

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
OCTOBER 2, 2007 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Conveyance of Georgian Courts Park Property to Georgian Courts Residential Association	Resolution ✓ Ordinance Motion Discussion Only	David Fieldman Deputy Village Manager

SYNOPSIS

An ordinance has been prepared authorizing the conveyance of the Georgian Courts Park Property to the Georgian Courts Residential Association.

STRATEGIC PLAN ALIGNMENT

Downers Grove Goals 2011 include *Preservation of the Residential and Neighborhood Character*.

FISCAL IMPACT

Conveying the park to the Georgian Courts Residential Association would eliminate future Village maintenance costs.

UPDATE & RECOMMENDATION

This item was discussed at the September 25, 2007 Workshop. During that meeting, Council indicated they would like to see a deed restriction added to the ordinance which would guarantee that the Georgian Courts Park Property would continue to be open to the public, even after conveyance by the Village. This deed restriction has been added to the ordinance language.

Staff recommends approval on the October 2, active agenda.

BACKGROUND

The Village Council discussed this item at the July 10, 2007 Workshop. Some Council members indicated that they prefer that the property in question be conveyed pursuant to a publication of a proposal to sell real estate and the acceptance of bids. The Council requested that staff research the applicability of this process to the property in question.

A review of Village records indicates that the sale of this property was the subject of a competitive proposal process in conjunction with the redevelopment of the property in 2001. On May 15, 2001, the Village published a Request for Proposals for the purchase and redevelopment of the property now improved with the Georgian Courts Planned Development. Two proposals were received. The Village Council considered the proposals at the July 24, August 14 and October 9, 2001 meetings. The competitive process resulted in the execution of the Redevelopment Agreement with Rosol Construction, Inc., as described below.

In October 2001, the Village entered into a RDA with Rosol Construction, Inc., for the Georgian Courts development located on Gilbert Avenue west of Forest Avenue. The RDA required the developer to construct a park and improve it with specific items including a gazebo and landscaping. The RDA also required the developer to convey the park to the Village. The developer completed the Georgian Courts development and conveyed the park to the Village on September 9, 2005. The Village is now the owner of the park property.

The Village received a request from the Georgian Courts Residential Association to convey the park property to the association at no cost (see attached letter and supporting information).

Rosol Construction constructed the park at its sole cost as required by the RDA. The cost of constructing the park was passed onto the purchasers of the townhome units within the development. Therefore, the residents of Georgian Courts have paid for the park improvements.

Staff recommends approval of the conveyance of the park property to the association for the following reasons:

- The park does not appear to be open for public use due to its location within the Georgian Courts development and its physical design elements that are similar to the privately owned townhomes.
- It appears that the park is not often used by persons other than residents and guests of Georgian Courts.
- The association may be better suited to maintain the park in a manner consistent with the maintenance of the common property within the development.
- The conveyance of the park property to the association would eliminate future Village maintenance costs.

Section 2.36 of the Village Code regulates the sale and conveyance of Village-owned real property. Pursuant to State statute, the sale of Village-owned real property requires a publication of a proposal to sell real estate and the acceptance of bids. However, Section 2.36 of the Village Code states:

(b) The requirements of Chapter 65 of Paragraph 5/11-76-2 of the Illinois Compiled Statutes for publication of a proposal to sell any real estate owned by the Village, and acceptance of bids therefor, may be waived by the Village Council with respect to any specific proposed sale or lease of real estate; provided, that the ordinance required under this section contains a statement that such waiver is being made, and sets forth a reason or reasons why such waiver is necessary or for the best interests of the Village with respect to such sale or lease.

Staff recommends conveying the property to the association without publication and acceptance of bids due to the unique nature of the property and proposed conveyance. The property is located within and was developed as part of the Georgian Courts Planned Development pursuant to the terms and conditions of an RDA. The original conveyance of the Village owned property to the developer was subject to a competitive proposal process. The residents of Georgian Courts paid for the costs of constructing the park as these park costs were included in the original purchase price for the townhomes. Planned Development Ordinance 4370 requires that the property be used only as park. Therefore the property cannot be developed without an amendment to the Planned Development Ordinance.

