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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** BRENT EICHELBERGER, VILLAGE ADMINISTRATOR  
ALISON MURPHY, ASSISTANT TO THE VILLAGE  
ADMINISTRATOR/VILLAGE CLERK  
**SUBJECT:** RESOLUTION: CONVEYANCE OF PROPERTY TO SUGAR GROVE  
TOWNSHIP COMMUNITY BUILDING  
**AGENDA:** JANUARY 18, 2022 REGULAR BOARD MEETING  
**DATE:** JANUARY 14, 2022

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**ISSUE**

Should the Village Board approve a resolution transferring property to Sugar Grove Township Community Building.

**DISCUSSION**

In 2003, the Village of Sugar Grove transferred three parcels of land at 70 Calkins Drive to the Sugar Grove Township Community House. The intention was to transfer four parcels, however, parcel 14-21-180-37 was inadvertently omitted from the description on the Quit Claim Deed and, therefore, remains under the ownership of the Village. It has been discussed for years to transfer the final parcel to simplify ownership. In addition the Village desires to vacate the right-of-way adjacent to the properties at Calkins Drive and transfer it to the Community House. Attorneys for the Community House and the Village have reviewed and agreed to the ordinance and resolution presented to accomplish these transfers.

**COST**

The cost for the transfer is attorney fees over the course of the issue is approximately \$1,500.00.

**RECOMMENDATION**

That the Board approve a resolution approving the transfer of property to the Sugar Grove Township Community Building.



**RESOLUTION NO. 20220118A**

**RESOLUTION OF THE VILLAGE OF SUGAR GROVE  
APPROVING THE CONVEYANCE OF VACATED RIGHT-OF-WAY AND PARCEL  
BEARING PIN 14-21-180-037 TO THE SUGAR GROVE TOWNSHIP**

**BE IT RESOLVED**, by the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois as follows:

**WHEREAS**, the Village of Sugar Grove, acting through its Board of Trustees, is an Illinois Municipal Corporation organized and existing pursuant to the Illinois Municipal Code (“Village”); and,

**WHEREAS**, the Sugar Grove Township, acting by and through the Board of Managers of the Sugar Grove Township Community Building, is an Illinois Township organized and existing pursuant to Article 150 of the Township Code of Illinois, 60 ILCS 1/150-5, *et. seq.*; and,

**WHEREAS**, Article VII, Section 10 of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, authorize and encourage units of local government to enter into intergovernmental agreements with one another; and,

**WHEREAS**, the Local Government Property Transfer Act, 50 ILCS 605/0.01 *et seq.* authorizes the Parties to transfer land for any public purpose under such terms and conditions as they shall mutually agree upon; and,

**WHEREAS**, both the Village and the Township are each a “municipality” within the meaning of Section 1 of the Local Government Property Transfer Act; and,

**WHEREAS**, the Township owns and operates the facility known as the Sugar Grove Township Community Building, which is adjacent to certain real estate commonly known as Calkins Drive, or the Calkins Drive Right of Way as shown on the attached **Exhibit A** and hereby incorporated by reference as though fully set forth herein (“Vacated Territory”), a portion of which (the “Premises”) is utilized by the Township as parking space for the Sugar Grove Township Community Building; and,

**WHEREAS**, the Sugar Grove Township Community Building is operated and maintained by the Township as a public house, meeting space, and open space, and the same lies entirely within the corporate limits of the Village; and,

**WHEREAS**, the Village also owns certain property to the west, and adjacent to the Premises, also shown on the attached **Exhibit A** and incorporated herein by reference (the “Vacant Lot”), and it is the desire of the Village and the Township that the Vacant Lot be conveyed to the Township pursuant to the provisions of the Local Government Transfer Act; and,

**WHEREAS**, the Village is in the process of vacating the street and right of way known as Calkins Drive and it is the desire of the Township and the Village that the Premises and Vacant Lot be conveyed to the Township pursuant to the provisions of the Illinois Municipal Code and the Local Government Transfer Act; and,

**WHEREAS**, in addition to the easements of record, the corporate authorities of the Village of Sugar Grove desire to retain a utility easement over the Vacated Territory, the Premises, and Vacant Lot in order to install, maintain, and service existing public utilities or future utilities that the Village may at any time desire to locate in the Vacated Territory, the Premises or the Vacant Lot, and, in addition, desire to reserve the right to reclaim the Vacated Territory, the Premises, and Vacant Lot in the event that the Township ceases to use the same in conjunction with the Sugar Grove Township Community Building as a public meeting space for the use and benefit of the residents of Sugar Grove and Sugar Grove Township, or intends to divest its interest in the same.

