

BOARD OF TRUSTEES
McHENRY COUNTY COLLEGE DISTRICT #528

Tuesday, June 18, 2013
Special Board Meeting
6:00 p.m.

Board Room
8900 U.S. Highway 14
Crystal Lake, IL 60012

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. ACCEPTANCE OF AGENDA
5. OPEN FOR RECOGNITION OF VISITORS AND PRESENTATIONS
Three (3) minutes per person or less.
6. CLOSED SESSION
 - A. 120/2(c), Exception #5, The Purchase or Lease of Real Property
 - B. Other matters as pertain to the exceptions of the Open Meetings Act
7. PURCHASE OF PROPERTY, Board Report #13-104
8. ADJOURNMENT



Ronald K. Parrish
Chair

Purchase of Property

Information

The McHenry County College (“College”) has been negotiating with the owners of a 20 acre parcel (“Owners”) since 2010 to acquire Subject Property as part of its Comprehensive Plan as it lies immediately adjacent to Ring Road at its intersection with Route 14 and Lucas Road. The legal description is attached hereto as Exhibit “A”.

The College and the owners of the 20 acres (“Subject Property”) have conducted appraisals to determine the fair market value of the Subject Property. The parties could not reach agreement regarding its fair market value and as a result the College on September 10, 2012 filed an action with the McHenry County Courts to have a jury determine the fair market value of the Subject Property.

The parties have each had an opportunity to review all of the documentation supporting their respective opinions regarding the fair market value of the Subject Property including the effect of the Crystal Lake Watershed Ordinance, the availability of sewer and water, the current Illinois Department of Transportation Plans, comparable sales, and other factors that have an effect on the fair market value of Subject Property.

As a result of the mutual review of the above factors and documentation, the Owners have arrived at a sales price for the Subject Property that is acceptable to them.

The Owners of the Subject Property through their attorney and agents, have contacted the representatives of the College and have offered to sell the 20 acres to the College for the sum of one million (\$1,000,000.00) dollars. (Copy of which is attached hereto as Exhibit “B”.)

The College will consider this offer at a Special Board of Trustees meeting, scheduled for 6:00 p.m. on June 18, 2013.

At that meeting, if the Board agrees to accept the offer of the Owners, then the Board will direct the attorney to take all actions necessary to confirm their action to purchase the Subject Property at the price offered of \$1,000,000.00 subject to the provision of clear title free and clear of all claims, liens, encumbrances, and exceptions to title and subject to approval of the Illinois Community College Board, and the Bankruptcy Court.

Recommendation

Motion to Acquire the Real Property located at 9010 Northwest Highway, Crystal Lake, Illinois in McHenry County

I now move this Board for a finding that the Owners of a 20 acre parcel (“Owners”) of land adjacent to the College have provided an offer (a copy of which is attached hereto to Exhibit “B”) through its agents and attorney Kim Casey, of \$1,000,000.00 to sell the real property located at 9010 Northwest Highway, Crystal Lake, Illinois, as legally described as Exhibit “A” attached hereto (“Subject Property”) , and, that said offer is hereby accepted by the Board of Trustees of McHenry County College District 528

("College"); that due to certain liens and encumbrances on the property the Owners may not be able to convey clear and marketable title without approval of the Bankruptcy Court; and said offer represents a negotiated market value of the Subject Property as of the date of the aforesaid offer; and in accord with these findings and such other resolution to acquire the Subject Property, subject to the Illinois Community College Board's approval of the purchase price pursuant to the Illinois Public Community College Act, and other provisions of the Eminent Domain Act, 735 ILCS 30/1-1-1, for the Public Purpose of expanding the College's institutional and educational facilities; and further to authorize Daniel Curran, of the law firm *Campion, Curran, Lamb & Cunabaugh, P.C.*, to take any and all steps necessary to accomplish the aforesaid goals, including, but not limited to dismissal of the action in Case No. 11ED86 and ordering such documentation as required to insure that the Subject Property is conveyed by the Owners free and clear of all liens, encumbrances and claims.

