

**MINUTES OF THE SPECIAL BOARD MEETING
OF THE BOARD OF COMMISSIONERS
OF THE PARK DISTRICT OF LA GRANGE, ILLINOIS
HELD AT THE ADMINISTRATIVE OFFICES
536 EAST AVENUE, LA GRANGE, ILLINOIS**

SEPTEMBER 20, 2010

President Penicook called the meeting to order at 7:02 P.M.

PRESENT: Commissioners Penicook, Ashby, Walsh, Belcaster,
Kelpsas*

ABSENT: None

STAFF PRESENT: Executive Director Dean Bissias, Recording Secretary
Ginger Zeman

OTHERS PRESENT: Joe Sonopoli from Suburban Life, Harlan Hirt, Thom
Rae, Kevin Shields, Katherine Hillman

* Commissioner Kelpsas attended remotely.

President Penicook welcomed everyone to the meeting and asked for any changes to the agenda.

Commissioner Walsh motioned to allow Commissioner Kelpsas participate remotely by telephone. Commissioner Belcaster seconded the motion, which passed unanimously by Voice Vote.

Communications, Presentations & Declarations

Public Comments\ Participation

Harlan Hirt, 421 S. Spring, stated he hoped the reasons for the rejection of bids for Gordon Park would be given. He stated the Gordon Park project has not been approved by the Village or the Metropolitan Water and Sanitary District and should not go to bid until it is approved by them as there could be changes to the plans. He hoped the Park District would establish procedures for all projects.

Commissioner Ashby stated he did not have an engineering background and appreciated Mr. Hirt's input. Commissioner Penicook stated his comments are not taken lightly.

Executive Session

At 7:18 P.M. Commissioner Belcaster motioned the Board convene to Executive Session pursuant to Item 3.1 Potential Claims and/or Litigation, 5 ILCS 120/2(c)11; Item 3.2 Acquisition, Lease and/or Disposition of Real Property, 5 ILCS 120/2 (c)(5&6). Commissioner Ashby seconded the motion, which passed unanimously by Roll Call Vote as follows:

AYES: Commissioners Belcaster, Penicook, Kelsas, Ashby, Walsh

NAYES: None

ABSENT: None

President Penicook resumed the Special Board Meeting at 8:10 P.M.

Action Items

Consideration and Possible Vote on Resolution #10-03, "A RESOLUTION AUTHORIZING MINIMUM TERMS OF SALE FOR CERTAIN PROPERTY COMMONLY KNOWN AS GORDON PARK PARCELS 2 AND 3 UNDER THE PARK COMMISSIONERS LAND SALE ACT, 70 ILCS 1235/1, et seq."

President Penicook stated the judge suggested the Park District authorize this resolution if the ARP deal was invalid. Commissioner Ashby motioned to approve as amended Resolution #10-03, "A Resolution known as Gordon Park Parcels 2 and 3 under the Park Commissioners Land Sale Act, 70 ILCS 1235/1, et seq.". Commissioner Walsh seconded the motion, which passed unanimously by Roll Call Vote as follows:

AYES: Commissioners Penicook, Walsh, Ashby, Belcaster, Kelsas

NAYES: None

ABSENT: None

President Penicook noted this Resolution would be available for viewing on the website tomorrow afternoon.

Rejection of All Bids Related to the Gordon Park Re-Development and the Authorization to Re-Bid the Same Project

Director Bissias stated resident Kevin Shields noted the legal notice was in the Suburban Life Newspaper 7 days prior to the opening of the bid when by law it should be posted 15 days prior. It was posted in the Daily Herald for the correct time; however that paper was not distributed locally. Commissioner Belcaster motioned to reject and authorize to rebid the project after proper notice is given in local papers. Commissioner Ashby seconded the motion, which passed unanimously by Roll Call Vote as follows:

AYES: Commissioner Penicook, Walsh, Ashby, Belcaster, Kelsas

NAYES: None

ABSENT: None

SPECIAL REGULAR BOARD MEETING - SEPTEMBER 20, 2010

Board Comments

Commissioner Ashby thanked Harlan Hirt for his input on the drainage issues at Gordon Park.

