

PARK DISTRICT of LA GRANGE

RESOLUTION NO. 11-01

**A RESOLUTION REPEALING RESOLUTION 08-14, AND PERMANENTLY
ABANDONING EFFORTS TO SELL PARCELS 2 AND 3 PURSUANT TO THE
AUTHORITY GRANTED BY THE NOVEMBER 4, 2008 REFERENDUM HELD IN
ACCORDANCE WITH 70 ILCS 1205/10-7a THROUGH 10-7d**

PARK DISTRICT of LA GRANGE

**ADOPTED BY THE
PRESIDENT AND PARK BOARD
OF THE
PARK DISTRICT of LA GRANGE
THIS 14th DAY OF FEBRUARY, 2011**

Published in pamphlet form
by the authority of the President and the Park Board of the
Park District of La Grange
This 14th day of February, 2011

PARK DISTRICT of LA GRANGE
RESOLUTION NO. 11-01
A RESOLUTION REPEALING RESOLUTION 08-14, AND PERMENANTLY
ABANDONING EFFORTS TO SELL PARCELS 2 AND 3 PURSUANT TO THE
AUTHORITY GRANTED BY THE NOVEMBER 4, 2008 REFERENDUM HELD IN
ACCORDANCE WITH 70 ILCS 1205/10-7a THROUGH 10-7d

WHEREAS, in August 2008, the Park Board of the Park District of La Grange ("Park District") determined to sell Parcels 2 and 3 of Gordon Park (the "Property") through the referendum and public auction process set forth in Sections 10-7a through 10-7d of the Illinois Park District Code, 70 ILCS 1205/10-7a through 10-7d (the "Act"); and

WHEREAS, on August 30, 2008, the Park District passed Resolution 08-08, which approved the placement of the question of whether to sell the Property on the ballot for referendum approval at the November 4, 2008 general election; and

WHEREAS, said referendum question appeared on the November 4, 2008 general election ballot and was approved 4,312 to 3,558, authorizing the sale of the Property; and

WHEREAS, in accordance with 70 ILCS 1205/10-7d, following the referendum vote in favor of the sale of the Property, the Park District adopted Resolution 08-14 on December 23, 2008, which set the time, date and terms for the sale of the Property by public auction. A true and correct copy of Resolution 08-14 is attached hereto as Exhibit A; and

WHEREAS, in accordance with Resolution 08-14 a public auction and sale was conducted on January 8, 2009, and the sole bidder was Atlantic Realty Partners ("ARP"); and

WHEREAS, on January 15, 2009, the Park District adopted Resolution 09-01, approving the bid of ARP and authorizing a contract for the sale of the Property to ARP; and

WHEREAS, the sale of the Property to ARP pursuant to the January 8, 2009 public auction was enjoined by the June 22, 2009 order of Judge LeRoy K. Martin, Jr. following trial in

the matter of *Orlando Coryell v. Park District of La Grange, et al*, Cook County Case No. 08 CH 44981, which challenged the Park District's authority to sell the Property on a number of legal theories; and

WHEREAS, that litigation is still ongoing, with cross-appeals of the Circuit Court judgment pending before the First District Appellate Court in Case No. 09-2556; and

WHEREAS, the contracts with ARP have expired; and

WHEREAS, the Park District has been granted separate authority to sell the Property pursuant to 70 ILCS 1235/1; and

WHEREAS, the Park District has no legal authority to sell the Property pursuant to the authority granted by the November 4, 2008 referendum, because Section 7d of the Act provides that: "In the event that said property is not sold within 12 months from the date of the first public sale, said property shall not be sold until a new resolution is adopted with new opportunity for referendum on such question by the voters;" and

WHEREAS, the first public sale occurred on January 9, 2009; more than 12 months have passed since such public sale without the Property being sold; and therefore the Property cannot be sold based upon the authority granted by the November 4, 2008 referendum; and

WHEREAS, the Park Board deems it to be in the best interest of the Park District and its residents that Resolution 08-14 be hereby repealed and that efforts to sell the Property pursuant to the authority granted by the November 4, 2008 referendum be permanently abandoned; and

NOW THEREFORE BE IT RESOLVED BY THE PRESIDENT AND PARK BOARD OF THE PARK DISTRICT OF LA GRANGE, as follows:

SECTION 1: The recitals set forth above are hereby incorporated into and made a part of this Resolution as expressly stated herein.

