

AVON TOWNSHIP ORDINANCE 5-14-2018 FHC

**AN ORDINANCE OF AVON TOWNSHIP, LAKE COUNTY, ILLINOIS, APPROVING AND ACCEPTING
THE CONVEYNACE OF A PARCEL OF PROPERTY IN "FORT HILL CEMETERY"
FROM LAKE COUNTY TO AVON TOWNSHIP**

WHEREAS, Lake County is the title owner of a parcel of land in the Fort Hill Cemetery with property index number 06-31-200-034 (hereinafter "Parcel 34"); and

WHEREAS, pursuant to Section 130-5 of the Illinois Township Code, 60 ILCS 1/130-5, a township may establish and maintain cemeteries, may acquire lands for cemeteries, and may enter upon abandoned cemeteries and clear the grounds and make them orderly; and

WHEREAS, Section 1 of the Conveyance of Burial Places to County Act, 765 ILCS 805/1 provides that any person may dedicate, by deed duly executed and recorded, any lot of land to a county for the use of any society, association or neighborhood to serve as a burial place; and

WHEREAS, Parcel 34 was conveyed to the County for such purposes in 1847 but is no longer being maintained by the Fort Hill Cemetery Association; and

WHEREAS, the Fort Hill Cemetery Association appears to no longer be in existence; and

WHEREAS, the TOWNSHIP is willing to receive parcel 34 for its continued use as a cemetery; and

WHEREAS, the COUNTY desires to convey Parcel 34 to the TOWNSHIP for its continued use as a cemetery; and

WHEREAS, pursuant to the Local Government Property Transfer Act, 50 ILCS 605/0.01, et seq. ("*Transfer Act*"), "municipalities", including the COUNTY and the TOWNSHIP, may transfer or receive all their right, title and interest in real estate to or from other municipalities; and

WHEREAS, pursuant to the Transfer Act, the TOWNSHIP must pass an ordinance to request the COUNTY to transfer the Cemetery to the TOWNSHIP and the COUNTY must pass a resolution to make the transfer;

NOW, THEREFORE BE IT ORDAINED BY THE SUPERVISOR AND TRUSTEES OF AVON TOWNSHIP:

Section 1. The foregoing recitals are hereby incorporated by reference herein as findings of Avon Township.

Section 2. The transfer of Parcel 34 from Lake County to Avon Township is approved and Avon Township by this ordinance requests that Lake County transfer Parcel 34 to it, and the Avon Township Supervisor and Clerk are hereby authorized to execute, attest to and record, or cause to be executed, attested to and recorded, all documents necessary for Lake County to convey Parcel 34 to Avon Township, and to take any and all other actions necessary to complete such conveyance.

Section 3. Upon receipt of the quitclaim deed to Parcel 34, Avon Township shall thereafter own and maintain Parcel 34 as a public cemetery. Avon Township may sell burial plots to Parcel 34 to the public at market rates. The grounds to Parcel 34 shall remain open and accessible to the public always. Avon Township may establish rules and regulations governing to the public's access to Parcel 34 and Avon Township's conveyance of burial plots consistent with its powers under Illinois law.

PASSED this ____th day of May 2018.

BOARD OF TRUSTEES

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Michele Bauman	<u>✓</u>	—	—
Pat Duby	<u>✓</u>	—	—
Paul Law	<u>✓</u>	—	—
Stephen Vaughn	<u>✓</u>	—	—
Terry Wilke	<u>✓</u>	—	—

APPROVED:

T. L. Wilke
Supervisor, Avon Township

ATTEST:

Jeanne L. Kearby
Town Clerk, Avon Township

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE COUNTY OF LAKE AND AVON TOWNSHIP**

This Intergovernmental Agreement is made and entered into this 14 day of May 2018, by and between the County of Lake, a body politic and corporate, (hereinafter "COUNTY") and Avon Township (hereinafter "TOWNSHIP"), a local governmental unit.

RECITALS

WHEREAS, the COUNTY and the TOWNSHIP are public agencies within the meaning of the Illinois Intergovernmental Cooperation Act, as specified at 5 ILCS 220/1, *et seq.*, and are authorized by Article 7, Section 10 of the Constitution of the State of Illinois to cooperate for public purposes; and

WHEREAS, what is known as the "Fort Hill Cemetery" consists of three parcels, identified by property index numbers ("PINs"); and

WHEREAS, the title owners of the three parcels are the Fort Hill Cemetery Association (PIN 06-31-200-016) (hereinafter referred to as "Parcel 16"), the COUNTY (PIN 06-31-200-034) (hereinafter "Parcel 34"), and the "Catholic Bishop of Chicago" (PIN 06-31-200-035) (hereinafter "parcel 35"); and

WHEREAS, there is no record indicating that the Fort Hill Cemetery Association is still in existence; and

WHEREAS, Parcel 16 has been abandoned and is currently being maintained by local volunteers; and

