

VILLAGE OF GILBERTS

**A RESOLUTION AUTHORIZING THE TRANSFER OF PROPERTY
FROM THE VILLAGE OF GILBERTS
TO THE BOARD OF EDUCATION OF COMMUNITY UNIT SCHOOL
DISTRICT 300**

WHEREAS, the Village of Gilberts is an Illinois municipal corporation ("*Village*"); and

WHEREAS, the Board of Education of Community Unit School District 300 ("*School District*") is organized for the purposes of owning, operating, and maintaining a system of schools, and the territory of the School District lies in part within the corporate limits of the Village; and

WHEREAS, in 2006, the Village purchased a parcel of land from the developer of the Conservancy subdivision, which parcel is described in **Exhibit A** attached to and by this reference incorporated into this Resolution ("*Transfer Property*"); and

WHEREAS, the Village and the School District entered into an Intergovernmental Agreement dated August 28, 2006 ("*IGA*") to provide for the transfer of ownership of the Transfer Property to the School District in exchange for the Village retaining impact fees collected for the benefit of the School District to reimburse the Village for its costs in purchasing the Transfer Property; and

WHEREAS, the School District constructed and operates Gilberts Elementary School on the Transfer Property; and

WHEREAS, the Village has received and retained the impact fees provided for under the IGA to reimburse the Village for the purchase price of the Transfer Property; and

WHEREAS, the Village desires to convey the Transfer Property to the School District pursuant to the terms of the IGA and the Illinois Local Government Property Transfer Act, 50 ILCS 605/0.01, *et seq.* ("*Property Transfer Act*"); and

WHEREAS, the School District, on May 28, 2019, passed and approved a resolution declaring that it is necessary or convenient for the School District to use, occupy, and improve the Transfer Property for public purposes and requesting that the Village transfer the Transfer Property to the School District, all in accordance with the provisions of the Property Transfer Act and the IGA; and

WHEREAS, the Village President and Board of Trustees desire to transfer the Transfer Property to the School District, pursuant to the authority conferred by the Property Transfer Act and the terms of the IGA.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, KANE COUNTY, ILLINOIS, as follows:

Resolution No. 12-2019

Section 1. Recitals. The foregoing recitals are hereby incorporated into this Resolution as findings of the President and Board of Trustees.

Section 2. Approval and Authorization for Transfer of Property to School District. The President and Village Board of Trustees hereby (a) approve transfer of the Transfer Property to the School District, (b) authorize the Village President to execute a deed to accomplish the transfer, (c) authorize the Village Clerk to attest and to seal such deed with the Village's corporate seal, and (d) authorize the President and Village Clerk to take all other necessary and appropriate actions, in conjunction with the necessary and appropriate actions of the School District, to transfer all of the Village's rights and title in the Transfer Property to the School District.

Section 3. Effective Date. This Resolution will be in full force and effect from and after its passage and approval by a vote of two-thirds of the members of the corporate authorities now holding office.

PASSED BY THE BOARD OF TRUSTEES this 18 day of June, 2019 by roll call vote as follows:

<u>Abstain</u>	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	
Trustee Dan Corbett	✓	_____	_____	_____
Trustee Elissa Kojzarek	✓	_____	_____	_____
Trustee Nancy Farrell	✓	_____	_____	_____
Trustee Jeanne Allen	✓	_____	_____	_____
Trustee Lou Hacker	✓	_____	_____	_____
Trustee Guy Zambetti	✓	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS 18 DAY OF June, 2019




Rick Zirk, Village President

ATTEST: 
Courtney Baker, Village Clerk

Exhibit "A"

TRANSFER PROPERTY

EXHIBIT



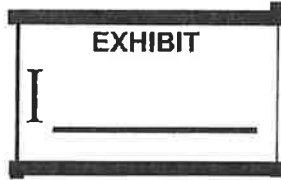
PARCEL 1;

