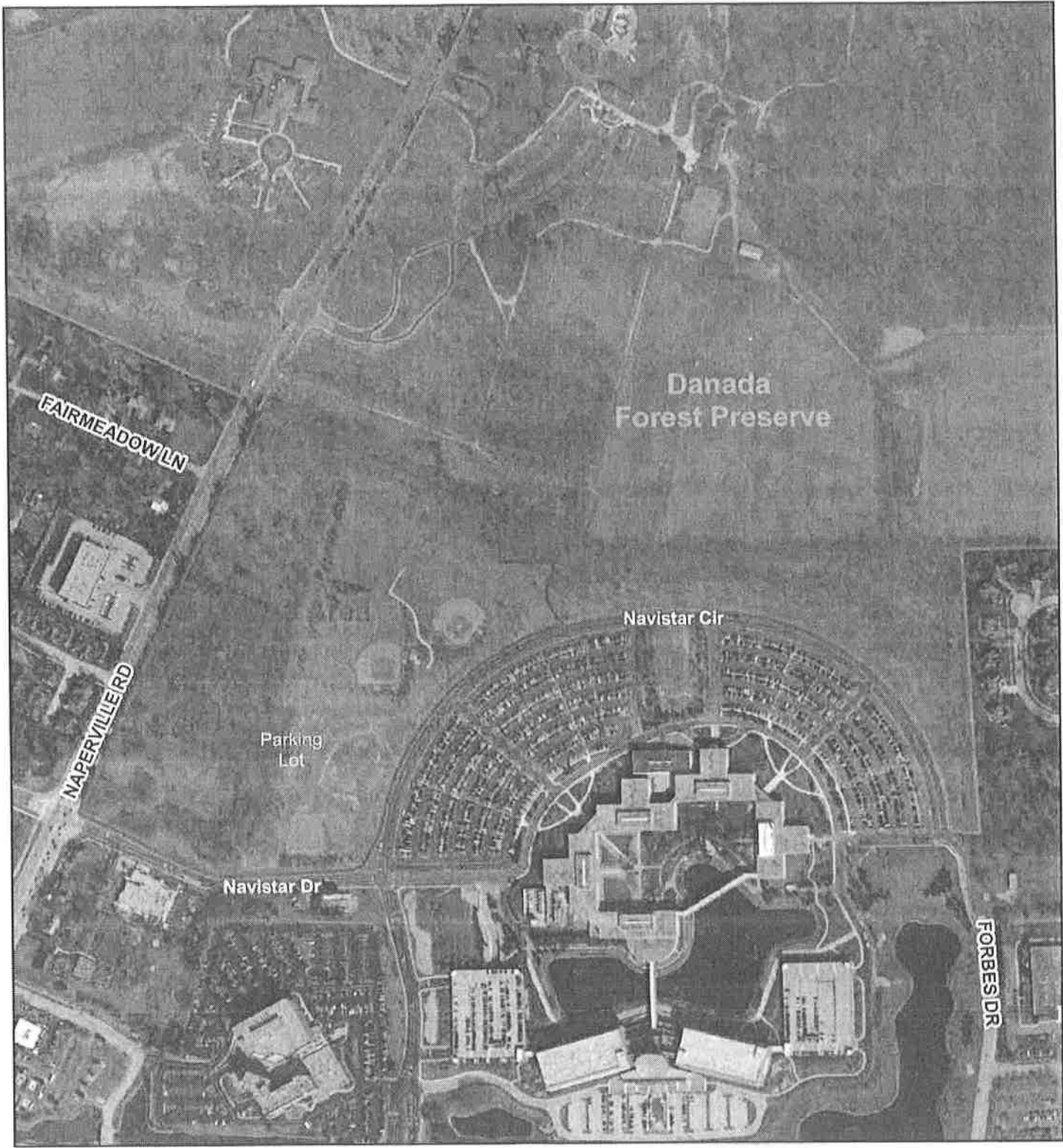
NAYS: _____

ABSENT: Schaaf

Joe Kelly, [Vice] President
Board of Park Commissioners

Attested and filed this 20th day of Nov., 2013.