President Penicook thanked Kevin Shields for questioning the bid notice and what the project manager had done.

Executive Session

None

Action on Items Discussed in Executive Session

None

Adjournment

Commissioner Ashby moved for adjournment at 8:16 P.M. The motion was seconded by Commissioner Walsh and carried.



Mary Ellen Penicook, President



Constantine Bissias, Secretary

Approved 10/21/2010

PARK DISTRICT OF LA GRANGE

**RESOLUTION
NUMBER 10-03**

**A RESOLUTION AUTHORIZING MINIMUM TERMS OF SALE FOR CERTAIN
PROPERTY COMMONLY KNOWN AS GORDON PARK PARCELS 2 and 3 UNDER
THE PARK COMMISSIONERS LAND SALE ACT, 70 ILCS 1235/1, *et seq.***

Approved by the Board of Park Commissioners, September 20, 2010

RESOLUTION NO. 10-03

BE IT RESOLVED by the Board of Park Commissioners of the Park District of La Grange, THAT:

**A RESOLUTION AUTHORIZING MINIMUM TERMS OF SALE FOR CERTAIN
PROPERTY COMMONLY KNOWN AS GORDON PARK PARCELS 2 and 3 UNDER
THE PARK COMMISSIONERS LAND SALE ACT, 70 ILCS 1235/1, *et seq.***

shall be, and is hereby, approved as follows:

Section 1. BACKGROUND.

The Park District is authorized under the Park Commissioners Land Sale Act, 70 ILCS 1235/1 ("Act"), to sell certain parcels of land not exceeding three acres in area that are, in the legislative determination of the Board of Park Commissioners, no longer needed or deemed necessary or useful for park purposes. On March 2, 2009, the Board of Commissioners of the Park District of La Grange adopted Resolution No. 09-02, making certain findings of fact and authorizing the sale of certain property commonly known as Gordon Park Parcels 2 and 3 under the Act. A true and correct copy of Resolution No. 09-02 is attached to at ***Exhibit A***, and by this reference, made a part of this Resolution.

In authorizing the sale of Parcels 2 and 3, the President, Secretary and Attorney were authorized to execute all necessary documents and to take any other actions required for the conveyance of Parcels 2 and 3 to ARP. Moreover, the sale of Parcels 2 and 3 was authorized, with approval of the Circuit Court, on the terms of the contracts attached to Resolution No. 09-02, or on any additional or modified terms presented in the contracts made by the Circuit Court.

As provided under the Act and Resolution 09-02, the Park District filed an Application in Cook County Circuit Court on March 2, 2009. Since the date of filing the Application, and during the pendency of the Application, the Chicago-area real estate values have changed. As a result, the Park District Board of Commissioners have expressed a desire to authorize minimum terms of sale for Parcel 2, and some or all of Parcel 3 to be considered by the Circuit Court, in order to allow the Park District the opportunity to negotiate the most favorable terms for the sale and facilitate a transaction for the benefit of the Park District residents and to ensure that the Park District receives sufficient consideration in exchange for Parcel 2, and some or all of Parcel 3 (the "Property").

Section 2. FINDINGS OF FACT.

A. The Board of Park Commissioners, in accordance with Section 1 of the Act, readopts the findings of fact contained in Resolution No. 09-02, and makes the legislative determination that said findings of fact support the adoption of the minimum terms of sale set forth in Section 3(B) of this Resolution ("Minimum Terms").

B. It is the legislative determination of the Board of Park Commissioners that the sale of the Property in exchange for an amount not less than the Minimum Terms will be for the public interest. In other words, there is a rational relationship between the proposed sale for not less than the Minimum Terms, and the generation of revenue to support the proposed improvements for Gordon Park described in Resolution No. 09-02.

