

RESOLUTION R-66-10

A RESOLUTION ACCEPTING THE AS-CONSTRUCTED PARKING GARAGE LOCATED
AT 220 SOUTH CROSS STREET

WHEREAS, the City of Wheaton has previously entered into a Development Agreement dated February 20, 2007 with Wheaton Property Partners, LLC (the "Developer"), as amended (the "Agreement") regarding a redevelopment project in a portion of the City of Wheaton Main Street Redevelopment Project Area; and;

WHEREAS, pursuant to the terms of the Agreement, the Developer has constructed a parking garage located on real property owned by the City; and,

WHEREAS, pursuant to the terms of the Agreement, upon completion of the parking garage and acceptance by the City pursuant to the Planned Development/Subdivision Improvement Agreement relating to the project, the Developer shall convey the parking garage to the City; and

WHEREAS, the Director of Building & Code has filed a certificate certifying that the as-constructed parking garage located at 220 South Cross Street has been fully completed and the construction and installation thereof approved by the Director of Building & Code; and

WHEREAS, the City desires to accept the conveyance of said parking garage.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Wheaton, Illinois, in the exercise of its home rule powers, as follows:

Section 1: That the as-constructed parking garage located at 220 South Cross Street is hereby accepted, and the City hereby accepts the Bill of Sale attached hereto as Exhibit "A" conveying said parking garage to the City.

Section 2: That all resolutions, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, expressly repealed.

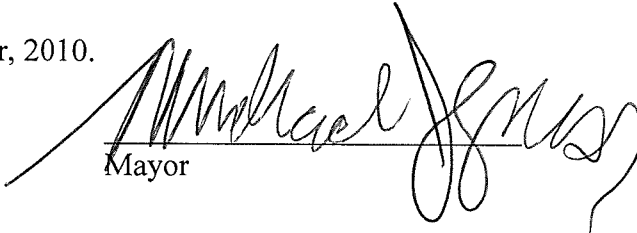
Section 3: That this Resolution shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

ADOPTED this 1st day of November, 2010.

ATTEST:



City Clerk



Mayor

ROLL CALL VOTE:

Resolution R-66-10

Ayes: Councilman Levine
Councilman Mouhelis
Mayor Gresk
Councilman Prendiville
Councilman Scalzo
Councilman Suess
Councilwoman Corry

Nays: None
Absent: None

Motion Carried Unanimously

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EXHIBIT "A"

BILL OF SALE

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that Wheaton Property Partners, LLC (the "Developer") and Glenstar Asset Management, LLC ("Glenstar") in consideration of One and no/100ths Dollars (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, and pursuant to the terms of the Development Agreement dated February 20, 2007, as amended, among the City of Wheaton (the "City"), the Developer and Glenstar (the "Agreement") do hereby convey and quit claim to City of Wheaton, an Illinois municipal corporation, any and all interest they have in the following goods, chattels and other items of personal property, namely: each and every part and component of the parking garage located at 220 S. Cross Street, Wheaton, Illinois, constructed pursuant to the terms of the Agreement.

The object of this Bill of Sale is to grant, sell, transfer and deliver to the City the ownership of all items of personalty which comprise the parking garage installed by the Developer. The Developer does hereby warrant that such items are free from all encumbrances; and that the execution of this Bill of Sale is an authorized act of said company.

DATED this 22nd day of September, 2010.

Wheaton Property Partners, LLC

BY: 

Glenstar Asset Management, LLC

BY: 

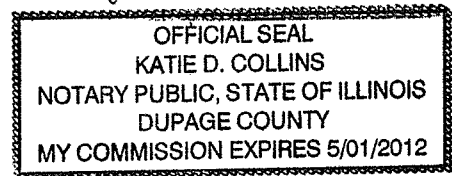
STATE OF ILLINOIS)
) SS.
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Russ Graham, Managing Member of Wheaton Property Partners, LLC, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such _____, appeared before me this day in person and acknowledged that he signed and delivered the said instrument, as his own free and voluntary act and as the free and voluntary act of said company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 22nd day of September, 2010.

Katie D. Collins

Notary Public



STATE OF ILLINOIS)
) SS.
COUNTY OF DU PAGE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Lawrence Debb of Glenstar Asset Management, LLC, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such _____, appeared before me this day in person and acknowledged that he signed and delivered the said instrument, as his own free and voluntary act and as the free and voluntary act of said company, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 5 day of October, 2010.

Matt Omundson
Notary Public