WHEREAS, pursuant to Section 130-5 of the Illinois Township Code, 60 ILCS 1/130-5, a township may establish and maintain cemeteries, may acquire lands for cemeteries, and may enter upon abandoned cemeteries and clear the grounds and make them orderly; and

WHEREAS, Section 1 of the Conveyance of Burial Places to County Act, 765 ILCS 805/1 provides that any person may dedicate, by deed duly executed and recorded, any lot of land to a county for the use of any society, association or neighborhood to serve as a burial place; and

WHEREAS, Parcel 34 was conveyed to the County for such purposes in 1847 but is no longer being maintained by the Fort Hill Cemetery Association; and

WHEREAS, since the Fort Hill Cemetery Association appears to no longer be in existence; and

WHEREAS, the TOWNSHIP is willing to receive parcel 34 for its continued use as a cemetery; and

WHEREAS, the COUNTY desires to convey Parcel 34 to the TOWNSHIP for its continued use as a cemetery as provided herein; and

WHEREAS, pursuant to the Local Government Property Transfer Act, 50 ILCS 605/0.01, *et seq.* ("*Transfer Act*"), "municipalities", including the COUNTY and the TOWNSHIP, may transfer or receive all their right, title and interest in real estate to or from other municipalities; and

WHEREAS, pursuant to the Transfer Act, the TOWNSHIP must pass an ordinance to request the COUNTY to transfer the Cemetery to the TOWNSHIP and the COUNTY must pass a resolution to make the transfer;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein the COUNTY and the TOWNSHIP agree as follows:

1. Conveyance of Parcel 34 from the COUNTY to the TOWNSHIP.

- A. The TOWNSHIP will request by Ordinance that the COUNTY convey by quitclaim deed Parcel 34 to the TOWNSHIP.
- B. Upon receipt of a certified copy of the TOWNSHIP ordinance, the COUNTY shall approve by resolution the conveyance by quitclaim deed of Parcel 34 to the TOWNSHIP, to be used thereafter for cemetery purposes.
- C. Prior to issuing the quitclaim deed to the TOWNSHIP, the COUNTY shall clear and make orderly the grounds of Parcels 34 in a manner acceptable to the TOWNSHIP.
- D. After the COUNTY has cleared and made orderly the grounds of PARCEL 34, the COUNTY shall notify the TOWNSHIP as herein provided and the TOWNSHIP shall have 30 days to inspect Parcel 34.
- E. If the TOWNSHIP concurs that the grounds have been properly cleared and made orderly, the COUNTY shall deliver and the TOWNSHIP shall accept a quitclaim deed conveying Parcel 34 to the TOWNSHIP.

2. TOWNSHIP care and maintenance of Parcel 34 for Cemetery purposes.

- A. Upon receipt of the quitclaim deed to Parcel 34, the TOWNSHIP shall thereafter own and maintain Parcel 34 as a public cemetery.
- B. The TOWNSHIP may sell burial plots to Parcel 34 to the public at market rates.
- C. The grounds to Parcel 34 shall remain open and accessible to the public always.
- D. The TOWNSHIP may establish rules and regulations governing to the public's access to Parcel 34 and the TOWNSHIP's conveyance of burial plots consistent with its powers under Illinois law.

3. General Provisions.

- A. The laws of the State of Illinois shall govern this Agreement. Venue for the resolution of any disputes or the enforcement of any rights pursuant to this agreement shall be in the 19th Judicial Circuit Court of Lake County, Illinois.
- B. The invalidity or enforceability of any of the provisions of this Agreement shall not affect the validity or enforceability of the remainder of this Agreement.
- C. In the event a dispute between the COUNTY and the TOWNSHIP arises under this agreement, each party shall be responsible for its own attorney fees and court costs.
- D. This Agreement represents the entire agreement between the COUNTY and the TOWNSHIP and supersedes all prior negotiations, representations or agreements, either written or oral.
- E. All notices, approvals or other communications that either party desires or is required to give to the other party under the terms of this Agreement shall be in writing and shall be considered to be properly given (i) if delivered by messenger, (ii) if mailed in the United States via certified or registered mail, postage prepaid, return receipt requested, (iii) if telefaxed, telegraphed or telecopied during normal business hours; (iv) if delivered by reputable express carrier, prepaid, the next business day after delivery to such carrier; or by electronic mail with a return confirmation that the electronic message was received by the user during normal business hours, addressed to such party as follows below. Either party may at any time give notice in writing to the other party of a change of name, address, or telephone or facsimile number. Notice shall be given to the parties as follows:

COUNTY: County of Lake

Attn: County Administrator
18 N. County Street
9th Floor
Waukegan, IL 60085

TOWNSHIP: Avon Township
Attn: Township Supervisor

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first indicated above by their duly authorized representatives.

COUNTY OF LAKE

By: _____
Aaron Lawlor
Chairman, Lake County Board

ATTEST:

Carla Wyckoff
Lake County Clerk

AVON TOWNSHIP

By: Linda

ATTEST:

Jeanne L. Keary
Avon Township Clerk