

Request For Board Action

REFERRED TO BOARD: March 12, 2018

AGENDA ITEM NO: 7

ORIGINATING DEPARTMENT: Administration

SUBJECT: A resolution authorizing an intergovernmental agreement with the First Fire Protection District of Antioch and conveying title to stations one and two.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Village is in the final phase of the Fire Department consolidation. An updated intergovernmental agreement has been drafted to stipulate the arrangement between the Village and the First Fire District moving forward. In general, the Village will be transferring ownership of the stations to the District while the Village will maintain rights to access for technical infrastructure, cell tower, emergency operations center or other approved uses of the building and grounds. Staff recommends approval of the IGA.

DOCUMENTS ATTACHED:

1. Resolution
2. IGA

RECOMMENDED MOTION:

Move to approve a resolution authorizing an intergovernmental agreement with the First Fire Protection District of Antioch and conveying title to stations one and two.

RESOLUTION 18 - xx

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
WITH THE FIRST FIRE PROTECTION DISTRICT OF ANTIOCH
AND CONVEYING TITLE TO STATIONS ONE AND TWO**

WHEREAS, pursuant to the authority and directions of the voters approving the November 2016 Fire Department consolidation referendum, the First Fire Protection District of Antioch Township, Lake County (the "District") has been in the process of consolidating territory and assets from the Village of Antioch; and

WHEREAS, the Village Board of Trustees (the "Village Board") as part of this consolidating of assets has transferred all the personal property in its possession, but the Village still holds legal title interests in the land and buildings known commonly as Fire Station One and Fire Station Two; and

WHEREAS, the Administrator, along with the Village Attorney in consultation with the Mayor and the Village Board has negotiated a draft intergovernmental agreement (attached hereto as Exhibit A) to complete the transfer of Stations One and Two to the District while still retaining certain necessary rights, including easements and the ability to share facilities on an as-needed basis; and

WHEREAS, the Village Board finds that the Exhibit A draft agreement is an appropriate vehicle by which to convey title to the remaining assets dedicated to fire and rescue services in the ownership of the Village of Antioch, and that entering into this agreement is in the best interests of the Village, its residents and taxpayers, and all of the residents and taxpayers within the corporate district served by the First Fire Protection District of Antioch; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Trustees as follows:

Section One. The Village Board finds and determines the above recitals to be true and correct and incorporates them as if written here in full.

Section Two. The Village Board accepts and approves the proposed intergovernmental agreement with the First Fire Protection District of Antioch attached hereto as Exhibit A.

Section Three. The Mayor, Clerk and all other appropriate public officials are hereby authorized and directed to execute the Exhibit A agreement along with all deeds, easements and other documents necessary or helpful toward implementing all undertakings, terms and conditions set forth in the said agreement.

Section Six: This resolution shall take effect immediately upon passage and signing.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS,
ON THIS ____ DAY OF _____, 2018.

ATTEST:

LAWRENCE M. HANSON, MAYOR

LORI K. ROMINE, VILLAGE CLERK

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE VILLAGE OF ANTIOCH AND THE FIRST FIRE
PROTECTION DISTRICT OF ANTIOCH TOWNSHIP

This Agreement is made and entered into this 8 day of MARCH 2018 by and between the Village of Antioch, Illinois (VILLAGE) and the First Fire Protection District of Antioch Township (DISTRICT).

WHEREAS, the VILLAGE and the DISTRICT are municipal corporations and public bodies politic and corporate of the State of Illinois, and are authorized to enter into this Intergovernmental Agreement pursuant to Section 3.2 of the Intergovernmental Corporation Act, 4 ILCS 220/3.2 and Article VII, Section 10 of the 1970 Constitution of the State of Illinois; and

WHEREAS, the Intergovernmental Cooperation Act provides that one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and

WHEREAS, the VILLAGE and DISTRICT shared many resources for many years to provide fire and EMS services to the residence of Antioch Township the Village of Antioch; and

WHEREAS; The VILLAGE and the DISTRICT had jurisdiction over territories that adjoin and abut throughout Antioch Township. For a great many years, the VILLAGE and the DISTRICT have operated the fire department and in recent years EMS under a unified command structure and together owned two fire stations, and as well as a host of equipment.

WHEREAS, the voters of the Village of Antioch approved the annexation of the fire protection and EMS territory and duties into the First Fire Protection District of Antioch Township; and

WHEREAS, the VILLAGE has conveyed most of its fire protection and EMS resources to the DISTRICT; and

WHEREAS, the VILLAGE and the DISTRICT jointly own two parcels of land commonly known as STATION #1 and STATION #2; and

WHEREAS, the VILLAGE intends to convey its interest in STATION #1 and STATION #2 with some retained easements and rights,

NOW THEREFORE, in consideration of the foregoing and of the mutual promises and obligations expressed herein and other good and valuable consideration, the sufficiency, adequacy and receipt of which are hereby acknowledged, IT IS HEREBY AGREED by and between the VILLAGE and the DISTRICT as follows:

SECTION 1. Incorporation of Recitals The parties agree that the recitals have been incorporated by reference into the text of the Agreement as if fully set forth herein.

SECTION 2. Conveyance of interest

2.1 The VILLAGE and DISTRICT jointly own certain real estate commonly known as STATION 1 and STATION 2 more fully described on "exhibit A" attached hereto. The VILLAGE shall convey its interest in STATION 1 and STATION 2 to the DISTRICT.