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Manager **DATE:** October 2, 2007
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- ☒ Ordinance
☐ Resolution
☐ Motion
☐ Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF CERTAIN PROPERTY OWNED BY THE VILLAGE OF DOWNERS GROVE", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance shall convey property owned by the Village to the Georgian Courts Residential Association commonly known as Georgian Courts Park.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF CERTAIN PROPERTY
OWNED BY THE VILLAGE OF DOWNERS GROVE**

WHEREAS, the Village of Downers Grove (hereinafter referred to as the “Village”), in the County of DuPage, State of Illinois, has acquired certain real estate (hereinafter described as the “Property”), legally described as follows:

Lot 6 in Georgian Courts Assessment Plat, being part of the Southeast Quarter of Section 7 and part of the Southwest Quarter of Section 8, Township 38 North, Range 11 east of the third principal meridian, according to the plat thereof recorded as document number R2002-271618, in DuPage County, Illinois.

Commonly known as Lot 6 on Gilbert Avenue, Downers Grove, IL (PIN 09-08-301-035)

WHEREAS, the Property was constructed as a public park and dedicated to the Village as part of the Georgian Courts Redevelopment Agreement; and

WHEREAS, the Council of the Village of Downers Grove, upon due consideration, has heretofore found and does hereby find that the continued ownership is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the Village and should be conveyed by law; and

WHEREAS, the Council of the Village of Downers Grove, upon due consideration, does hereby find that it is in the best interest of the Village to waive the requirement of notice and bids for the conveyance of Property as it is in the best interests of the residents of the Village that such property be conveyed to the Georgian Courts Residential Association.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, Illinois, in DuPage County, as follows:

Section 1. That ownership by the Village of the Property is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the Village and should be conveyed as provided by law.

Section 2. That the requirement for notice and bids for the sale of the Property is hereby waived, and the proper officials, agents and employees of the Village are hereby authorized and directed to take such action as may be necessary to arrange for the conveyance of the Property to the Georgian Courts Residential Association.

Section 3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in order to effectuate such conveyance of the Property.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That this ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk

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EXHIBIT A

Lot 6 in Georgian Courts Assessment Plat, being part of the Southeast Quarter of Section 7 and part of the Southwest Quarter of Section 8, Township 38 North, Range 11 east of the third principal meridian, according to the plat thereof recorded as document number R2002-271618, in DuPage County, Illinois.

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(PIN 09-08-301-035)

QUIT CLAIM DEED
Illinois Statutory

THE GRANTOR(S) The
Village of Downers Grove of the
Village of Downers Grove
County of DuPage State of
Illinois for and in
consideration of Ten and 00/100
Dollars and other valuable
consideration in hand paid,
CONVEY(S) AND QUIT
CLAIM(S) to Georgian Courts
Residential Association
c/o Caruso Management Group,
Inc. 800 W. 5th Avenue, Ste. 110B
of the City of Naperville, County
of DuPage State of Illinois ,
the following described real estate
situated in the County of DuPage, in the State of Illinois, to wit:

See Exhibit A.

SUBJECT TO THE FOLLOWING, IF ANY:

- (A) COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD THAT DO NOT MATERIALLY INTERFERE WITH THE USE AND OCCUPANCY OF THE PROPERTY FOR ITS INTENDED USE;
- (B) THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE VILLAGE OF DOWNERS GROVE AND ROSOL CONSTRUCTION, INC., DATED OCTOBER, 2001.
- (C) THIS PROPERTY SHALL BE EXCLUSIVELY UTILIZED AS A PARK AVAILABLE FOR PUBLIC USE AND ENJOYMENT.

This is not Homestead Property. This property is exempt under provisions of paragraph B Section 4, of the Real Estate Transfer Act.

Permanent Index Number(s): 09-08-301-035

Commonly known as: Lot 6 on Gilbert Avenue, Downers Grove, IL 60515

Dated this ____ day of _____, 20__.

Village Of Downers Grove

Ronald L. Sandack, Mayor

Attest: April Holden, Village Clerk

Return Deed to:
Georgian Courts Residential Association
c/o Caruso Management Group, Inc.
800 W. 5th Avenue, Ste. 110B
Naperville, IL 60563