



Lake County Illinois

Legislation Text

File #: 13-0102, **Version:** 1

Joint ordinance authorizing the amount of \$2,760,000 in the Stormwater Management Commission budget (Fund 212) to be utilized for the purpose of purchasing the Gurnee Grade School. The amount will be reimbursed through a grant awarded by the Illinois Department of Commerce and Economic Opportunity for the acquisition and demolition of the Gurnee Grade School, District 56, 900 Kilbourne Road, Gurnee, Illinois, Lake County.

- This grant No. 08-358012 is through the Illinois Department of Commerce and Economic Opportunity and provides funding for the purchase and demolition of the Gurnee Grade School in the amount of \$2,760,000.
- SMC has entered into an agreement with the Illinois Department of Commerce and Economic Opportunity (DCEO) to coordinate and manage the acquisition and demolition of the school.
- SMC will be reimbursed by the Illinois Department of Commerce and Economic Opportunity from this grant award for grant management and technical services.

WHEREAS, the SMC entered into a cooperative agreement with the Department of Commerce and Economic Opportunity (DCEO) dated June 18, 2012, in which DCEO funds will be used to acquire certain floodplain, flood damaged, real property, by the SMC, subject to certain perpetual conditions and restrictions; and

WHEREAS, the SMC will acquire, with financial assistance from DCEO, certain real property located in Gurnee in Lake County, described in Exhibit A, as a part of the Department of Commerce and Economic Opportunity Ike Property Buyouts Program, located within a floodplain and within the corporate limits of the SMC; and

WHEREAS, the SMC and the Gurnee Grade School District #56 Board of Education are legal entities organized and existing under the laws of the State of Illinois, having among their powers to contract with one another to perform the undertakings described in this Ordinance; and

WHEREAS, the SMC has determined that it is necessary and convenient to acquire said real property described in Exhibit A, by a vote of 2/3 of its Commissioners in accordance with the Local Government Property Transfer Act (50 ILCS 605/2 (a)), subject to the restrictions contained in the aforescribed Agreement with DCEO, and as hereafter recited in this Ordinance; and

WHEREAS, the Gurnee Grade School District #56 Board of Education has determined that it is necessary and convenient to convey the real property described in Exhibit A to the SMC for open space public use, subject to the conditions and restrictions contained herein, pursuant to an ordinance enacted in accordance with the Local Government Property Transfer Act (50 ILCS 605/2 (a)); and

WHEREAS, the adoption of this Ordinance will further and enhance the public policy of intergovernmental cooperation.

NOW THEREFORE, for and in consideration of the benefits to be derived from the implementation of the Department of Commerce and Economic Opportunity Ike Property Buyout Program, the sufficiency of which is hereby acknowledged, it is hereby ordained by the Commissioners of the Lake County Stormwater Management Commission as follows:

1. The recitals set forth above are incorporated herein by reference and made a part hereof.
2. That the Executive Director and/or the SMC Attorney are authorized to approve the deed transferring ownership of the subject parcel(s), and to approve and execute any and all required closing document(s), needed to complete the aforescribed conveyance.
3. That the real estate, described in attached Exhibit A, shall be transferred to the SMC subject to, and is subject to, in perpetuity, the following restrictive covenants:
 - a. That the real estate is dedicated in perpetuity for open space public use and purposes.
 - b. That the SMC shall maintain the real estate in a safe, neat and manageable condition, and shall faithfully manage the real estate for its designated open space purpose and for public use.
 - c. The SMC and the DCEO reserve all present rights and any future rights which may occur to enforce the restrictive covenants or agreements both at law and in equity. The SMC agrees that any breach or threatened breach of the covenants and conditions may be enjoined upon the application by the DCEO. In addition, the DCEO will have the option to reclaim the real estate if the SMC fails to remove or correct any violation of the covenants and conditions within thirty (30) days after the mailing of written notice thereof by the Director of the DCEO to the SMC.
 - d. The SMC will not convey the real estate or any interest therein without the prior express written consent of the DCEO. The only permissible conveyance of the real estate by the SMC is to another unit of local government for open space public use and purposes.
 - e. All of the foregoing restrictive covenants and agreements shall run with the real estate.

DATED, at the Lake County, Illinois on this 12th day of February, A.D., 2013.