Section 3. AUTHORIZATION; AMENDED TERMS OF SALE

A. The President, Secretary, and Attorney are hereby authorized and directed to file an amendment to the Application currently pending before the Circuit Court of Cook County to reflect the Minimum Terms. The President, Secretary, and Attorney are further authorized to execute all other necessary documents and to take any other actions required for the conveyance upon authorization by the Circuit Court and upon the completion of negotiations for a sale on the terms and conditions receiving said Court approval.

B. With approval of the Circuit Court, and with the intent to obtain fair market value for the sale of the Property, or a part thereof to be determined by the Park District Board of Commissioners, such sale will be in exchange for not less than:

a. cash proceeds equal to or exceeding: (i) \$24.27 per square foot for the Property (the square-foot equivalent of \$2,985,000.00 for all 2.82 acres of Parcels 2 and 3); or (ii) 100% of the average of three valuations of the Property from three different MAI appraisals conducted at any time within the 18 months preceding the date of the contract for the sale of the Property; and

b. in-kind services related to the sale of Parcels 2 and 3 and/or the improvement and development Gordon Park to be agreed upon and accepted by the Park District Board of Commissioners.

Approved this 20 day of September, 2010.


Mary Ellen Penicook, President

Attest:


Constantine Bissias, Secretary

VOTES:

AYES: Commissioners Walsh, Ashby, Belcaron, Kelpas, + Penicook.

NAYS: NONE.

ABSENT: NONE

ABSTAIN: NONE.

PARK DISTRICT OF LA GRANGE

**RESOLUTION
NUMBER 09-02**

**A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND AUTHORIZING THE
SALE OF CERTAIN PROPERTY COMMONLY KNOWN AS
GORDON PARK PARCELS 2 AND 3 UNDER THE
PARK COMMISSIONERS LAND SALE ACT, 70 ILCS 1235/1 *et seq.***

Approved by the Board of Park Commissioners, March 2, 2009

RESOLUTION NO. 09-02

BE IT RESOLVED by the Board of Park Commissioners of the Park District of La Grange, THAT:

**A RESOLUTION MAKING CERTAIN FINDINGS OF FACT AND AUTHORIZING THE
SALE OF CERTAIN PROPERTY COMMONLY KNOWN AS
GORDON PARK PARCELS 2 AND 3 UNDER THE
PARK COMMISSIONERS LAND SALE ACT, 70 ILCS 1235/1 et seq.**

shall be, and is hereby, approved as follows:

Section 1. BACKGROUND.

The Park District is authorized under the Park Commissioners Land Sale Act, 70 ILCS 1235/1 ("**Act**"), to sell certain parcels of land not exceeding three acres in area that are, in the legislative determination of the Board of Park Commissioners, no longer needed or deemed necessary or useful for park purposes. The Act requires that the Park District obtain the approval of the Circuit Court of the county in which the land is situated for leave to sell such parcel and that the Court may direct that the property be sold and conveyed upon such terms and conditions that the Court may think proper.

The Park District is the owner of Gordon Park that includes two parcels commonly known as Parcel 2 and Parcel 3 ("**Parcels 2 and 3**"), which parcels are legally described in **Exhibit A** attached to and, by this reference, made a part of this Resolution, and that are comprised of less than three acres in area. Parcels 2 and 3 were previously used by the Park District for various maintenance activities that were later transferred to the Park District's main recreation center and offices. Since the transfer of these maintenance activities, Parcels 2 and 3 have had limited use and are not a meaningful part of the Park District's system of recreation use properties.

The Board of Park Commissioners desires to sell Parcels 2 and 3 on terms negotiated with Atlantic Realty Partners Inc., a Georgia corporation ("**ARP**"). The terms of the sale will provide innumerable benefits to advance the Park District's mission of providing high quality recreational facilities and services for its residents and guests and the Board of Park Commissioners has determined that the sale will be in the public interest.

Section 2. FINDINGS OF FACT.

