



Legislation Text

File #: SM-O-0001-24, **Version:** 1

ORDINANCE NO. SM-O-0001-24
DECLARING THE ASSIGNMENT OF EASEMENTS
FROM THE FOREST PRESERVE OF DUPAGE COUNTY TO THE COUNTY OF DUPAGE
NECESSARY AND CONVENIENT TO THE COUNTY OF DUPAGE
FOR THE LUTHER - HIGH RIDGE DRAINAGE IMPROVEMENT PROJECT
IN THE HIGH RIDGE FOREST PRESERVE

WHEREAS, the County of DuPage (hereinafter referred to as "COUNTY") proposes to improve drainage by constructing storm sewers and swales, generally located along Luther Avenue, between Roosevelt Road and the High Ridge Forest Preserve, and within the Forest District of DuPage County (hereinafter referred to as "DISTRICT") owned property, all within unincorporated York Township (hereinafter referred to as "PROJECT"); and

WHEREAS, the COUNTY hereby determines that it is reasonable, necessary and in the best interest of the COUNTY to acquire both a permanent and a temporary easement from the DISTRICT for the PROJECT (See Exhibit A attached hereto); and

WHEREAS, the DISTRICT is empowered to assign easements to the COUNTY pursuant to the authority conferred by the Local Government Property Transfer Act, 50 ILCS 605/0.01 et seq. (hereinafter "TRANSFER ACT"); and

WHEREAS, the COUNTY and the DISTRICT are municipalities as defined in Section 1 (c) of the TRANSFER ACT; and

WHEREAS, Section 2 of the TRANSFER ACT authorizes the conveyance of real property from one municipality to another municipality upon two-thirds vote of the corporate authorities of the transferor municipality; and

WHEREAS, as a condition precedent to a conveyance under Section 2 of the TRANSFER ACT, the transferee, the COUNTY, 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

NOW, THEREFORE, BE IT ORDAINED by the DuPage County Board that the recitals set forth above are incorporated herein and made a part hereof; and

BE IT FURTHER ORDAINED that the COUNTY hereby declares that “it is necessary or convenient for it to use, occupy or improve” the permanent and temporary easement premises, currently owned by the DISTRICT, for the above-referenced PROJECT; and

BE IT FURTHER ORDAINED that the Director of the Department of Stormwater is hereby authorized to execute on behalf of the COUNTY the attached AGREEMENT necessary towards accepting the Easement Premises therein referenced; and

BE IT FURTHER ORDAINED that the Clerk is hereby directed to transmit two duplicate originals of this Ordinance to the DISTRICT, by and through the Department of Stormwater.

Enacted and approved this 9th day of July, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK