

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 2977

**AN ORDINANCE TO AUTHORIZE THE SIGNING OF A LEASE
EXTENSION AGREEMENT WITH COLUMBIA AMERICAN
LEGION, COLUMBIA POST 581, DISTRICT NO. 22,
DEPARTMENT OF ILLINOIS, AN ILLINOIS CORPORATION,
FOR THE LEASE OF REAL PROPERTY LOCATED IN THE
COLUMBIA AMERICAN LEGION MEMORIAL PARK
SUBDIVISION IN THE CITY OF COLUMBIA, ILLINOIS**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 15th day of October, 2012**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 15th day
of October, 2012**

OCT 15 2012


City Clerk

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WHEREAS, pursuant to City of Columbia, Illinois Ordinance No. 2815, passed by the City Council and approved by the Mayor on October 18, 2010, the City of Columbia, Illinois ("City"), agreed to lease certain parcels of real estate located in the Columbia American Legion Memorial Park Subdivision from the Columbia American Legion, Columbia Post 581, for a two (2) year period beginning on November 1, 2010 (the "American Legion Memorial Park Lease"); and

WHEREAS, subsequent to the signing of the American Legion Memorial Park Lease, the City applied for and was awarded a grant through the State of Illinois' Open Space Lands Acquisition and Development ("OSLAD") Program to assist the City in the purchase of the property being leased pursuant to the American Legion Memorial Park Lease; and

WHEREAS, the City is currently following the procedures required to receive the OSLAD Grant Program proceeds to be used in purchasing the real estate subject to the American Legion Memorial Park Lease, but is uncertain of the time it will take to receive final approval after all necessary steps have been completed, and all necessary approvals have been received, so the grant funds can be disbursed to the City; and

WHEREAS, the City Council believes and hereby declares that it is in the best interests of the City to extend the term of the American Legion Memorial Park Lease, thereby allowing the continued leasing of subject property by the City until its purchase.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. The City Council of the City of Columbia, Illinois, does hereby authorize and direct the Mayor to execute and deliver a lease extension agreement entitled "American Legion Memorial Park Lease Extension", in the form attached hereto, which American Legion Memorial Park Lease Extension is hereby approved as to form, in as many counterparts as the Mayor shall determine, and the City Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the City.

Section 3. This ordinance shall be in full force and effect following its passage and publication in pamphlet form, as provided by law.

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Niemietz, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Mathews, Reis and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

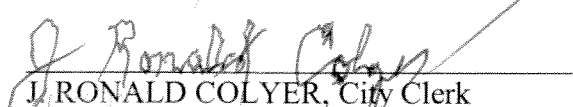
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 15th day of October, 2012.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

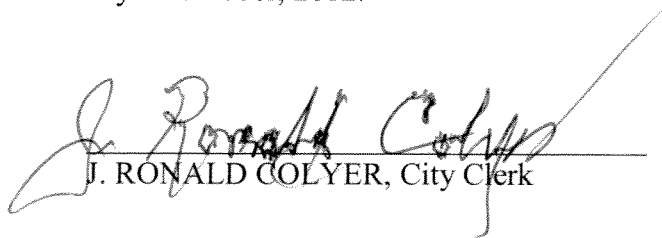
I, J. Ronald Colyer, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No. 2977, entitled:

“AN ORDINANCE TO AUTHORIZE THE SIGNING OF A LEASE EXTENSION AGREEMENT WITH COLUMBIA AMERICAN LEGION, COLUMBIA POST 581, DISTRICT NO. 22, DEPARTMENT OF ILLINOIS, AN ILLINOIS CORPORATION, FOR THE LEASE OF REAL PROPERTY LOCATED IN THE COLUMBIA AMERICAN LEGION MEMORIAL PARK SUBDIVISION IN THE CITY OF COLUMBIA, ILLINOIS”

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois, City Council held on the 15th day of October, 2012.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 15th day of October, 2012.



J. RONALD COLYER, City Clerk

(SEAL)

AMERICAN LEGION MEMORIAL PARK LEASE EXTENSION

This Lease Extension Agreement is made and entered into to continue the terms and conditions of the Lease Agreement made the 1st day of November, 2010 by and between COLUMBIA AMERICAN LEGION, COLUMBIA POST 581, DISTRICT NO. 22, DEPARTMENT OF ILLINOIS, an Illinois Corporation having an office at #1 Memorial Drive, Columbia, Illinois, (herein referred to as the "lessor" or the "Legion"), and The CITY OF COLUMBIA, ILLINOIS, an Illinois Municipal Corporation and body both corporate and politic having its City Hall at 208 South Rapp Avenue, Columbia, Illinois (herein referred to as the "lessee" or the "City") for parcels of land in the Columbia American Legion Memorial Park Subdivision as described in that previous Agreement.

By entering into this Lease Extension Agreement, both parties agree to extend the terms and conditions of the original Lease Agreement for an additional two (2) years, commencing November 1, 2012, with the language of Section (3) amended to read as follows:

(3) Rent.

Lessee agrees to pay as rent for the premises for the two (2) year term of this lease the sum of Twenty Five Thousand Dollars (\$25,000.00), in addition to all real property taxes, insurance, maintenance expenses and other charges required by the terms of this lease, said sum to be paid by the City to the Legion in equal quarterly installments. In the event this lease is terminated prior to its two (2) year term, the unearned, pro-rata portion of the rental (based upon the quarterly installments required) shall be refunded to the City by the Legion, unless the early termination is due to the default of performance of the lease by the Lessee (in which event the unearned portion of the rental shall be forfeited by the City).

All other terms and conditions of the Lease Agreement not amended hereby shall remain in effect as previously agreed.

(Signature pages follow)

Executed at Columbia, Illinois on the dates below written.

For the lessor:

COLUMBIA AMERICAN LEGION,
COLUMBIA POST 581, DISTRICT 22,
DEPARTMENT OF ILLINOIS, an Illinois
Corporation, THE LESSOR

By: _____
E.J. VOGT, Post Commander

ATTEST:

JAMES MUELLER, Post Adjutant

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

The undersigned, a Notary Public in and for the county and state aforesaid, hereby certifies that E.J. VOGT and JAMES MUELLER, personally known to me and known to me to be the Post Commander and Adjutant of Columbia American Legion, Columbia Post 581, District 22, Department of Illinois, appeared before me this date and acknowledged that they signed the above and foregoing Lease Extension Agreement as their free and voluntary act and deed and the free and voluntary act and deed of said American Legion Post 581, for the uses and purposes therein set forth.

Given under my hand and Notary Seal this ____ day of _____, 2012.

Notary Public

For the lessee:

CITY OF COLUMBIA, ILLINOIS,
An Illinois Municipal Corporation,
THE LESSEE:

By: _____
KEVIN B. HUTCHINSON, Mayor

ATTEST:

J. RONALD COLYER, City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

The undersigned, a Notary Public in and for the county and state aforesaid, hereby certifies that KEVIN B. HUTCHINSON and J. RONALD COLYER, personally known to me and known to me to be Mayor and City Clerk, respectively, of the City of Columbia, Illinois, a Municipal Corporation, appeared before me this date in person and acknowledged that they signed and delivered the above and foregoing Lease Extension Agreement as their free and voluntary act and deed, and the free and voluntary act and deed of said City of Columbia, Illinois, for the uses and purposes therein set forth.

Given under my hand and Notary Seal this ____ day of _____, 2012.

Notary Public