

FILED

MAY 24 2021

Jean Kaczmarek
DuPage County Clerk

ORDINANCE 2021-01

**DISCONNECTION OF CERTAIN PROPERTY
FROM THE WHEATON PARK DISTRICT**

WHEREAS the WHEATON PARK DISTRICT is a duly constituted Illinois unit of local government functioning under the authority of The Park District Code (70 ILCS 1205/1-1 et seq.); and

WHEREAS, a certain portion of a park known as Community Park lies within the boundary of the WHEATON PARK DISTRICT and adjoining the CAROL STREAM PARK DISTRICT, and said land is depicted on the attached Exhibits "A" "Map to Disconnect"; and "B" "Legal Description Of Territory Disconnected From The Wheaton Park District and Annexed To The Carol Stream Park District; and

WHEREAS, said Park District Code grants authority to the Park District to disconnect certain territories from the Park District, including the authority set forth in Section 3-6 of The Park District Code (70 ILCS 1205/3-6) in regard to the disconnection of certain properties, to wit:

Sec. 3-6. Any territory, within any park district, which (1) is upon the border of the park district, and (2) if disconnected from the park district would not separate any part of the park district from any other part, may be disconnected from the park district, in the discretion of its corporate authorities

And;

WHEREAS the property to be disconnected depicted and described on Exhibits A and B meets the criteria of Section 3-6 and is wholly owned by the CAROL STREAM PARK DISTRICT, and:

WHEREAS the written Petition required by Section 3-6 has been filed by the CAROL STREAM PARK DISTRICT with the Secretary of the Board of the WHEATON PARK DISTRICT more than 30 Days before the enactment of this Ordinance.

WHEREAS, the Board of Park Commissioners for the Park District has determined that it is prudent and advisable to disconnect the land depicted and described on Exhibit "A" from the WHEATON PARK DISTRICT.

THEREFORE, BE IT ORDAINED:

1. The preambles are incorporated by reference and the territory as described in Exhibit "A" is hereby, under the authority of Section 3-6 of The Park District Code (70 ILCS 1205/1-1 et seq.), disconnected from the WHEATON PARK DISTRICT.

2. The Secretary of the Board of Park Commissioners, with the assistance of the Executive Director of the Park District, shall file a certified copy of this Ordinance, together with an accurate map of the Subject Property in the offices of the County Clerk, County Treasurer, and the Recorder of Deeds for DuPage County, Illinois, and shall also notify the appropriate election officials.

Dated: May 19, 2021

AYES	<u>7</u>
NAYS	<u>Ø</u>
ABSTAIN	<u>Ø</u>

WHEATON PARK DISTRICT

By:



President, Board of Park Commissioners

ATTEST:



Secretary, Board of Park Commissioners



RESOLUTION 21-01

**RESOLUTION PETITIONING THE DISCONNECTION OF TERRITORY
FROM THE WHEATON PARK DISTRICT**

WHEREAS, on May 29, 2020, the Carol Stream Park District acquired 17.69 acres of land commonly known as Community Park, from the Village of Carol Stream through quit claim deed; and

WHEREAS, 5 parcels listed in “Exhibit A” within Community Park lie within the boundaries of the Wheaton Park District, although they exist with the boundaries of the Village of Carol Stream, and are now owned by the Carol Stream Park District; and

WHEREAS, it is the desire of both Districts to adjust the boundary lines; and

WHEREAS, Wheaton Park District has agreed to disconnect the same parcels from their district boundaries, and the Carol Stream Park District has agreed to annex the same parcels into its boundaries; and

WHEREAS, Section 3-6 Disconnection, of the Park District Code (70 ILCS 1205/3-6) states as follows:

Sec 3-6. Any territory, within any park district, which (1) is upon the border of the park district, and (2) if disconnected from the park district would not separate any part of the park district from any other part, may be disconnected from the park district, in the discretion of its corporate authorities as follows:

A written petition, signed by the majority of the owners of record of land and the owners of record of more than one-half of the area of land in the territory described in the petition, shall be filed with the secretary of the governing board of the park district, requesting that the specified territory be disconnected from the park district. The petition shall be filed at least 30 days before it is considered by the corporate authorities. The petition shall be accompanied with the certificate of the proper county clerk, or county clerks as the case may be, showing that all park district assessments due up to the time of presenting the petition are fully paid. The corporate authorities may, in their discretion, disconnect the territory from the park district by an ordinance passed by a majority of the members of the governing board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Park Commissioners of the Carol Stream Park District as follows:

1. That the president and secretary or other executive and secretariat officers are hereby authorized to execute this Resolution to petition the Wheaton Park District for the disconnection of territories.

