

ORDINANCE NO. 319

**DECLARING 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 local government, and a home rule unit of government, that owns certain property commonly known as vacant property proximate to Viking Drive and Michael Wild Park (“Subject Property”); and

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

WHEREAS, it appears that the Subject Property is a remainder property for which the CITY has no municipal purpose but which, as an addition to Michael Wild Park, fits the mission of the DISTRICT; and

WHEREAS, the Subject Property is legally described as set forth on Exhibit A attached hereto and incorporated herein.

WHEREAS, the CITY and the DISTRICT are municipalities as defined in Section 1 (c) of “An Act in Relation To The Transfer Of Interests In Real Estate By Units Of Local Governments Or School Districts,” 50 ILCS 605/1(c) (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.

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

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

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.

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motions, and orders of the Batavia Park District Board of Park Commissioners in conflict herewith are hereby repealed to the extent of such conflict.

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 full force and affect.

PASSES this 15 day of January, 2013

AYES:

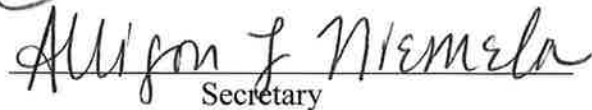
NAYS:

ABSENT:



President

ATTEST:



Secretary