**NOW, THEREFORE, BE IT RESOLVED**, by the Corporate Authorities of the Village of Sugar Grove, Kane County, Illinois, as follows:

**SECTION ONE:**

The foregoing recitals are hereby incorporated herein as findings of the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois.

**SECTION TWO:**

An Intergovernmental Agreement setting forth the foregoing provisions is hereby approved and the President and the Clerk of the Village of Sugar Grove be, and they are hereby, authorized to execute and attest the intergovernmental agreement in substance and form as approved by the Village Attorney.

**SECTION THREE:**

This Resolution shall be in full force and effect from and after its passage, by a favorable vote of two thirds of the corporate authorities and approval in the manner provided by law.

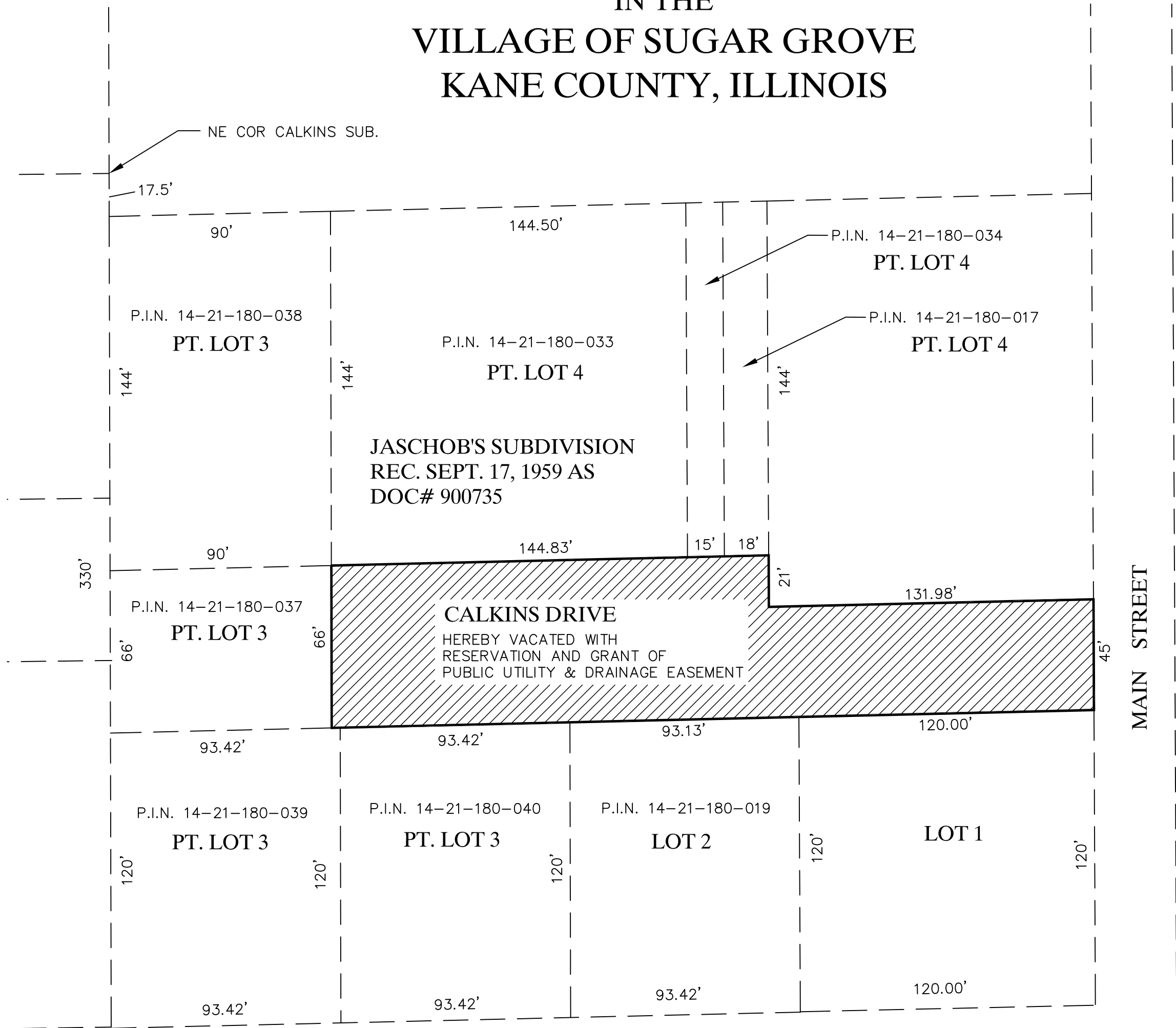
**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 18<sup>th</sup> day of January, 2022.

