



RESOLUTION NO. 2015-011

A Resolution

Accepting the Conveyance of Real Property from the County of Kane Pursuant to the Local Government Property Transfer Act (50 ILCS 605/2) and Property Conveyances Act (765 ILCS 5/16)

WHEREAS, the County of Kane (hereinafter "the County") is a unit of local government as described in the Local Government Property Transfer Act (50 ILCS 605/2) and has acquired several parcels of real property (hereinafter "the property") located in the Village of Montgomery bearing the Property Index Numbers of 15-31-378-024 and 15-31-378-022; and legally described as follows:

Parcel No. 15-31-378-024

That part of the Southwest Quarter of Section 31, Township 38 North, Range 8 East of the Third Principal Meridian, further described as follows: Beginning at the Southeast corner of Lot 6 of Oakton Terrace in said Section 31, Thence Southerly along the Easterly line of said Lot 6 extended, a distance of 69.45 feet to a point on a curve having a radius of 5669.66 feet, said curve being parallel with and 60 feet normally distant North of the center line of Federal Aid Route Number 192, thence Westerly along said curve to the right, to the intersection of said curve and the Easterly line of Lot 3 of said Oakton Terrace extended Southerly, thence Northerly along said extended Easterly line to the Southeast corner of said Lot 3; thence Easterly along the Southerly line of said Oakton Terrace a distance of 261.7 feet to the Inc. County of Kane, State of Illinois.

Parcel No. 15-31-378-022

That part of the southwest $\frac{1}{4}$ of Section 31, Township 38 North, Range 8 east of the Third Principal Meridian described as follows: Beginning at the southwest corner of Lot 1 of Oakton Terrace, Aurora Township, Kane County, Illinois; thence easterly along the southerly line of Oakton Terrace 255 feet to the southeast corner of Lot 3 in said Oakton Terrace; thence southerly along the easterly line of said Lot 3 extended to a point on a curve having a radius of 5669.66 feet, said curve being parallel with and 60 feet normally distant north of the center line of Federal Aid Route No. 192; thence westerly along said curve to the intersection of said curve and the westerly line of Lot 1 of said Oakton Terrace extended southerly; thence northerly along said extended westerly line to the point of beginning, in the Township of Aurora, Kane County, Illinois.

WHEREAS, the County has agreed to convey the property to the Village of Montgomery (hereinafter the "Village") for nominal consideration; and,

WHEREAS, the Local Government Property Transfer Act authorizes the County to convey and the Village to accept the property by Quit Claim Deed; and,

WHEREAS, the Intergovernmental Cooperation Act (5 ILCS 220/1 et. seq.) provides that units of local government may jointly exercise their power, privileges or authority through intergovernmental agreements, including those for transfers of real estate; and,

WHEREAS, the Village and the County have determined that it is necessary and desirable to provide for the transfer of ownership of the subject properties from the County to the Village; and,

WHEREAS, the necessary procedural requirements of the Act for such a conveyance have been satisfied.

NOW, THEREFORE, BE IT RESOLVED by the Village President and the Board of Trustees of the Village of Montgomery as follows:

- (1) That the Village agrees to accept transfer of subject properties by quit claim deed and to enter into an Intergovernmental Agreement with the County of Kane, attached hereto as **Exhibit A**, regarding the same; and,
- (2) That if any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity thereof shall not affect the remaining provisions of the quit claim deed; and
- (3) That this Resolution shall be in full force and effect from and after its passage, approval, and publication as provided by law.
- (4) That the foregoing recitals are hereby incorporated into this Agreement in their entirety.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this 9th day of November, 2015.



Matthew Brolley,
President of the Board of Trustees of the Village of
Montgomery, Kane and Kendall Counties, Illinois

AYES: 6

NAYS: 0

ABSENT: 0



ATTEST: *Tiffany Francis*
Tiffany Francis,
Clerk, Village of Montgomery

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE COUNTY OF KANE AND THE VILLAGE OF MONTGOMERY**

THIS AGREEMENT is entered into this ____ day of _____, 2015, by and between the COUNTY OF KANE, as Trustee under the Provisions of 35 ILCS 200/21-90 and 35 ILCS 200/21-260, a body politic and corporate existing under and virtue of the laws of the State of Illinois (hereafter "County") and the VILLAGE OF MONTGOMERY, a body politic and corporate existing under and by virtue of the laws of the State of Illinois (hereafter "Montgomery").

WITNESSETH:

WHEREAS, Article VII, Section 10 of the Constitution of the State of Illinois, 1970, authorizes units of local government to contract or otherwise associate amongst themselves with other units of local government to obtain or share services and to exercise, combine or transfer any power or function in any manner not prohibited by law or by ordinance; and

WHEREAS, 5 ILCS 220/1 *et seq.* Provides for the Intergovernmental Cooperation Act which authorizes in part that any power, privileges or authority exercised or which may be exercised by units of local government may be exercised and enjoyed jointly with other units of local government through intergovernmental agreements; and

WHEREAS, 50 ILCS 605/1, *et. seq.*, provides for the Local Government Property Transfer Act, which authorizes the transfer of real estate and other property between units of local government; and

WHEREAS, the County and the Village of Montgomery constitute units of local government which are authorized to enter into intergovernmental agreements relating to the transfer of real estate; and

WHEREAS, the County of Kane has acquired several parcels of land, the legal description of such properties being provided in Exhibit A attached hereto (hereafter the “Subject Property”); and

WHEREAS, the County and the Village of Montgomery have determined that is necessary and desirable to provide for the transfer of ownership of the subject properties from the County to Montgomery.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements provided herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the County and Montgomery hereby agree as follows:

1. The County agrees to transfer subject properties by quit claim deed and Montgomery Agrees to accept the transfer of the Subject Properties by quit claim deed all in the form as attached hereto as Exhibit B.
2. That the foregoing recitals are hereby incorporated into this Agreement in their entirety.

IN WITNESS WHEREOF, the parties have executed and entered into this Agreement on the date and year first written above.

COUNTY OF KANE

VILLAGE OF MONTGOMERY

By: _____
Christopher J. Lauzen, Chair

By: _____
Matthew Brolley, President