

ORDINANCE NO. 13-18

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT OF REAL ESTATE KNOWN AS OUTLOT A IN THE 3RD ADDITION OF THE WESTFIELD ESTATES SUBDIVISION FOR PARK ACCESS

WHEREAS, the Village of Manteno approved the final plat of subdivision for the Westfield Estates Subdivision, Third Addition, on September 16, 2002, with the intention that a nine (9') foot pathway between lots 57 and 58 be dedicated to it by the developer for park access by the public;

WHEREAS, when the final plat of subdivision was recorded, the pathway to be dedicated to the Village of Manteno was erroneously depicted as "Outlot A," failing to effectuate the statutory dedication, and causing the area to remain privately owned;

WHEREAS, Outlot A (hereinafter "subject property") is identified by PIN No. (03) 02-16-308-006-0000, and is legally described as follows: OUTLOT A IN WESTFIELD ESTATES THIRD ADDITION, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 32 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANKAKEE COUNTY ILLINOIS;

WHEREAS, the subject property has been open and used by the public for park access, which is evidenced by the construction and maintenance of a sidewalk traversing from Sandburg Drive to Belcher Park;

WHEREAS, the current owners of the subject property, HomeStar Bank and Financial Services, as Trustee of the Donald Belcher Sr. Trust dated December 21, 2004, and Jerry Curwick, Jr., ("Owners"), are desirous of conveying the subject property to the Village of Manteno at no cost in an effort to perfect the parties' original intentions that it be dedicated for park access;

WHEREAS, the provisions of 65 ILCS 5/1-61-1.5 authorize the Village of Manteno to acquire by gift, legacy, or grant any real estate for purposes authorized under the Illinois Municipal Code as it deems proper;

WHEREAS, the provisions of 65 ILCS 5/2-3-8 authorize the Village of Manteno to acquire and hold real property for corporate purposes; and,

WHEREAS, the Village of Manteno have determined that acquisition of the subject property would be useful, necessary and convenient for public park access.

NOW THEREFORE BE IT ORDAINED by the President and Board of Trustees of the Village of Manteno, Kankakee County, Illinois, as follows:

Section 1

The recitals set forth in preamble are hereby adopted as the findings of the Village of Manteno and are expressly incorporated as a part of this ordinance.

Section 2

The Village of Manteno hereby accepts and approves a grant of a fee-simple interest in the subject property from the Owners to be used for park access by the public. The Village Administrator and Village Clerk are hereby authorized to execute any and all documents as may be necessary to effect the transfer of the subject property.

Section 3

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.

Section 4

This Ordinance shall be in full force and effect after passage and approval as provided by law.

PASSED by the Board of Trustees of the Village of Manteno, Illinois and deposited in the office of the Village Clerk this 18th day of November, 2013.

DEPOSITED with the Village Clerk this 18th day of November, 2013.


ALISA BLANCHETTE, Village Clerk

APPROVED by me this 18th day of November, 2013.


TIMOTHY O. NUGENT, Village President