SECTION 2: Park District of La Grange Resolution 08-14 is hereby repealed in its entirety.

SECTION 3: The Park District hereby acknowledges that no legal authority exists to sell the Property pursuant to the authority granted by the November 4, 2008 referendum, and therefore efforts to sell the Property in accordance with such authority shall be permanently abandoned.

SECTION 4: Nothing in this Resolution shall be interpreted to preclude the Park District from selling the Property pursuant to any other authority, including but not limited to the Park Commissioners Land Sale Act, a subsequent referendum held in accordance with the Act, or any other authority that may exist.

SECTION 5: If any portion of this Resolution is declared invalid by a court of law, the remaining portions shall remain fully in tact.

SECTION 6: This Resolution shall be in full force and effect immediately after passage, in accordance with law.

PASSED this 14th day of February, 2011.

AYES: Commissioners: Penicook, ASHBY, Kelpson, & Belcastor

NAYS: None.

ABSENT: Commissioner Walsh

APPROVED by the President and Park Board of the Park District of La Grange

this 14th day of February, 2011.



ATTEST:

[Handwritten signature]

Mayellen Penicook
PRESIDENT

RESOLUTION NO. 08-14

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

A RESOLUTION ANNOUNCING THE TIME AND PLACE OF PUBLIC AUCTION AND
TERMS OF SALE FOR CERTAIN PROPERTY COMMONLY KNOWN AS
GORDON PARK PARCELS 2 AND 3

shall be, and is hereby approved as follows:

Section 1. BACKGROUND.

The Park District has considered the sale of certain Park District real estate commonly known as Lot 2, a 0.78 acre parcel of real estate, and Lot 3, a 2.04 acre parcel of real estate, in Gordon Park, (collectively, "*Park Sale Properties*"). The Park District sought and received referendum approval of the sale of the Park Sale Properties at the November 4, 2008 general election pursuant to and in accordance with Section 10-7 of the Park District Code, 70 ILCS 1205/10-7. The Board of Park Commissioners now desire to set the time and place of and terms of sale for the Park Sale Properties.

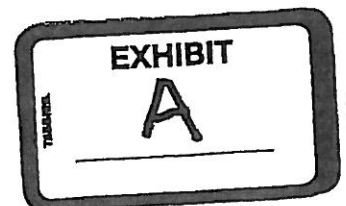
Section 2. TIME AND PLACE OF SALE.

The public auction sale for the Park Sale Properties will begin on January 8, 2009 at 4:00 PM and be held at the Park District offices at 536 East Avenue, La Grange, IL 60525.

Section 3. TERMS OF PUBLIC AUCTION AND SALE.

The terms of sale for the Park Sale Properties are as follows:

- A. Auction packages with information about the Park Sale Properties, together with the form of contract(s) that the winning bidder will be required to execute upon approval of the winning bidder by the Board of Park Commissioners, will be available for in person pick up at the Park District offices on and after December 26, 2008. No auction packages will be mailed to prospective bidders;
- B. All bidders will be required to register for the public auction beginning at 3:00 PM on January 8, 2009 at the Park District offices and must at that time execute an authorization form allowing the Park District of La Grange or its agents to investigate some or all financial records and accounts of the bidder as part of the due diligence necessary for the auction award process;
- C. All bidders will be required to present a minimum \$100,000.00 bank certified check or similar source of available funds payable to the Park District of La Grange, or satisfactory proof of an escrow deposit in this or a greater amount with Chicago Title & Trust, at or before the time of registration that will, upon Board of Park Commissioners approval of a winning bid, be, if not already deposited, deposited in escrow and credited toward the final purchase price;