THAT PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE SOUTH 89 DEGREES 22 MINUTES 39 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 59.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 22 MINUTES 39 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 495.86 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 21 SECONDS WEST, A DISTANCE OF 86.17 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5593.00 FEET, SUBTENDING A CHORD BEARING SOUTH 03 DEGREES 35 MINUTES 26 SECONDS EAST, AN ARC DISTANCE OF 822.50 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 2200.00 FEET, SUBTENDING A CHORD BEARING SOUTH 03 DEGREES 42 MINUTES 35 SECONDS EAST, AN ARC DISTANCE OF 314.38 FEET TO A POINT TANGENT TO THE LAST DESCRIBED CURVE; THENCE SOUTH 00 DEGREES 23 MINUTES 03 SECONDS WEST, A DISTANCE OF 45.14 FEET; THENCE NORTH 89 DEGREES 36 MINUTES 57 SECONDS WEST, A DISTANCE OF 249.89 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 500.00 FEET, SUBTENDING A CHORD BEARING NORTH 86 DEGREES 13 MINUTES 27 SECONDS WEST, AN ARC DISTANCE OF 59.20 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 500.00 FEET, SUBTENDING A CHORD BEARING NORTH 86 DEGREES 13 MINUTES 27 SECONDS WEST, AN ARC DISTANCE OF 59.20 FEET TO A POINT TANGENT TO THE LAST DESCRIBED CURVE; THENCE NORTH 89 DEGREES 36 MINUTES 57 SECONDS WEST, A DISTANCE OF 204.66 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 171,947.00 FEET, SUBTENDING A CHORD BEARING OF NORTH 00 DEGREES 19 MINUTES 55 SECONDS EAST, AN ARC DISTANCE OF 796.76 FEET TO A POINT TANGENT TO THE LAST DESCRIBED CURVE; THENCE NORTH 00 DEGREES 11 MINUTES 57 SECONDS EAST, A DISTANCE OF 462.72 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

PARCEL 2;

PERPETUAL, NON-EXCLUSIVE AND IRREVOCABLE EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE GRANT OF EASEMENT AND AGREEMENT MADE BY AND BETWEEN NORTH STAR TRUST COMPANY AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 20, 1999 KNOWN AS TRUST NUMBER 99-1801, AS GRANTOR, AND NEUMANN HOMES, INC., AND THE VILLAGE OF GILBERTS, AS GRANTEEES RECORDED OCTOBER 12, 2006 AS DOCUMENT 2006K111485 FOR THE CONSTRUCTION, RECONSTRUCTION, REPAIR, REPLACEMENT, INSPECTION, MAINTENANCE AND OPERATION OF VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION; ACCESS; THE RIGHT TO CONDUCT ANY ACTIONS REQUIRED TO CONSTRUCT, RECONSTRUCT, REPAIR, REPLACE, INSPECT, MAINTAIN, OPERATE, AND WIDEN GALLIGAN ROAD AND BINNIE ROAD; INGRESS AND EGRESS; TO IMPROVE, INSTALL, CONSTRUCT, RENEW, CLEAR, RECONSTRUCT, REPLACE, REMOVE,

CONTINUED ON NEXT PAGE



REPAIR, ALTER, INSPECT, OPERATE AND MAINTAIN PEDESTRIAN AND VEHICULAR CIRCULATION FACILITIES; CUT DOWN AND TRIM OR REMOVE ANY FENCES, TEMPORARY STRUCTURES, TREES, SHRUBS OR OTHER PLANTS; AND TEMPORARY CONSTRUCTION EASEMENT OVER AND UPON THE FOLLOWING DESCRIBED PARCELS:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE SOUTH 89 DEGREES 22 MINUTES 39 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 99.02 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 57 SECONDS WEST, A DISTANCE OF 462.42 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 171,987.00 FEET, SUBTENDING A CHORD BEARING SOUTH 00 DEGREES 19 MINUTES 57 SECONDS WEST, AN ARC DISTANCE OF 800.47 FEET TO A POINT TANGENT TO THE LAST DESCRIBED CURVE; THENCE SOUTH 00 DEGREES 27 MINUTES 57 SECONDS WEST, A DISTANCE OF 1345.98 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 38 SECONDS WEST, A DISTANCE OF 99.31 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 23 MINUTES 03 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 2609.46 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH:

THE SOUTH 33.00 FEET OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN.



