



Lake County Illinois

Legislation Text

File #: 18-0653, Version: 1

Resolution approving an intergovernmental agreement between the County of Lake and Avon Township for the conveyance by quitclaim deed of Parcel 34 (Fort Hill Cemetery) to Avon Township to be used thereafter for cemetery purposes.

- Fort Hill Cemetery, located in Avon Township, consists of three parcels of property owned by Fort Hill Cemetery Association (Parcel 16), Lake County (Parcel 34), and Catholic Bishop of Chicago (Parcel 35).
- Parcel 34 - originally conveyed to Lake County (County) in 1847 to be operated as a cemetery - is adjacent to Parcel 16 which was later conveyed to the Fort Hill Cemetery Association (Association) to also be operated as a cemetery. Both Parcels 34 and 16 had subsequently been operated as the Fort Hill Cemetery (Cemetery).
- It appears that at one time the Association did operate the Cemetery but now it appears that the Association no longer exists.
- The Local Government Property Transfer Act allows the transfer of all right, title and interest in real estate to or from other municipalities through (a) an ordinance from the Township requesting the transfer; and (b) a resolution by the County to make the transfer.
- Avon Township, through unanimous adoption of an ordinance by its Board of Trustees, has formally indicated its willingness to receive Parcel 34 from the County by quitclaim deed for its continued use as a cemetery.

RESOLUTION

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

WHEREAS, the Cemetery - located in Avon Township (Township), consists of three parcels property owned by Fort Hill Cemetery Association (Parcel 16), Lake County (Parcel 34), and Catholic Bishop of Chicago (Parcel 35); and

WHEREAS, Parcel 34 was originally conveyed to the County in 1847 to be operated as a cemetery; and

WHEREAS, Parcel 16 adjacent to Parcel 34 was later conveyed to the Fort Hill Cemetery Association to also be operated as a cemetery and the two had subsequently been operated as the Fort Hill Cemetery; and

WHEREAS, it appears that at one time the Fort Hill Cemetery Association did operate the Fort Hill Cemetery but now it appears that the Fort Hill Cemetery Association no longer exists; 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, the Local Government Property Transfer Act, 50 ILCS 605/0.01, et seq. (Transfer Act) allows the transfer of all right, title and interest in real estate to or from other municipalities through an ordinance from the Township requesting the transfer and through a resolution by the County to make the transfer; 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; and

WHEREAS, the County and the Township are desirous of entering into an agreement stating the terms and conditions for conveyance of Parcel 34 in the form of an Intergovernmental Agreement attached hereto; and

WHEREAS, pursuant to Section 10 of Article 7 of the Illinois Constitution of 1970, units of local government, such as the Township and the County, may contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, the County and the Township are desirous of entering into an agreement stating the terms and conditions for conveyance of the Cemetery, substantially in the form of the draft intergovernmental agreement attached hereto; and

WHEREAS, in accordance with the Local Government Property Transfer Act, 50 ILCS 605/0.01, et seq., the County may transfer Parcel 34 to the District upon such terms as may be agreed upon by the corporate authorities of the County, and the Township and subject to the provisions of such Act; and

WHEREAS, per the said Local Government Property Transfer Act, this resolution must be approved by a two-thirds vote of the membership of this Board for it to be effective; and

WHEREAS, the Township has adopted an ordinance requesting the conveyance of Parcel 34 from the County and approving the Intergovernmental Agreement.

NOW, THEREFORE BE IT RESOLVED by this Lake County Board, that:

Section 1. The foregoing recitals are hereby incorporated by reference herein as findings of the County Board.

Section 2. The intergovernmental agreement between the County and the Township is approved. The County Board Chair is authorized to sign, and the County Clerk to attest, the intergovernmental agreement between the County and the Township substantially in the form attached, stating the terms and conditions for the conveyance of the cemetery from the County to the Township.

Section 3. The transfer of Parcel 34 from the County to the Township is approved, and the County Board Chair and the County Clerk of Lake County, Illinois, 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 the Township, and to take any and all other actions necessary to complete such conveyance.

DATED at Waukegan, Illinois, on June 12, 2018.