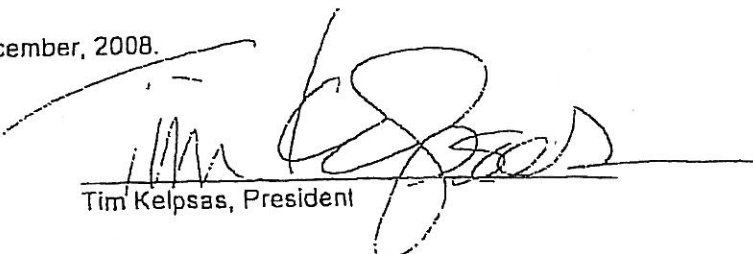
- D. All bids must be for both Lot 2 and Lot 3 and will not be accepted for an individual parcel;
- E. The minimum bid that will be deemed acceptable for the Park Sale Properties will be \$4,555,000 in cash, payable at closing;
- F. Bidders may also include in kind materials or direct reimbursements of Park District's professional fees and costs related to the sale of the Park Sale Properties and development of Gordon Park as part of his or her bid and the bidder must be prepared to demonstrate the cash value of all in kind materials to the satisfaction of the Board of Park Commissioners, which may include, but not be limited to:
- Certified contaminant free soil, meeting Park District specification, to serve as fill for Gordon Park improvements and grading services;
 - Demolition services as directed by the Park District;
 - Disease and insect-free landscape materials that are native to Northeastern Illinois and are among preferred and sustainable landscape materials listed by Morton Arboretum; and
 - Park equipment, including playground equipment and active sports equipment and athletic field fixtures;
- G. All bids must be presented sealed before or at the time of registration and be in written form and no bids will be accepted after 4:00 PM on January 8, 2009;
- H. Anyone wishing to submit an auction bid prior to January 8, 2009 must submit no later than 5:00 PM on January 7, 2009, their sealed bid in person to the offices of Sheldon Good & Company at 333 West Wacker Drive, Suite 400, Chicago, IL 60606 and the envelope must be addressed to Mr. Bruce Sayre and include the reference "Park District of La Grange Gordon Park Parcels Auction - January 8, 2009";
- I. All bidders must be present at the January 8, 2009 public auction or have a representative present who is fully authorized to act on their behalf;
- J. At 4:00 PM on January 8, 2009, the auctioneer will publicly open all received bids and will orally summarize each and thereafter solicit any open cry bids, including supplements to existing bids;
- K. The auctioneer will have the sole authority to determine acceptable price increments, in the event of competitive price bidding, during the open cry portion of the public auction;
- L. At the close of the auction the auctioneer will provisionally announce the highest responsible bid subject to final approval by the Board of Park Commissioners at its January 15, 2009 regular meeting or as otherwise determined by the Park District;

- M. The winning bidder will accept all environmental risk for the Park Sale Properties, whether deposited, discharged, placed or disposed of at, on, under or near the Park Sale Properties;
- N. In the event that the provisionally announced highest responsible bid is one orally given without a prior sealed bid submission, that bidder must be prepared to sign the purchase sale agreement for the Park Sale Properties on January 8, 2009;
- O. The winning bidder must be prepared to close within 180 days of the public auction date;
- P. The Park District reserves the right to unilaterally waive any technical or reasonable variances from the exact requirements of the auction process in the best interests of the Park District, except to the extent strict adherence to such requirements is specifically mandated by law; and
- Q. The Park District reserves the right to reject any or all bids and advertise for resale.


Section 4. PUBLICATION OF NOTICE OF SALE.

The Director and President are hereby authorized and directed to publish notice of the time and place of and terms of sale for the Park Sale Properties, as established in this Resolution, on December 24, 2008 and December 31, 2008, in the *Chicago Tribune* newspaper.

Approved this 23rd day of December, 2008.


Tim Kelpas, President

ATTEST:


Dean Bissias, Executive Director

VOTES

AYES: COMMISSIONER: Kelpas, Walsh, Ben (unclear) + 17 others.

NAYS: NONE

ABSENT:

COMMISSIONER: ASABE

ABSTAIN:

NONE.

NOTICE OF SALE

Notice is hereby given that on January 8, 2009, the Park District of La Grange will sell at public sale at 536 East Avenue, La Grange, IL 60525 at the hour of 4:00 PM the following described properties on the following described terms:

PARCEL 2:

LOTS 14, 15, AND 16, TOGETHER WITH THE EAST 73.52 FEET OF LOT 19, TOGETHER WITH THE NORTH 2.50 FEET OF LOTS 7, 8, AND 9, TOGETHER WITH THE NORTH 2.50 FEET OF THE EAST 15 FEET OF LOT 10, TOGETHER WITH THE NORTH 2.50 FEET OF LOT 19 (EXCEPT THE EAST 73.52 FEET THEREOF) IN BLOCK 3 IN SHAWMUT AVENUE ADDITION TO LA GRANGE, A SUBDIVISION IN THE NORTH HALF OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PROPERTY AREA: 34.054 SQ. FT. OR 0.78 ACRES

and

PARCEL 3:

THAT PART OF LOTS 4 TO 13, INCLUSIVE, ALL TAKEN AS A TRACT, IN BLOCK 2 IN SHAWMUT AVENUE ADDITION TO LA GRANGE, A SUBDIVISION IN THE NORTH HALF 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 LYING 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.

