

42-R-01

A RESOLUTION

**Providing Assurance To OSLAD That If
The City's Lease With MWRDGC Is Terminated,
The City Will Relocate All OSLAD Facility Improvements
To Comparable Replacement Land**

WHEREAS, the Open Space Lands Acquisition and Development (OSLAD) grant is a state-financed program operated by the Illinois Department of Natural Resources (IDNR); and

WHEREAS, an OSLAD grant can be requested for development of land for public outdoor recreation purposes; and

WHEREAS, the OSLAD grant program operates on a reimbursement basis providing up to 50% assistance for approved project costs, with a maximum award of \$400,000; and

WHEREAS, land developed in part with OSLAD grant funds must be operated and maintained in perpetuity for public outdoor recreation use; and

WHEREAS, a \$400,000 grant award binds property within the project site to the herein stated outdoor recreation use requirement for a period of 20 years; and

WHEREAS, an applicant, as part of its proposal, must submit either a Commitment for Title Insurance, Deed, or Lease Agreement; and

WHEREAS, if an applicant submits a Lease Agreement, such agreement must not be revocable at will by the lessor, and must contain a safeguard to insure perpetual outdoor recreational use of the property within the project boundary; and

WHEREAS, if said Lease Agreement is revocable at will or does not contain the described safeguard, then the applicant must provide assurance to the OSLAD, through a duly adopted Resolution, that it will relocate all OSLAD facility improvements to comparable replacement land if the lease is terminated; and

WHEREAS, the City Council has designated \$826,400 for renovations in Butler Park for FY 2002-03 in the 2001-07 CIP,

WHEREAS, the City's Parks/Forestry & Recreation Department is submitting a proposal to OSLAD for a \$400,000 grant for Butler Park for FY 2002; and

WHEREAS, if grant funds are used for Butler Park renovations, the Butler Park property must be operated and maintained for public outdoor recreation use for 20 years; and

WHEREAS, the City is leasing the Butler Park property from the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC); and

WHEREAS, the Lease Agreement is revocable at will, after a one-year notice, by the MWRDGC; and

WHEREAS, the Lease Agreement does not contain a safeguard to insure the perpetual outdoor recreation use of property within the project boundary;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the City will make every effort to continue the lease of the Butler Park property with the MWRDGC.

SECTION 2: That if the lease with MWRDGC is terminated and the property within the project boundary is converted to non-public outdoor recreational use, the City will relocate all OSLAD facility improvements to comparable replacement land.

SECTION 3: That according to OSLAD guidelines, the IDNR shall be the sole judge in determining the acceptability of the comparable replacement land.

SECTION 4: That according to OSLAD guidelines, the IDNR will not provide grant funds for the purpose of assisting the City in acquiring the replacement land.

SECTION 5: That the City reserves the right, in lieu of providing replacement land, to reimburse OSLAD with a percentage of the total grant amount, prorated over the number of years out of the 20-year time period (or other designated time period) that the Butler Park property is not used for outdoor recreation use.

SECTION 4: That this Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.


Lorraine H. Morton, Mayor

ATTEST:


City Clerk

Adopted: June 11, 2001