\_\_\_\_\_  
Jennifer Konen, President of the Board of Trustees  
of the Village of Sugar Grove, Kane County, Illinois

ATTEST: \_\_\_\_\_  
Alison Murphy, Village Clerk of the Village of  
Sugar Grove, Kane County, Illinois

	Aye	Nay	Absent	Abstain
Trustee Heidi Lendi	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee Sean Herron	_____	_____	_____	_____
Trustee James F. White	_____	_____	_____	_____
Trustee Matthew Bonnie	_____	_____	_____	_____
Trustee Ryan Walter	_____	_____	_____	_____
Village President Jennifer Konen	_____	_____	_____	_____

EXHIBIT "A"  
PLAT OF VACATION  
IN THE  
VILLAGE OF SUGAR GROVE  
KANE COUNTY, ILLINOIS



VILLAGE OF SUGAR GROVE  
EASEMENT PROVISIONS  
PUBLIC UTILITY AND DRAINAGE EASEMENT

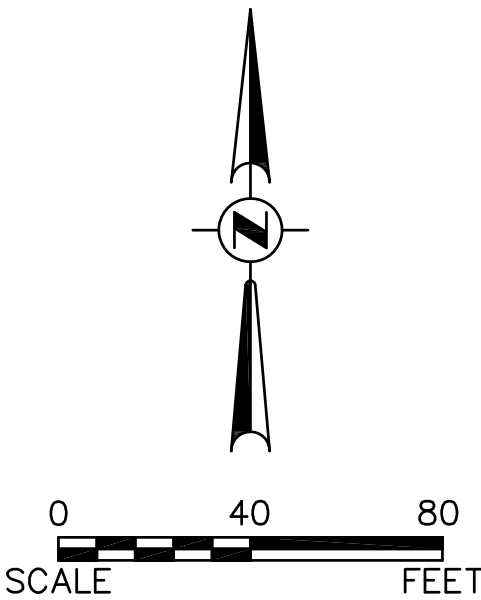
A NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO SBC AMERITECH, NICOR, COM ED, MEDIACOM, OTHER PUBLIC UTILITIES, AND HOLDERS OF EXISTING FRANCHISES GRANTED BY THE VILLAGE OF SUGAR GROVE, ILLINOIS, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS WITHIN THE AREAS SHOWN ON THE PLAT AS 'PUBLIC UTILITY & DRAINAGE EASEMENT' (abbreviated P.U. & D.E.) TO CONSTRUCT, INSTALL, RECONSTRUCT, REPAIR, REMOVE, REPLACE, INSPECT, MAINTAIN AND OPERATE UNDERGROUND TRANSMISSION AND DISTRIBUTION SYSTEMS AND LINES UNDER THE SURFACE OF THE 'PUBLIC UTILITY & DRAINAGE EASEMENT', INCLUDING WITHOUT LIMITATION TO TELEPHONE CABLE, GAS MAINS, ELECTRIC LINES, CABLE TELEVISION LINES, AND ALL NECESSARY FACILITIES APPURTENANT THERETO, TOGETHER WITH THE RIGHT OF ACCESS THERETO FOR THE PERSONNEL AND EQUIPMENT NECESSARY AND REQUIRED FOR SUCH USES AND PURPOSES AND TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS UNDER THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS THEREON.

A NON-EXCLUSIVE EASEMENT IS ALSO HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF SUGAR GROVE, ILLINOIS TO CONSTRUCT, INSTALL, RECONSTRUCT, REPAIR, REMOVE, REPLACE AND INSPECT FACILITIES FOR THE TRANSMISSION AND DISTRIBUTION OF WATER, STORM SEWERS, SANITARY SEWERS AND ELECTRICITY, WITHIN THE AREAS SHOWN ON THE PLAT AS 'PUBLIC UTILITY & DRAINAGE EASEMENT', TOGETHER WITH A RIGHT OF ACCESS THERETO FOR THE PERSONNEL AND EQUIPMENT NECESSARY AND REQUIRED FOR SUCH USES AND PURPOSES.

