

## **ORDINANCE**

### **AN ORDINANCE APPROVING AN INTERGOVERNMENTAL COOPERATION LEASE AGREEMENT BETWEEN THE VILLAGE OF OAK PARK AND THE PARK DISTRICT OF OAK PARK FOR THE LEASE OF BARRIE CENTER AND AUTHORIZING ITS EXECUTION**

**WHEREAS**, the Village of Oak Park (“Village”) is a home rule unit of government as provided by the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, Article VII, Section 10, of the Illinois Constitution of 1970, Ill. Const., art. VII, sec.10(a) (“Section 10(a)”), provides that in furtherance of the exercise of their powers, units of local government may contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited; and

**WHEREAS**, the Intergovernmental Cooperation Act provides that a public agency may jointly exercise or combine any power, privilege, function or authority with other public agencies, 5 ILCS 220/1 *et seq.*; and

**WHEREAS**, the Village and the Park District are units of local government under Section 10(a) of the Illinois Constitution and public agencies as that term is defined in Section 2 of the Intergovernmental Cooperation Act, 5 ILCS 220/2.; and

**WHEREAS**, pursuant to Section 3.1 of the Local Government Property Transfer Act, 50 ILCS 605/3.1, the Village may lease real property owned by the Village to a “transferee municipality” upon such terms and conditions that may be agreed by the parties pursuant to the Village’s home rule powers; and

**WHEREAS**, the Village is a transferor municipality and the Park District is a transferee municipality and both the Village and the Park District are proper parties to this Lease pursuant to Section 1 of the Local Government Property Transfer Act, 50 ILCS 605/1; and

**WHEREAS**, the Village further may lease real property owned by the Village for a term not exceeding 99 years pursuant to Section 11-76-1 of the Illinois Municipal Code, 65 ILCS 5/11-76-1; and

**WHEREAS**, the Village seeks to the property owned by the Village commonly known as the Barrie Center to the Park District pursuant to its home rule authority, Section 10(a) of the Illinois Constitution of 1970, the Intergovernmental Cooperation Act, the Local Government Property Transfer Act, and the Illinois Municipal Code as set forth in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED** by the Village President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

**Section 1. Recitals Incorporated.** The above recitals are incorporated herein by reference as though fully set forth.

**Section 2. Intergovernmental Cooperation Lease Agreement Approved.** The Intergovernmental Cooperation Lease Agreement ("Agreement") is approved in substantially the form attached hereto and incorporated herein by reference.

**Section 3. Authorization to Lease the Barrie Center.** The Village is authorized to lease the Barrie Center to the Park District for the term set forth in the Agreement attached hereto.

**Section 4. Authorization to Execute of Agreement and Other Documents.** The Village Manager is authorized to execute the Agreement referenced herein on behalf of the Village in substantially the form attached and any and all other documents as may be necessary to effectuate the Agreement.

**Section 5. Severability and Repeal of Inconsistent Ordinances.** If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Effective Date.** This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

**(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)**

**ADOPTED** this 5<sup>th</sup> day of November, 2018, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Button				
Trustee Moroney				
Trustee Taglia				
Trustee Tucker				

**APPROVED** this 5<sup>th</sup> day of November, 2018.

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Anan Abu-Taleb, Village President

**ATTEST**

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Vicki Scaman, Village Clerk

Published in pamphlet form this 5<sup>th</sup> day of November, 2018.

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Vicki Scaman, Village Clerk