2019K036555

SANDY WEGMAN
RECORDER - KANE COUNTY, IL
RECORDED: 8/14/2019 09:05 AM
REC FEE: 53.00 RHSPS FEE: 9.00

This document was prepared by:

Kurt S. Asprooth, Esq.
Ancel Glink, P.C.
140 South Dearborn Street, Sixth Floor
Chicago, IL 60603

PAGES: 7

After recording return to:

Scott E. Nemanich
Klein, Thorpe & Jenkins, LTD.
20 N. Wacker Drive, Ste. 1660
Chicago, IL 60606

(The above space for recorder's use only)

SPECIAL WARRANTY DEED

THE GRANTOR, **the Village of Gilberts, an Illinois municipal corporation**, whose mailing address is 87 Galligan Road, Gilberts, IL 60136 ("Grantor"), for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, the receipt and sufficiency of which are hereby acknowledged, by these presents does GRANT, BARGAIN, SELL, REMISE, RELEASE, ALIEN, AND CONVEY to **the Board of Education of Community School District 300, an Illinois school district**, whose mailing address is 2550 Harnish Drive, Algonquin, IL 60102 ("Grantee"), and to its successors and assigns FOREVER, all the following real property situated in the County of Kane, in the State of Illinois, to wit:

See Attached Exhibit A

Permanent Real Estate Index Number: 02-13-100-004

Address of Real Estate: 729 Paperback Lane, Gilberts, IL 60136

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anyway appertaining, together with the improvements thereon and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, and interest, of Grantor, of, in and to the above described premises, with the hereditaments and appurtenances: TO HAVE AND TO HOLD the said premises as above described, with the appurtenances, unto the Grantee, its heirs, successors, and assigns forever.

And Grantor, for itself, and its successors, does covenant, promise and agree, to and with the Grantee, its successors and assigns, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be, in any manner encumbered or charged, except as herein recited; and it WILL WARRANT AND DEFEND the said premises unto the Grantee, its successors and assigns, against all persons lawfully claiming, or to claim the same, by, through or under it, subject to covenants, conditions, restrictions and easements

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62

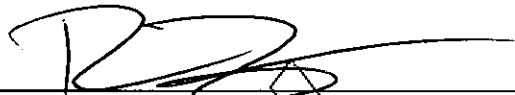
of record, if any; general real estate taxes for the current tax year and subsequent years.

In Witness Whereof, said Grantor has caused this Special Warranty Deed to be executed this 26 day of June, 2019.

GRANTOR:

THE VILLAGE OF GILBERTS

By:



Rick Zirk, Village President

STATE OF ILLINOIS)
)
COUNTY OF KANE) ss.

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that **Rick Zirk, Village President of the Village of Gilberts**, an Illinois municipal corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal, this 26th day of June, 2019.

Commission expires 10/31 2022

Claudia Russell

NOTARY PUBLIC



SEND SUBSEQUENT TAX BILLS TO:
Board of Education of Community School District 300
2550 Harnish Drive
Algonquin, IL 60102

Kane County, Illinois Transfer Stamps:

**EXEMPT UNDER PROVISIONS OF 35 ILCS
200/31-45, PARAGRAPH (b), REAL ESTATE
TRANSFER ACT**

Date: 7-23-19



Signature of Buyer, Seller or Representative

Unofficial

EXHIBIT A

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Unofficial



Sandy Wegman
 Kane County Recorder
 719 S. Batavia Ave., Bldg. C
 Geneva IL, 60134
 Phone: 630-232-5935
 Fax: 630-232-5945

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)
 COUNTY OF KANE)^{SS}

I, Rick Zirk, Village President of the Village of Gilberts, being duly sworn on oath, states that the Office of the Village of Gilberts is located at 87 Galligan Road, Gilberts, Illinois, 60136.

And further states that: (please check the appropriate box)

- A. That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or
 B. That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: (please circle the appropriate number)

1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor, provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
10. This conveyance is of land described in the same manner as title was taken by grantor(s).

AFFIANT further states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kane County, Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO BEFORE ME

This 26th day of June, 2019.

Claudia Russell

Signature of Notary Public

[Signature]
 Signature of Affiant