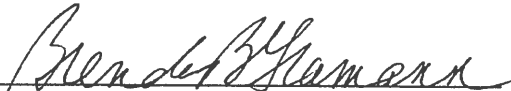
2. That this Resolution shall be in full force and effect from and after its passage and approval.

Passed and approved this 12 day of April, 2021, pursuant to a roll call vote as follows:

VOTES

 7 AYES
 0 NAYS
 0 ABSENT

Approved:



President

ATTEST:



Secretary

**PETITION TO DISCONNECT TERRITORY
FROM THE
WHEATON PARK DISTRICT
(70 ILCS 1205/3-6)**

The Wheaton Park District has within its corporate boundary certain territory commonly known as a portion of Community Park. That land is described on Exhibits "A" (Map) and "B" (Legal Description) and shall be referred to herein as "Subject Property". The Carol Stream Park District acquired the Subject Property in 2020.

The Carol Stream Park District hereby provides this written Petition to Disconnect Territory to the Wheaton Park District in compliance with Section 3-6 of the Park District Code (70 ILCS 1205/3-6) seeking disconnection of the Subject Property from the Wheaton Park District.

Also attached hereto is the certification referred to in Section 3-6 regarding the payment of assessments due as of the date of presenting this Petition.

Dated: April 12, 2021

CAROL STREAM PARK DISTRICT


President of the Board of Park Commissioners

Attest:



Secretary of the Board

EXHIBIT A MAP TO DISCONNECT

Pin #'s:

05-04-400-023	1.54 Acres
05-04-400-003	3.86 Acres
05-04-400-047	1.38 Acres
05-04-400-048	4.22 Acres
05-04-400-045	6.61 Acres