PROPERTY AREA: 88,940 SQ. FT. OR 2.04 ACRES

The terms of sale for both parcels are as follows:

- A. Auction packages with information about the parcels, together with the form of contract(s) that the winning bidder will be required to execute upon approval of the winning bidder by the Board of Park Commissioners, will be available for in person pick up at the Park District offices on and after December 26, 2008. No auction packages will be mailed to prospective bidders;
- B. All bidders will be required to register for the public auction beginning at 3:00 PM on January 8, 2009 at the Park District offices and must at that time execute an authorization form allowing the Park District of La Grange or its agents to investigate some or all financial records and accounts of the bidder as part of the due diligence necessary for the auction award process;
- C. All bidders will be required to present a minimum \$100,000.00 bank certified check or similar source of available funds payable to the Park District of La Grange, or satisfactory proof of an escrow deposit in this or a greater amount with Chicago Title & Trust, at or before the time of registration that will, upon Board of Park Commissioners approval of a winning bid, be, if not already deposited, deposited in escrow and credited toward the final purchase price;

- D. All bids must be for both Parcel 2 and Parcel 3 and will not be accepted for an individual parcel:
- E. The minimum bid that will be deemed acceptable for the parcels will be \$4,555,000 in cash, payable at closing:
- F. Bidders may also include in kind materials or direct reimbursements of Park District's professional fees and costs related to the sale of the parcels and development of Gordon Park as part of his or her bid and the bidder must be prepared to demonstrate the cash value of all in kind materials to the satisfaction of the Board of Park Commissioners, which may include, but not be limited to:
- Certified contaminant free soil, meeting Park District specification, to serve as fill for Gordon Park improvements and grading services;
 - Demolition services as directed by the Park District;
 - Disease and insect-free landscape materials that are native to Northeastern Illinois and are among preferred and sustainable landscape materials listed by Morton Arboretum; and
 - Park equipment, including playground equipment and active sports equipment and athletic field fixtures;
- G. All bids must be presented sealed before or at the time of registration and be in written form and no bids will be accepted after 4:00 PM on January 8, 2009:
- H. Anyone wishing to submit an auction bid prior to January 8, 2009 must submit no later than 5:00 PM on January 7, 2009, their sealed bid in person to the offices of Sheldon Good & Company at 333 West Wacker Drive, Suite 400, Chicago, IL 60606 and the envelope must be addressed to Mr. Bruce Sayre and include the reference "Park District of La Grange Gordon Park Parcels Auction - January 8, 2009":
- I. All bidders must be present at the January 8, 2009 public auction or have a representative present who is fully authorized to act on their behalf:
- J. At 4:00 PM on January 8, 2009, the auctioneer will publicly open all received bids and will orally summarize each and thereafter solicit any open cry bids, including supplements to existing bids:
- K. The auctioneer will have the sole authority to determine acceptable price increments, in the event of competitive price bidding, during the open cry portion of the public auction;
- L. At the close of the auction the auctioneer will provisionally announce the highest responsible bid subject to final approval by the Board of Park Commissioners at its January 15, 2009 regular meeting or as otherwise determined by the Park District:
- M. The winning bidder will accept all environmental risk for the parcels, whether deposited, discharged, placed or disposed of at, on, under or near the parcels:

- N. In the event that the provisionally announced highest responsible bid is one orally given without a prior sealed bid submission, that bidder must be prepared to sign the purchase sale agreement for the parcels on January 8, 2009:
- O. The winning bidder must be prepared to close within 180 days of the public auction date:
- P. The Park District reserves the right to unilaterally waive any technical or reasonable variances from the exact requirements of the auction process in the best interests of the Park District, except to the extent strict adherence to such requirements is specifically mandated by law; and
- Q. The Park District reserves the right to reject any or all bids and advertise for resale.

By order of the Board of Park Commissioners, Park District of La Grange.

Tim Kelpas
President, Park District of La Grange