2.2 The VILLAGE shall retain a general easement over and upon STATION 1 and STATION 2 for purposes of installing, repairing or maintaining public or private utilities upon said real estate. The VILLAGE shall bear all cost of installing, repairing or maintaining the utilities and restoring the real estate.

2.3 The Village shall retain an easement over the easterly 30 feet of STATION #1 for ingress and egress to the adjoining parcel located at 433 Orchard St. Antioch Il 60002 and known as PIN# 02-08-302-006.

SECTION 3. Shared Use of STATION 1 and STATION 2

3.1 The VILLAGE shall continue to have a right to use STATION 1 and STATION 2 when available. The DISTRICT shall have first priority to use STATION 1 and STATION 2 as they deem necessary for the operation or facilitation of their official Fire and EMS duties. The VILLAGE shall have second priority to use STATION 1 and STATION 2 to the extent it does not unreasonably interfere with the operation of the DISTRICT's official duties at STATION 1 or STATION 2.

The District shall be responsible for all operating, maintenance repairs and utilities of STATION 1 and STATION 2 except that the VILLAGE shall be responsible for any additional cost incurred because of the VILLAGES usage of STATION 1 or STATION 2.

SECTION 4. Retained interest Cell Tower Parcel The STATION #1 parcel has located on it a cellular tower. The Tower is and will continue to be jointly owned by the VILLAGE and the DISTRICT. The Tower is currently subject to two long lease agreements for communication equipment. First is a Lease dated July 22, 2010 with New Cingular Wireless PCS, LLC recorded as document 6760112 and second is a lease with T-Mobile Central LLC recorded December 29, 2006 as document 6112830.

The VILLAGE and the DISTRICT share the revenues and cost of operation of said leases and equipment equally. The parties agree they shall continue to share equally the revenues and cost of operation of the tower during the terms of the term of leases, extensions, renewals or additions of new leases on the tower.

SECTION 6. Notices to the parties shall be in writing and delivered by personal service or by the U.S.P.S. certified or registered mail, postage prepaid, to the parties at the following addresses:

IF TO THE VILLAGE:

Village of Antioch
874 Main Street
Antioch, IL 60002
(847) 395-1000
(847) 395-1920 fax

IF TO THE DISTRICT:

First Fire Protection District of Antioch Township
835 Holbek Dr
Antioch, IL 60002
(847) 395-5511
(847) 395-1018 fax

Either party may change the address for notices to such party by giving written notice to the other party. Notice given by personal service shall be effective upon the dated delivered notice, if delivered or the date of attempted delivery, if refused. Notice by mail shall be effective on the third business day following the posting.

This Agreement is binding on the successors and/or assigns of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement pursuant to the ordinances or resolutions adopted by the relevant authorities of the respective parties

VILLAGE OF ANTIOCH

By: _____

Mayor

Attest:

By: _____

Village Clerk

FIRST FIRE PROTECTION DISTRICT OF ANTIOCH TOWNSHIP

By: Sean Pedersen

President

Attest:

By: Cecily VonPatten

Secretary

RESOLUTION 2018 - 1

**A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE FIRST FIRE PROTECTION DISTRICT OF ANTIOCH AND THE
VILLAGE OF ANTIOCH CONVEYING TITLE TO STATIONS ONE AND TWO**

WHEREAS, pursuant to the authority and directions of the voters approving the November 2016 Fire Department consolidation referendum, the First Fire Protection District of "Antioch Township, Lake County (the "District") has been in the process of consolidating territory and assets from the Village of Antioch; and

WHEREAS, the Village Board of Trustees (the "Village Board") as part of this consolidating of assets has transferred all the personal property in its possession, but the Village still holds legal title interests in the land and buildings known commonly as Fire Station One and Fire Station Two; and

WHEREAS, the Fire Chief, along with the District's Attorney in consultation with the District's Board has negotiated a draft intergovernmental agreement (attached hereto as Exhibit A) to complete the transfer of Stations One and Two to the District while the Village still retaining certain necessary rights, including easements and the ability to share facilities on an as needed basis; and

WHEREAS, the District finds that the Exhibit A draft agreement is an appropriate vehicle by which to convey title to the remaining assets dedicated to fire and rescue services in the ownership of the Village of Antioch, and that entering into this agreement is in the best interests of the District, its residents and taxpayers, and all of the residents and taxpayers within the corporate district served by the First Fire Protection District of Antioch; and

NOW, THEREFORE, BE IT RESOLVED by the District's Board of Trustees as follows:

Section One. The District Board finds and determines the above recitals to be true and correct and incorporates them as if written here in full.

Section Two. The District Board accepts and approves the proposed intergovernmental agreement with the First Fire Protection District of Antioch attached hereto as Exhibit A.

Section Three. The President, Clerk and all other appropriate public officials are hereby authorized and directed to execute the Exhibit A agreement along with all deeds, easements and other documents necessary or helpful toward implementing all undertakings, terms and conditions set forth in the said agreement.

Section Six: This resolution shall take effect immediately upon passage and signing.

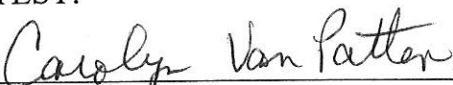
ADOPTED by the First Fire Protection District of Antioch Township this 8th day of March 2018.

	AYE	NAY	ABSTAIN
James Dalgaard, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Dvorak, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Haley, Trustee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dean Pedersen, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carolyn Van Patten, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



President, Board of Trustees

ATTEST:



Secretary