THE ABOVE NAMED ENTITIES ARE HEREBY GRANTED THE RIGHT TO ENTER UPON EASEMENTS HEREIN DESCRIBED FOR THE USES HEREIN SET FORTH AND THE RIGHT TO CUT, TRIM, OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS WITHIN THE AREAS DESIGNATED AS 'PUBLIC UTILITY AND DRAINAGE EASEMENT' WHICH INTERFERE WITH THE CONSTRUCTION, INSTALLATION, RECONSTRUCTION, REPAIR, REMOVAL, REPLACEMENT, MAINTENANCE AND OPERATION OF THEIR UNDERGROUND TRANSMISSION AND DISTRIBUTION SYSTEMS AND FACILITIES APPURTENANT THERETO. NO PERMANENT BUILDINGS, STRUCTURES, OR OBSTRUCTIONS SHALL BE CONSTRUCTED IN, UPON, OR OVER ANY AREAS DESIGNATED AS 'PUBLIC UTILITY & DRAINAGE EASEMENT', BUT SUCH AREAS MAY BE USED FOR GARDENS, SHRUBS, TREES, LANDSCAPING, DRIVEWAYS, AND OTHER RELATED PURPOSES THAT DO NOT UNREASONABLY INTERFERE WITH THE USES HEREIN DESCRIBED.

THE OCCUPATION AND USE OF THE NON-EXCLUSIVE EASEMENT HEREIN GRANTED AND RESERVED FOR THE ABOVE NAMED ENTITIES BY EACH OF SUCH ENTITIES SHALL BE DONE IN SUCH A MANNER SO AS NOT TO INTERFERE WITH OR PRECLUDE THE OCCUPATION AND USE THEREOF BY OTHER ENTITIES FOR WHICH SUCH EASEMENTS ARE GRANTED AND RESERVED. THE CROSSING AND RE-CROSSING OF SAID EASEMENTS BY THE ABOVE NAMED ENTITIES SHALL BE DONE IN SUCH A MANNER SO AS NOT TO INTERFERE WITH, DAMAGE, OR DISTURB ANY TRANSMISSION AND DISTRIBUTION SYSTEMS AND FACILITIES APPURTENANT THERETO EXISTING WITHIN THE EASEMENTS BEING CROSSED OR RE-CROSSED. NO USE OR OCCUPATION OF SAID EASEMENTS BY THE ABOVE NAMED ENTITIES SHALL CAUSE ANY CHANGE IN GRADE OR IMPAIR OR CHANGE THE SURFACE DRAINAGE PATTERNS.

FOLLOWING ANY WORK TO BE PERFORMED BY THE VILLAGE OF SUGAR GROVE IN THE EXERCISE OF ITS EASEMENT RIGHTS HEREIN GRANTED, SAID VILLAGE SHALL HAVE NO OBLIGATION WITH RESPECT TO SURFACE RESTORATION, INCLUDING BUT NOT LIMITED TO, THE RESTORATION, REPAIR OR REPLACEMENT OF PAVEMENT, CURB, GUTTERS, TREES, LAWN OR SHRUBBERY, PROVIDED, HOWEVER, THAT SAID VILLAGE SHALL BE OBLIGATED, FOLLOWING SUCH MAINTENANCE WORK, TO BACKFILL AND MOUND ALL TRENCH CREATED SO AS TO RETAIN SUITABLE DRAINAGE, TO COLD PATCH ANY ASPHALT OR CONCRETE SURFACE, TO REMOVE ALL EXCESS DEBRIS AND SPOIL, AND TO LEAVE THE MAINTENANCE AREA IN A GENERALLY CLEAN AND WORKMANLIKE CONDITION.



**Engineering Enterprises, Inc.**  
**CONSULTING ENGINEERS**  
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**VILLAGE OF SUGAR GROVE**  
**10 S. MUNICIPAL DRIVE**  
**SUGAR GROVE, ILLINOIS**

NO.	DATE	REVISIONS

DATE: JUNE 1, 2020  
PROJECT NO. SG2010  
FILE NO SG2010 EXHIBIT A