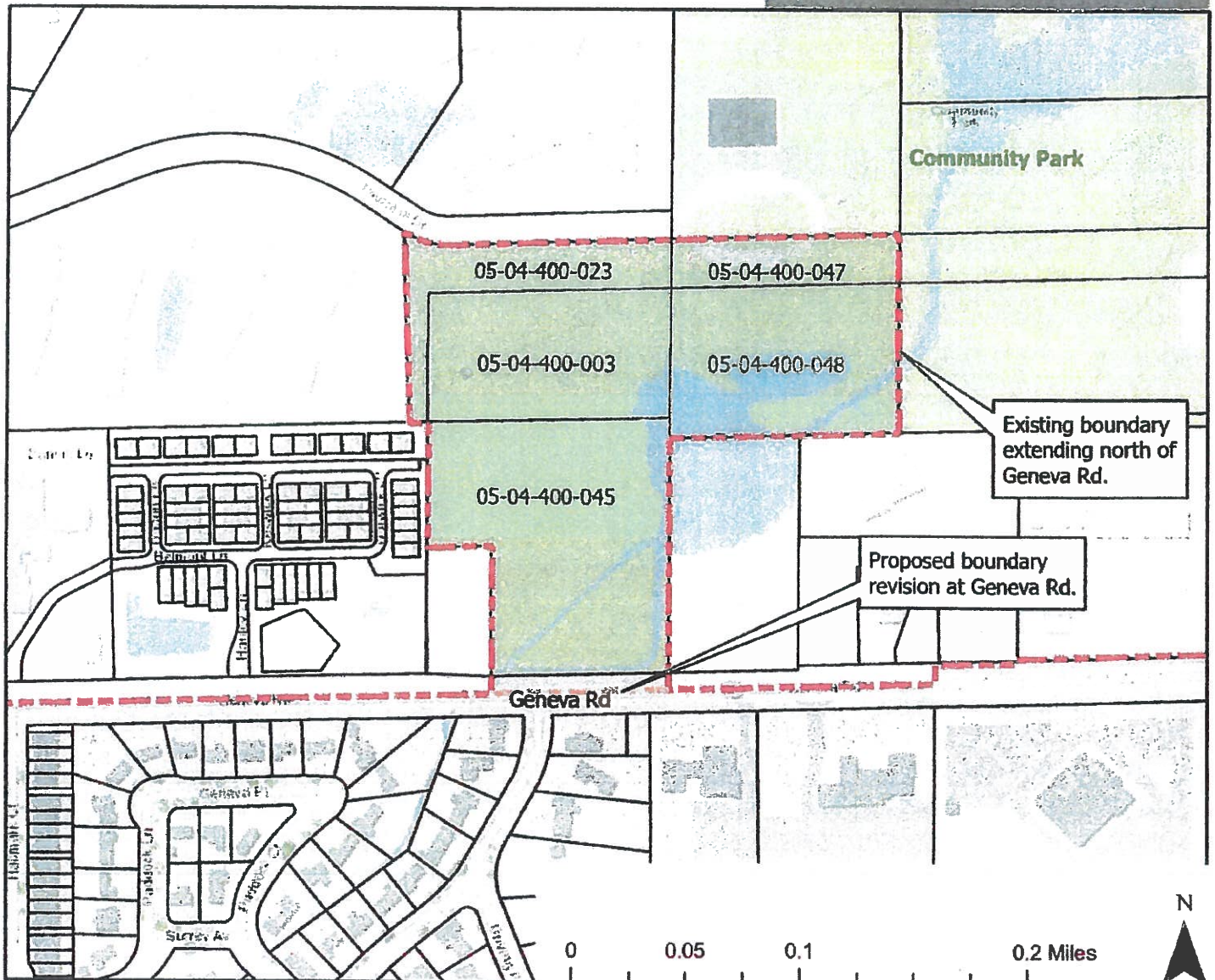
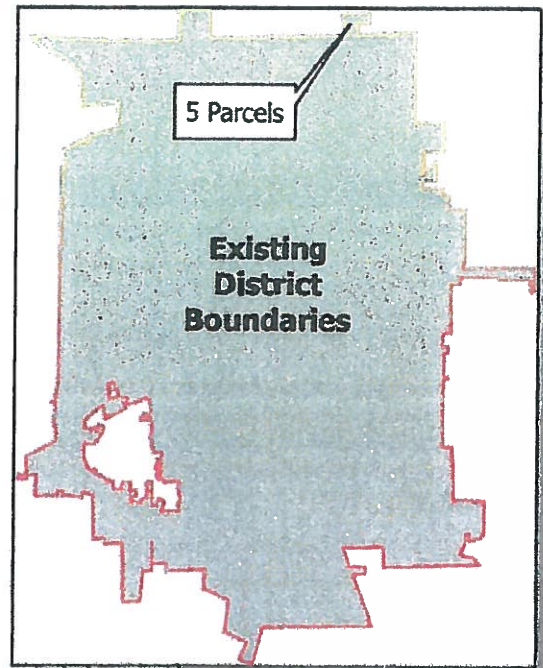


EXHIBIT 'B'