The Board of Park Commissioners, in accordance with Section 1 of the Park Commissioners Land Sale Act, 70 ILCS 1235/1, make the following findings in support of its legislative determination to sell Parcels 2 and 3:

- a. Parcels 1 and 2 are 2.82 acres in area, sufficiently below the maximum allowable size of three acres to sell property pursuant to the Land Commissioner Land Sale Act;
- b. The Park District has moved all of the maintenance operations previously performed at the subject property to its main offices and recreational center at 536 East Avenue, La Grange, Illinois;

- c. There is and would continue to be a disproportionate and unnecessary burden on the finances of the Park District in relation to the benefit the Park District, its residents and guests would receive from continuing to maintain and operate Parcels 2 and 3;
- d. The Park District has no need to use Parcels 2 and 3 for administrative or other uses of the Park District;
- e. The sale of Parcels 2 and 3 has previously been approved at the November 4, 2008 general election by the voters of the Park District; and
- f. The Park District and ARP, a qualified, willing and able buyer, have negotiated the terms of the sale of Parcels 2 and 3, subject to the Circuit Court's approval, and the sale on these negotiated terms will provide the following benefits to the Park District, its residents and guests, and serve the public interest as follows:

Proposed Use of Proceeds from the Sale

- The Park District increases its level of service to the public.
- Gordon Park's drainage systems will be upgraded to reduce the occurrence of flooding in this low-lying area, thus reducing the incidence of cancelled athletic contests and maintenance calls.
- Gordon Park athletic fields, courts and playgrounds will be improved and renovated.
- Additional amenities such as a splash park, stage and performance area, and butterfly garden will be added to Gordon Park.
- Gordon Park will benefit from significant landscaping and beautification improvements, including more greenery, flowers and other plant-life; more benches; and a walking/running path, all of which are intended to make the park a more usable gathering place and passive recreation site for La Grange residents.
- Lighting will be added and improved to enhance activities and promote safety at Gordon Park.
- The layout of Gordon Park will be re-designed to meet the changing needs of La Grange residents; for example, the layout is currently configured to accommodate athletic fields. With some re-configurations, the Park District will still be able to meet athletic field needs, but also use the remaining space more efficiently to accommodate more passive recreational needs.
- The Park District will attempt to save as many of the trees on the Park Land as possible.

Reasons that Parcels 2 and 3 are Unnecessary

- Parcels 2 and 3 are awkwardly sloped so that it cannot be used for many activities, yet it is not suited for sledding because of the lack of clearance at the bottom.
- Parcels 2 and 3 are relatively inaccessible due to it being surrounded on three sides by Plymouth Place, an obsolete maintenance building and La Grange Tower.

- The isolation and relative inaccessibility of Parcels 2 and 3 have invited problems, such as underage drinking and drug use.
- Maintenance of Parcels 2 and 3 is difficult because it is difficult to access with maintenance equipment, thus creating extra costs and time to upkeep. The Park District no longer needs the maintenance facilities on Parcels 2 and 3, as those needs are being met on other Park District property.
- The financial burdens of maintaining Parcels 2 and 3 outweigh the benefits of retaining it.

Other Benefits of the Sale


- The sale of Parcels 2 and 3 will dramatically improve Gordon Park, and will also create funds that could be used for much needed capital improvements to other Park District facilities.
- Some funds generated from the sale will replenish Park District reserves.
- The selling price approved by the Park District is higher than the last appraised value of the property, and thus, selling at this time is a great opportunity for the Park District and taxpayers to get a great deal.

Section 3. AUTHORIZATION; TERMS OF SALE.


A. The President, Secretary, and Attorney are hereby authorized and directed to file an application with the Circuit Court of Cook County in substantially the form presented to the Board of Park Commissioners for the sale of Parcels 2 and 3, and to execute all necessary documents and take any other actions required for the conveyance of Parcels 2 and 3 to ARP.

B. The sale of Parcels 2 and 3 will be, with the approval of the Circuit Court, on the terms of the contracts negotiated with ARP, copies of which are attached as *Exhibit B* and, by this reference, made a part of this Resolution, or on any additional terms or modification of terms presented in the contracts made by the Circuit Court.

Approved this 2 day of March, 2009.


