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ORDINANCE 11 - 03 - 3 P

**AN ORDINANCE DISCONNECTING THE EAST APARTMENT
PARCEL OF THE WOODFIELD GARDENS APARTMENT
COMPLEX FROM THE SCHAUMBURG PARK DISTRICT
(PIN: 07-12-203-011)**

WHEREAS, the Schaumburg Park District is a park district duly organized and existing under the Illinois Park District Code; and

WHEREAS, the Board of Park Commissioners of the Schaumburg Park District are the "Corporate Authorities" of the Schaumburg Park District; and

WHEREAS, the territory hereinafter described is within the Schaumburg Park District and the Rolling Meadows Park District; and

WHEREAS, if the territory hereinafter described is disconnected from the Schaumburg Park District it would not separate any part of the Schaumburg Park District from any other part of the Schaumburg Park District, or leave any territory of the Schaumburg Park District isolated; and

WHEREAS, a written petition, dated March 4, 2011 (the "New Petition to Disconnect"), signed by the President of Woodfield Gardens Corp., as a manager of DLV Woodfield Gardens Property, LLC, a Massachusetts limited liability company (the "Current Owner" or the "Petitioner"), the owner of record of the territory described in the petition and as follows:

Lot 1 in Ramlin Rose Unit 2 (except that part of Lot 1 lying East of the East line of Section 12, Township 41 North, Range 10, also being the West line of Fractional Section 7, Township 41 North, Range 11), being a subdivision of the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 12, Township 41 North, Range 10 East of the Third Principal Meridian and that part of Fractional Section 7, Township 41 North, Range 11, East of the Third Principal Meridian



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according to the plat thereof recorded August 19, 1967 as Document 20240596, all in Cook County, Illinois,
PIN: 07-12-203-011

(the "Territory"), was filed on March 7, 2011 with the Secretary of the Board of Park Commissioners of the Schaumburg Park District, Cook County, Illinois, pursuant to Section 3-6 of the Illinois Park District Code (70 ILCS 1205/3-6), requesting that the Territory be disconnected from the Schaumburg Park District; and

WHEREAS, W/G Kristina 123, LLC, WG LCD, LLC and WG SPI, LLC (collectively, the "Former Owners of Record"), the Schaumburg Park District and the Rolling Meadows Park District entered into that certain Woodfield Gardens Disconnection Agreement (the "Disconnection Agreement") dated as of January 1, 2009; and

WHEREAS, the Territory is the same parcel identified in the Disconnection Agreement and in the New Disconnection Petition as the "East Apartment Parcel" and is also identified as Permanent Index Number 07-12-203-011; and

WHEREAS, on July ____, 2009, the Prior Owners filed a Petition to Disconnect the same Territory from the Schaumburg Park District, but had otherwise failed to satisfy all of the terms of the Disconnection Agreement; however, at the urging of various Cook County officials, the Park District attempted to complete the disconnection of the Territory prior to March 1, 2011, and the Corporate Authorities did on February 10, 2011 pass Ordinance 11-02-4P, "An Ordinance Disconnecting the East Apartment Parcel of the Woodfield Gardens Apartment Complex from the Schaumburg Park District" ("Ordinance 11-02-4P"), which Ordinance was, however, made subject to the following express condition:

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“SECTION FIVE: The Secretary of the Board of Park Commissioners is hereby directed to file a certified copy of this Ordinance and the duly executed Plat of Disconnection, which is an accurate map of the Territory hereinbefore described, in the offices of the County Clerk and Recorder of the County of Cook before March 1, 2011, provided that on or before February 25, 2011 the Petitioners provide documentary evidence satisfactory to the attorney for the Schaumburg Park District that since the date the Petition was filed with the Secretary of the District that the Petitioners have remained, continue to be and on the effective date of this Ordinance were the record owners of the Territory.”;

and

WHEREAS, the Current Owner became the owner of record of the Territory by virtue of a Quit Claim Deed in Lieu of Foreclosure dated January 21, 2011 (the “Ownership Date”), and recorded January 28, 2011 as Document No. 1102831056 (the “Quit Claim Deed”), meaning that the Former Owners of Record were no longer the record owners of the Territory on the date Ordinance 11-02-P was passed, making it impossible to satisfy the conditions set forth in Section Five of said Ordinance 11-02-4P;

and

WHEREAS, the Current Owner not only filed the New Petition to Disconnect the East Apartment Complex on March 7, 2011, but on that same date also filed with the Secretary of the Park District a certain Joinder to Woodfield Gardens Disconnection Agreement dated March 4, 2011, thereby verifying and confirming the provisions of the Disconnection Agreement be made applicable to the Current Owner from and after the Ownership Date (“Joinder Agreement”); and

WHEREAS, pursuant to and in consideration of the undertakings set forth in the Disconnection Agreement, and the Joinder Agreement, and other pertinent information, the Board of Park Commissioners does hereby find that:

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1. The said Territory is within the boundaries of the Schaumburg Park District.
2. The said Territory is upon the border of the Schaumburg Park District.
3. The said Territory, if disconnected from the Schaumburg Park District, would not separate any part of the Schaumburg Park District from any other part.
4. The owners have submitted evidence showing that all Schaumburg Park District assessments due up to and including 2008 are fully paid, and a representative from the Cook County Clerk's Map Department confirmed on February 7, 2011 that the 2009 real estate taxes due with respect to the Territory have been paid in full and that the first installment of the 2010 real estate taxes are not delinquent before April 1, 2011.
5. That the Petitioner is the only owner of record of the land constituting the Territory and all of the owners of record of the entire area of land constituting the Territory as of the effective date of this Ordinance.

WHEREAS, the Board of Park Commissioners of the Schaumburg Park District deems the passage of this Ordinance and the disconnection of the said Territory from the Schaumburg Park District to be in the best interest and in furtherance of the general welfare of the Schaumburg Park District;

NOW, THEREFORE, BE IT ORDAINED by the Board of Park Commissioners of the Schaumburg Park District, Cook County, Illinois, as follows:

SECTION ONE: The provisions of the preambles hereinbefore set forth are hereby restated herein as though fully set forth herein.

SECTION TWO: Ordinance 11-02-4P adopted by the Board of Park Commissioners on February 10, 2011, is hereby repealed.

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SECTION THREE: The New Petition to Disconnect the East Apartment Parcel signed by the Current Owner asking to disconnect the Territory is hereby granted.

SECTION FOUR: The following legally described Territory:

Lot 1 in Ramlin Rose Unit 2 (except that part of Lot 1 lying East of the East line of Section 12, Township 41 North, Range 10, also being the West line of Fractional Section 7, Township 41 North, Range 11), being a subdivision of the Southeast Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 12, Township 41 North, Range 10 East of the Third Principal Meridian and that part of Fractional Section 7, Township 41 North, Range 11, East of the Third Principal Meridian according to the plat thereof recorded August 19, 1967 as Document 20240596, all in Cook County, Illinois,

PIN: 07-12-203-011

(the "Territory"), which is also legally described and is depicted on the Plat of Disconnection from the Schaumburg Park District attached hereto as Exhibit A, which is expressly incorporated herein, be and the same is hereby disconnected from the Schaumburg Park District pursuant to Section 3-6 of the Illinois Park District Code (70 ILCS 1205/3-6).

SECTION FIVE: The President and Secretary are authorized and directed to sign and attest, respectively, the original mylar and seven duplicate copies of the Plat of Disconnection in form as attached hereto as Exhibit A.

SECTION SIX: The Secretary of the Board of Park Commissioners is hereby directed to file a certified copy of this Ordinance and the duly executed Plat of Disconnection, which is an accurate map of the Territory hereinbefore described, in the offices of the County Clerk and Recorder of the County of Cook within thirty (30) days of submittal of proof of payment of the first installment of the 2010 real estate taxes with respect to the Territory by the Current Owner, unless said requirement is waived by said

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County officials and this Ordinance and the Plat of Disconnection are accepted for filing and recording, respectively, by the Office of the Cook County Clerk and the Cook County Recorder without said proof of payment.

SECTION SEVEN: Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION EIGHT: Repeal of Prior Ordinances. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION NINE: Effective Date. This Ordinance shall be in full force and effect upon its passage and approval.


ROLL CALL VOTE:

AYES: Daniels, DiMaria, Johson, Longmeyer and Schmidt
NAYS: None
ABSENT: None

PASSED: March 10, 2011
APPROVED: March 10, 2011



President

ATTEST:


Secretary

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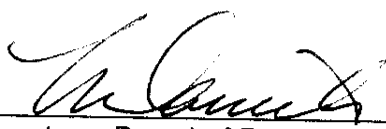
STATE OF ILLINOIS)
) ss:
 COUNTY OF COOK)

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Park Commissioners of the Schaumburg Park District, Cook County, Illinois, and as such official I am the custodian of all records and files of the Board of Park Commissioners of the Schaumburg Park District.

I do further certify that attached is a full, true and correct copy of Ordinance 11-03-3P of the Schaumburg Park District, duly passed by the Board of Park Commissioners of the Schaumburg Park District at the regular Board Meeting duly convened and held on the 10th day of March, 2011, as it appears from the official records of the Schaumburg Park District in my care and custody.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the official seal of the Schaumburg Park District, Cook County, Illinois, on the 10th day of March, 2011.



 Secretary, Board of Park Commissioners
 Schaumburg Park District
 Cook County, Illinois

[SEAL]

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PLAT

DOCUMENTS WITH THIS

PLAT



Doc#: 1110829068 Fee: \$
Eugene "Gene" Moore RHSP Fee:
Cook County Recorder of Deeds
Date: 04/18/2011 04:29 PM Pg: 8

SEE PLAT INDEX

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