

**BATAVIA PARK DISTRICT  
ORDINANCE NO. 334**

**DECLARING THE NECESSITY OF USE AND AUTHORIZING  
THE TRANSFER OF PROPERTY FOR  
THE BENEFIT OF THE BATAVIA PARK DISTRICT**

**WHEREAS**, the City of Batavia (“CITY”) is a constitutional unit of government and a home rule unit of government; and

**WHEREAS**, the Batavia Park District (“DISTRICT”) is an Illinois Park District and unit of local government that owns various properties throughout the City of Batavia and surrounding territory that it uses for various park and recreation purposes; and

**WHEREAS**, it appears that the City owns that real estate legally described on Exhibit A attached hereto and incorporated herein (the “Subject Property”); and

**WHEREAS**, the District operates and maintains the Subject Property as Fox Trail Park;  
and

**WHEREAS**, the Subject Property fits the mission of the District; and

**WHEREAS**, the CITY and the DISTRICT are municipalities as defined in Section 1 (c) of the Local Government Property Transfer Act, 50 ILCS 605/1 et seq. (hereinafter the “Transfer Act”); and

**WHEREAS**, Section 2 of the Transfer Act authorizes the conveyance of real property from one municipality to another municipality upon a two-thirds vote of the corporate authorities of the transferor municipality (in this case, the CITY); and

**WHEREAS**, as a condition precedent to a conveyance under Section 2 of the Transfer Act, the transferee municipality ( in this case, the DISTRICT) must first declare by ordinance “that it is necessary or convenient for it to use, occupy or improve” the real estate held by the transferor municipality; and

**WHEREAS**, in accordance with the requirements of Section 2 of the Transfer Act, the DISTRICT as transferee municipality, hereby declares that it is necessary or convenient for the DISTRICT to use, occupy or improve the Subject Property, subject to Utility Easements as described and depicted on the Plat of Subdivision for Beechen & Dill’s Fox Trail Subdivision Phase I, recorded as Kane County Recorder of Deeds Document # 90K28008;

**NOW, THEREFORE BE IT ORDAINED BY THE BATAVIA PARK DISTRICT BOARD OF PARK COMMISSIONERS, KANE COUNTY, ILLINOIS, as follows:**

**Section 1. Incorporation of Recitals.** All recitals set forth in the preamble above are hereby fully incorporated into this Ordinance as if set forth in their entirety in this Section 1.

**Section 2. Declaration of Necessity or Convenience.** The DISTRICT hereby declares that it is necessary or convenient for the DISTRICT to use, occupy or improve the Subject Property.

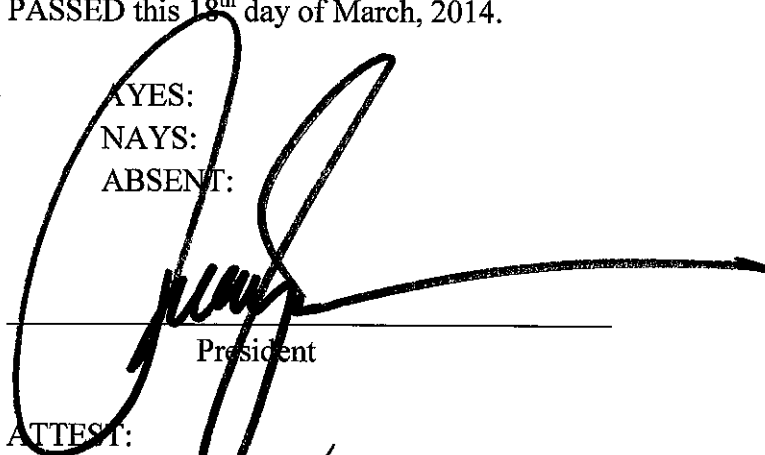
**Section 3. Approval of Documents.** The President and Board Secretary of the Batavia Park District are hereby authorized and directed to execute such documents as necessary to accomplish the transfer of title to the Subject Property from the CITY to the DISTRICT .

**Section 4. Effective Date.** This Ordinance shall take full effect immediately upon its passage. All previous ordinances, resolutions, motions, and orders of the Park District Board of Park Commissioners in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. Severability.** If any portion of this Ordinance shall be determined to be invalid by a court of competent jurisdiction in the State of Illinois, the remaining portions of this Ordinance shall remain in full force and effect.

PASSED this 18<sup>th</sup> day of March, 2014.

AYES:  
NAYS:  
ABSENT:



\_\_\_\_\_

President

ATTEST:



\_\_\_\_\_

Secretary