Michael Benard
Michael Benard, Secretary
Board of Park Commissioners



Legend
 [White Box] Danada Forest Preserve
 [Black Box] Lease Area (36.4 Acres)

0 150 300 600 900 1,200 Feet

Office of Land Preservation
 March 4, 2013



Exhibit A

LUCENT EAST

EXHIBIT A TO LEASE

THAT PART OF LOT 1 IN LUCENT TECHNOLOGIES INC. NETWORK SOFTWARE CENTER, LISLE, ILLINOIS, CONSOLIDATED PLAT IN THE SOUTHEAST ¼ OF SECTION 32, AND THE SOUTHWEST ¼ OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTHWEST ¼ OF SECTION 4 AND THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 24, 1999 AS DOCUMENT R99-045710, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT 1 ON AN ASSUMED BEARING OF SOUTH 03 DEGREES 12 MINUTES 33 SECONDS EAST, 1008.00 FEET; THENCE SOUTH 89 DEGREES 15 MINUTES 07 SECONDS WEST, 139.03 FEET; THENCE ALONG A NON TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 789.00 FEET, AN ARC DISTANCE OF 1225.13 , WITH A CHORD BEARING NORTH 46 DEGREES 25 MINUTES 29 SECOND WEST TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 05 MINUTES 31 SECONDS WEST, 282.32 FEET, TO A POINT OF TANGENCY; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 891.50 FEET, AN ARC DISTANCE OF 1384.88 FEET, WITH A CHORD BEARING SOUTH 44 DEGREES 35 MINUTES 23 SECONDS WEST; THENCE SOUTH 89 DEGREES 06 MINUTES 55 SECONDS WEST, 29.65 FEET; THENCE SOUTH 00 DEGREES 51 MINUTES 30 SECONDS EAST, 42.16 FEET; THENCE SOUTH 89 DEGREES 08 MINUTES 30 SECONDS WEST, 266.53 FEET; THENCE NORTH 87 DEGREES 41 MINUTES 01 SECONDS WEST, 218.96 FEET; THENCE SOUTH 89 DEGREES 53 MINUTES 00 SECONDS WEST, 87.55 FEET, TO A POINT OF TANGENCY, THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 90.43 FEET, AN ARC DISTANCE OF 8.76 FEET, WITH A CHORD BEARING SOUTH 87 DEGREES 06 MINUTES 26 SECONDS WEST, TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 85.71 FEET, AN ARC DISTANCE OF 31.97 FEET, WITH A CHORD BEARING NORTH 84 DEGREES 59 MINUTES 02 SECONDS WEST, TO A POINT OF COMPOUND CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 193.20 FEET, AN ARC DISTANCE OF 27.92 FEET, WITH A CHORD BEARING NORTH 70 DEGREES 09 MINUTES 34 SECONDS WEST, TO A POINT OF TANGENCY; THENCE NORTH 66 DEGREES 01 MINUTES 10 SECONDS WEST, 128.79 FEET; THENCE NORTH 62 DEGREES 53 MINUTES 48 SECONDS WEST, 103.34 FEET; THENCE NORTH 69 DEGREES 05 MINUTES 19 SECONDS WEST, 158.25 FEET, TO A POINT OF TANGENCY; THENCE ALONG A CURVE TO THE LEFT, HAVING RADIUS OF 87.88 FEET, AN ARC DISTANCE OF 104.55 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE ALONG SAID WESTERLY LINE NORTH 24 DEGREES 08 MINUTES 47 SECONDS EAST, 1150.86 FEET TO AN ANGLE POINT IN SAID WESTERLY LINE; THENCE CONTINUING ALONG SAID WESTERLY LINE NORTH 25 DEGREES 47 MINUTES 04 SECONDS EAST, 558.58 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1 THE FOLLOWING 3 COURSES; THENCE SOUTH 64 DEGREES 55 MINUTES 13 SECONDS EAST, 872.85 FEET; THENCE SOUTH 05 DEGREES 03 MINUTES 56 SECONDS EAST, 169.19 FEET; THENCE NORTH 89 DEGREES 21 MINTUES 07 SECONDS EAST, 1646.06 FEET TO THE POINT OF BEGINNING IN DUPAGE COUNTY ILLINOIS.

CONTAINING 2,253,116 SQUARE FEET OR 51.724 ACRES MORE OR LESS.

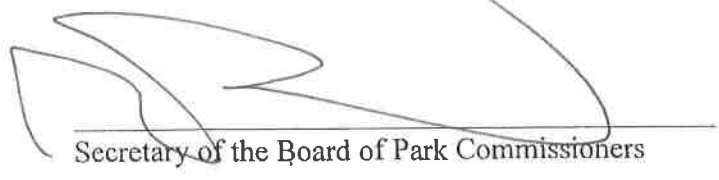
PIN: 05-32-405-006, 05-33-301-005, 08-04-100-019(part), 08-05-201-019 AND 08-05-201-020(part).

COMMONLY KNOWN AS VACANT LAND NORTHEAST OF NAPERVILLE ROAD AND LUCENT LANE, LISLE, IL 60532

CERTIFICATION

I, Michael Benard, the Secretary of the Board of Park Commissioners of the Wheaton Park District of the County of DuPage, State of Illinois, do hereby certify that I am keeper of its books and records and that the foregoing is a true and correct copy of an Ordinance duly adopted by its Board of Park Commissioners at a meeting duly convened and held on the 29 day of Nov, 2013.

SEAL


Secretary of the Board of Park Commissioners