Tim Kelsas, President

Attest:


Constantine Bissias, Secretary

VOTES:

Commission
AYES *unanimous merge, AHB, Penicillin, Relperm.*

NAYS none

ABSENT none

ABSTAIN none

EXHIBIT A
Parcels 1 and 2 Legal Description

PARCEL 2:

LOTS 14, 15, 16, TOGETHER WITH THE EAST 73.52 FEET OF LOT 19, TOGETHER WITH THE NORTH 2.5 FEET OF LOTS 7, 8, 9, AND THE NORTH 2.50 FEET OF THE EAST 15 FEET OF LOT 10, AND THE NORTH 2.50 FEET OF LOT 19 (EXCEPT THE EAST 73.52 FEET THEREOF) IN BLOCK 3 IN SHAWMUT AVENUE ADDITION TO LAGRANGE, BEING A SUBDIVISION OF PART OF THE NORTH $\frac{1}{2}$ OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, EXCEPTING THEREFROM THE SOUTH $\frac{1}{2}$ OF VACATED SHAWMUT AVENUE LYING NORTH OF AND ADJOINING SAID PARCEL.

PARCEL 3:

THAT PART OF LOTS 4 THROUGH 13, INCLUSIVE, ALL TAKEN AS A TRACT, IN BLOCK 2 IN SHAWMUT AVENUE ADDITION TO LAGRANGE, BEING A SUBDIVISION OF PART OF THE NORTH $\frac{1}{2}$ OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF THE NORTHERLY EXTENSION OF THE WEST LINE OF LOCUST AVENUE AND SOUTHERLY OF A LINE DESCRIBED AS BEGINNING AT A POINT ON THE NORTH LINE OF SAID TRACT 475.00 FEET EAST OF THE NORTHWEST CORNER THEREOF TO A POINT ON THE WEST LINE OF SAID TRACT, 23.00 FEET SOUTH OF THE NORTHWEST CORNER, THEREOF, IN COOK COUNTY, ILLINOIS, EXCEPTING THEREFROM THE NORTH $\frac{1}{2}$ OF VACATED SHAWMUT AVENUE, LYING SOUTH OF AND ADJOINING SAID PARCEL.

EXHIBIT B
Parcels 2 and 3 Legal Description

PARCEL 2:

LOTS 14, 15, 16, TOGETHER WITH THE EAST 73.52 FEET OF LOT 19, TOGETHER WITH THE NORTH 2.5 FEET OF LOTS 7, 8, 9, AND THE NORTH 2.50 FEET OF THE EAST 15 FEET OF LOT 10, AND THE NORTH 2.50 FEET OF LOT 19 (EXCEPT THE EAST 73.52 FEET THEREOF) IN BLOCK 3 IN SHAWMUT AVENUE ADDITION TO LAGRANGE, BEING A SUBDIVISION OF PART OF THE NORTH $\frac{1}{2}$ OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, EXCEPTING THEREFROM THE SOUTH $\frac{1}{2}$ OF VACATED SHAWMUT AVENUE LYING NORTH OF AND ADJOINING SAID PARCEL.

PARCEL 3:

THAT PART OF LOTS 4 THROUGH 13, INCLUSIVE, ALL TAKEN AS A TRACT, IN BLOCK 2 IN SHAWMUT AVENUE ADDITION TO LAGRANGE, BEING A SUBDIVISION OF PART OF THE NORTH $\frac{1}{2}$ OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF THE NORTHERLY EXTENSION OF THE WEST LINE OF LOCUST AVENUE AND SOUTHERLY OF A LINE DESCRIBED AS BEGINNING AT A POINT ON THE NORTH LINE OF SAID TRACT 475.00 FEET EAST OF THE NORTHWEST CORNER THEREOF TO A POINT ON THE WEST LINE OF SAID TRACT, 23.00 FEET SOUTH OF THE NORTHWEST CORNER, THEREOF, IN COOK COUNTY, ILLINOIS, EXCEPTING THEREFROM THE NORTH $\frac{1}{2}$ OF VACATED SHAWMUT AVENUE, LYING SOUTH OF AND ADJOINING SAID PARCEL.