LEGAL DESCRIPTION OF TERRITORY DISCONNECTED FROM THE WHEATON PARK DISTRICT AND ANNEXED TO THE CAROL STREAM PARK DISTRICT:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER AND RUNNING THENCE SOUTH 88 DEGREES 32' 31" WEST ALONG THE SOUTH LINE OF SAID SECTION , 1299.10 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF RUSSELL'S ASSESSMENT PLAT (RECORDED AS DOCUMENT 506507) FOR A PLACE OF BEGINNING. THENCE CONTINUING SOUTH 88 DEGREES 32' 31" WEST ON SAID SOUTH LINE, 410.00 FEET; THENCE NORTH 00 DEGREES 02' 33" EAST, PARALLEL WITH THE WEST LINE OF SAID RUSSELL'S ASSESSMENT PLAT, 350.02 FEET TO A POINT WHICH IS 300.00 FEET NORTH OF THE NORTH LINE OF GENEVA ROAD; THENCE SOUTH 88 DEGREES 32' 31" WEST, 150.0 FEET; THENCE NORTH 00 DEGREES 02' 33" EAST, PARALLEL WITH SAID WEST LINE OF RUSSELL'S ASSESSMENT PLAT, 277.38 FEET TO THE NORTH LINE OF THE SOUTH 20 ACRES OF THAT PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 4 WHICH LIES WESTERLY OF THE WEST LINE OF THE EAST 40 ACRES OF SAID SOUTH HALF; THENCE SOUTH 88 DEGREES 32' 31" WEST ALONG SAID NORTH LINE, 45.0 FEET TO THE EAST LINE OF LOT 2 OF LITTLESTONE'S SUBDIVISION (RECORDED AS DOCUMENT R71-11317); THENCE NORTH 01 DEGREES 52' 56" WEST ALONG SAID EAST LINE, 444.29 FEET TO THE SOUTHERLY LINE OF THORNHILL DRIVE; THENCE SOUTHEASTERLY ON SAID SOUTHERLY LINE, BEING A CURVE TO THE LEFT HAVING A RADIUS OF 183.0 FEET, AN ARC DISTANCE OF 111.62 FEET TO THE POINT OF TANGENCY, THENCE NORTH 88 DEGREES 10' 35" EAST ALONG SAID SOUTH LINE OF THORNHILL DRIVE . 514.14 FEET TO THE EASTERNMOST LINE OF SAID LITTLESTONE'S SUBDIVISION ; THENCE CONTINUING NORTH 88 DEGREES 10' 35" EAST ON THE EXTENSION OF SAID SOUTH LINE, 530.28 FEET TO THE EAST LINE OF THE 30.0 FOOT SANITARY SEWER EASEMENT GRANTED BY DOCUMENT R70-42360; THENCE SOUTH 00 DEGREES 02' 33" WEST ON SAID EAST LINE AND SAID LINE EXTENDED, 465.01 FEET TO THE NORTH LINE OF SAID LOT 2 OF RUSSELL'S ASSESSMENT PLAT; THENCE SOUTH 88 DEGREES 32' 31" WEST ON SAID NORTH LINE 530.17 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00 DEGREES 02' 33" WEST ON THE WEST LINE OF SAID LOT, 581.14 FEET TO THE PLACE OF BEGINNING , IN DU PAGE COUNTY, ILLINOIS



DUPAGE COUNTY CLERK

Jean Kaczmarek
DuPage County Clerk

I, JEAN KACZMAREK, COUNTY CLERK IN AND FOR THE COUNTY AND STATE AFORESAID AND KEEPER OF THE RECORDS PERTAINING TO TAXES, DO HEREBY CERTIFY THAT THERE ARE NO CURRENT OR DELINQUENT GENERAL TAXES, NO FORFEITED TAXES AND NO REDEEMABLE TAX SALES ON THE FOLLOWING PARCELS: 05-04-400-003, 05-04-400-023, 05-04-400-045, 05-04-400-047, AND 05-04-400-048.

ALL OF WHICH APPEARS FROM THE RECORDS NOW IN MY OFFICE REMAINING.

GIVEN UNDER MY HAND AND OFFICIAL SEAL AT WHEATON, ILLINOIS THIS 1ST DAY OF MARCH A.D., 2021.

A handwritten signature in cursive script, reading "Jean Kaczmarek", is written over a horizontal line.

JEAN KACZMAREK
DU PAGE COUNTY CLERK



MEMORANDUM

TO: Wheaton Park District Board of Park Commissioners
Michael Benard, Executive Director

FROM: Andrew S. Paine, Tressler LLP

DATE: October 3, 2013

RE: Acknowledgement of Community Park Joint Commission Termination

Attached to this memorandum is the Acknowledgement of Commission Termination. It seeks to terminate the intergovernmental agreement between Wheaton Park District, Glen Ellyn Park District and Carol Stream Park District and to dissolve the Community Park Joint Commission.

As you will recall, on June 22, 1981, the three districts entered into an intergovernmental agreement that created the Community Park Joint Commission ("Commission"). The Commission was comprised of the three districts and was created to develop, operate, control, and maintain approximately 68 acres of land that was situated between the three districts and had been recently acquired by the Village of Carol Stream ("Property"). On December 14, 1982, the Commission entered into a 30 year lease agreement for the Property with the Village of Carol Stream ("Lease") to carry out the intent of the intergovernmental agreement and the purpose of the Commission.

The Lease expired by its own terms on January 1, 2013. Following the Lease's expiration, the three districts wound up the business of the Commission pursuant to the terms of the intergovernmental agreement, including the payment, in equal parts, of all net debts and liabilities of the Commission, and the distribution, in equal parts, of all property and net cash funds of the Commission remaining after payment of all debts and liabilities.

Based on the foregoing, the three districts now seek to terminate the intergovernmental agreement and dissolve the Commission.