Motion: _____

Second: _____

Vote:	Yea	Nay
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Result:

Resolved/Accepted:

Denied/Rejected:

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THAT PART OF THE WEST HALF OF SECTION 25 AND PART OF THE NORTHEAST QUARTER OF SECTION 26, ALL IN TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 26; THENCE NORTH 1 DEGREE, 12 MINUTES, 26 SECONDS EAST, 578.59 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 26, TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES, 29 MINUTES, 03 SECONDS EAST, 502.79 FEET; THENCE SOUTH 31 DEGREES, 46 MINUTES, 50 SECONDS EAST, 1483.63 FEET TO A POINT LOCATED ON THE NORTH LINE OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE NORTH 88 DEGREES, 42 MINUTES, 25 SECONDS WEST, 715.92 FEET ALONG SAID NORTH LINE OF THE: SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER TO A POINT LOCATED ON THE NORTHWESTERLY RIGHT OF WAY LINE OF U.S. ROUTE 14; THENCE NORTH 33 DEGREES, 19 MINUTES, 00 SECONDS WEST, 671.48 FEET ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE; THENCE SOUTH 58 DEGREES, 13 MINUTES, 10 SECONDS WEST, 50.00 FEET TO THE CENTER LINE OF U.S. ROUTE 14, THENCE NORTH 31 DEGREES, 46 MINUTES 50 SECONDS WEST, 843.88 FEET ALONG SAID CENTER LINE; THENCE SOUTH 89 DEGREES, 29 MINUTES, 03 SECONDS EAST, 287.37 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

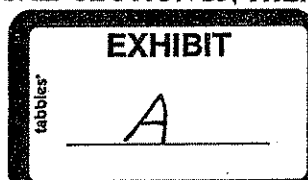
EXCEPTING THEREFROM PART OF THE NORTH HALF OF THE NORTH HALF* OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE SOUTH 88 DEGREES 56 MINUTES 43 SECONDS EAST ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 25 A DISTANCE OF 951.35 TO THE PLACE OF BEGINNING: THENCE NORTH 58 DEGREES 13 MINUTES 10 SECONDS EAST, 298.73 FEET; THENCE SOUTH 31 DEGREES 46 MINUTES 51 SECONDS EAST, 192.78 FEET TO SAID SOUTH LINE; THENCE NORTH 88 DEGREES 56 MINUTES AND 43 SECONDS WEST ALONG SAID SOUTH LINE, 355.54 FEET TO THE PLACE OF BEGINNING IN MCHENRY, COUNTY, ILLINOIS.

PIN 13-26-400-013

PARCEL 2:

PART OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 25 TOWNSHIP 44 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE: NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE SOUTH 88 DEGREES 56 MINUTES



43 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTH HALF OF SAID SECTION 25 A DISTANCE OF 592.80 TO THE PLACE OF BEGINNING; THENCE SOUGH 88 DEGREES 56 MINUTES 43 SECONDS EAST ALONG SAID NORTH LINE 358.55 FEET; THENCE SOUTH 58 DEGREES 13 MINUTES 10 SECONDS WEST, 296.06 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF US ROUTE 14; THENCE NORTH 33 DEGREES 18 MINUTES 52 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE, 194.99 FEET TO THE PLACE OF BEGINNING IN MCHENRY COUNTY, ILLINOIS.

PIN 13-25-300-014

EXHIBIT B

Holmstrom & Kennedy PC
Attorneys At Law

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June 17, 2013

Via Email

Attorney David R. Missimer
Campion, Curran, Lamb & Cunabaugh, P.C.
8600 US Highway 14, Suite 201
Crystal Lake, IL 60012

RE: *McHenry County College Board Of Trustees, District 528 v. Gilger, et al.*
McHenry County Case No. 11 ED 86

Dear Attorney Missimer:

This correspondence is to confirm that my clients, William J. Gilger and Steve J. Hurckes, individually and as trustees under the Trust Agreement dated December 06, 1993, known as the GHM Trust, have agreed to settle and compromise the above captioned-eminant domain proceeding for the amount of \$1 Million dollars, subject to the approval of the McHenry County College Board and subject to Bankruptcy Court approval in the Bankruptcy case of William J. Gilger pending in the United States Bankruptcy Court for the Northern District of Illinois, Western Division.

If you have any questions, please contact me.

Very truly yours,



Kim M. Casey

KMC/rml
Enc.

cc: William Gilger (via email)
Steve Hurckes (via email)