Tressler has reviewed the intergovernmental agreement and the Lease. Based on the expiration of the Lease and the successful winding up of the Commission, Wheaton Park District have complied with its obligations under the intergovernmental agreement and has no further responsibilities or obligations aside from formal termination of the intergovernmental agreement and dissolution of the commission.

Tressler has reviewed the Acknowledgement of Commission Termination and finds it to be legally sufficient.

**WHEATON PARK DISTRICT
RESOLUTION NO. 2013-10**

**A RESOLUTION APPROVING THE TERMS OF THE ACKNOWLEDGEMENT OF
COMMISSION TERMINATION AND AUTHORIZING ITS EXECUTION**

WHEREAS, on June 22, 1981, Wheaton Park District ("Park District"), Glen Ellyn Park District, and Carol Stream Park District (collectively, "Districts") entered into an intergovernmental agreement ("Intergovernmental Agreement") that, among other things, created a Community Park Joint Commission ("Commission"); and

WHEREAS, the Commission was comprised of the Districts and was created, among other reasons, to develop, operate, control, and maintain a certain tract of real estate consisting of approximately 68 acres that had been recently acquired by the Village of Carol Stream ("Property") and was situated between the Districts; and

WHEREAS, on December 14, 1982, the Commission entered into a 30 year lease agreement for the Property with the Village of Carol Stream ("Lease") to carry out the intent of the Intergovernmental Agreement and the purpose of the Commission; and

WHEREAS, the Lease expired by its own terms on January 1, 2013; and

WHEREAS, following the Lease's expiration, the Districts wound up the business of the Commission pursuant to the terms of the Intergovernmental Agreement, including the payment, in equal parts, of all net debts and liabilities of the Commission, and the distribution, in equal parts, of all property and net cash funds of the Commission remaining after payment of all debts and liabilities; and

WHEREAS, based on the expiration of the Lease and the successful winding up of the Commission, the Districts have determined that it is in their respective best interests to terminate the Intergovernmental Agreement and dissolve the Commission.

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

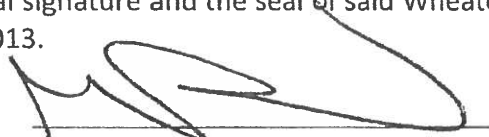
1. The foregoing recitals to this Resolution are hereby determined to be true and correct and are hereby incorporated in and made part of this Resolution.
2. The form, terms and provisions of the proposed Acknowledgement of Commission Termination are hereby in all respects approved in the form as presented to the Park Board at this meeting.
3. The President and Secretary of the Board are hereby authorized and directed to execute and deliver the Acknowledgement of Commission Termination, in the name and on

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 ACKNOWLEDGEMENT OF COMMISSION TERMINATION 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 20th day of November, 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 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 Wheaton Park District at Wheaton, Illinois this 20th day of November, 2013.



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

[SEAL]

#586687

ACKNOWLEDGEMENT OF COMMISSION TERMINATION

WHEREAS, the undersigned Park Districts are the remaining member entities of the "Community Park Joint Commission" formed by an Intergovernmental Agreement dated June 22, 1981, hereinafter "IGA", and

WHEREAS, the lease between the Commission and the Village of Carol Stream for the park property terminated on January 1, 2013, thus ending the need for the Commission, and

WHEREAS, the undersigned Park Districts have determined that the Commission should be terminated, and the procedures of termination found in Article 5 of the IGA should be followed to wind up the operations of the Commission, and

WHEREAS, this document shall serve as the notice required by said Article 5 from and to each respective member Park District.

NOW WHEREFORE, BE IT ACKNOWLEDGED AND AGREED:

1. The preambles above are incorporated into this acknowledgement.
2. The Community Park Joint Commission is acknowledged to be terminated, the IGA is null and void.
3. The Treasure shall distribute the remaining assets of the Commission pursuant to Article 5, i.e. equally to the remaining members signing below.

Dated as of March 11, 2013.

CAROL STREAM PARK DISTRICT

By: Brenda Gramann Name: Brenda Gramann Title: Pres
Attest: Susan Rini Name: Susan Rini Title: Treasurer

WHEATON PARK DISTRICT

By: John F Kelly Name: John F Kelly Title: PRESIDENT
Attest: Michael J. Ben Name: Michael J. Ben Title: Sec

GLEN ELLYN PARK DISTRICT

By: Gordon J. Kinzler Name: Gordon J. Kinzler Title: President
Attest: Melissa Creech Name: Melissa Creech Title: Treasurer