

RESOLUTION NO. 2022-10-12
ELECTORS OF BLOOMINGDALE TOWNSHIP, DuPAGE COUNTY, ILLINOIS

RESOLUTION AUTHORIZING DELEGATION OF AUTHORITY TO TOWNSHIP BOARD TO NEGOTIATE A LICENSE ON TOWNSHIP REAL PROPERTY

THIS RESOLUTION is made this 12th day of October, 2022, at a Special Township Meeting of the Electors of Bloomingdale Township, DuPage County, Illinois, duly noticed and called for, among other things, the purposes set forth herein:

WITNESSETH:

WHEREAS, the Township was approached by representatives of an entity known as Vertical Bridge seeking use of the undeveloped Western terminus of Spring Valley Drive (the "Property") as an access point to adjacent, private property; and

WHEREAS, Vertical Bridge specifically seeks the construction of an access drive on the Property to allow it access to and from that private property on which it plans to construct, maintain, and use a communications monopole; and

WHEREAS, the Bloomingdale Township Board of Trustees (the "Board"), out of respect for its residents and its obligations under the Township Code, determined granting any access rights on and across Township real property (including the delegation of that authority to the Board) requires consultation with and permission from the Township's Electors; and

WHEREAS, the Board further respected Vertical Bridge's desire to discuss this issue before the next Annual Township Meeting which is not scheduled until April 2023; and

WHEREAS, 60 ILCS 1/35-5 of the Township Code provides a Special Township Meeting shall be held when the Township Board (or at least 15 voters of the township) file a request with the Township Clerk for such a meeting; and

WHEREAS, on September 20, 2022, the Bloomingdale Township Board of Trustees (the "Board") at a duly noticed and called for regular meeting of said Board voted in the affirmative to request a Special Township Meeting to:

Consider, discuss, and vote on the delegation of the elector power to the Township Board of Trustees to negotiate a potential agreement for the use of Township real property (the undeveloped Western terminus of Spring Valley Drive) and any related issues; and

WHEREAS, upon receiving said request from the Board, the Township Clerk provided notice of the Special Township Meeting as required by 60 ILCS 1/35-10 and 1/30-10 of the Township Code; and

WHEREAS, 60 ILCS 1/35-25 of the Township Code provides the Electors may take any action at a Special Township Meeting that could be taken at an Annual Township Meeting as set forth in Article 30 of the Township Code; and

WHEREAS, Article 30 of the Township Code (specifically 60 ILCS 1/30-50) grants the electors the authority to "...make all orders for the purchase, sale, conveyance, regulation, or use of the township's corporate property..."; and

WHEREAS, 60 ILCS 1/30-50 further states the electors may delegate such power to the township board "...for a period of up to 12 months..."

NOW IT IS, THEREFORE, RESOLVED by the Electors of Bloomingdale Township, after motion duly made and seconded, AS FOLLOWS:

Section 1. Incorporation of Whereas Clauses. The foregoing "WHEREAS" clauses are hereby declared integral parts of this Resolution and incorporated herein.

Section 2. Authority. This Resolution is made pursuant to the Illinois Township Code, and any other related statute(s) providing power for the actions approved and taken.

Section 3. Power Delegated to Township Board by Electors.

(a) The Electors hereby authorize the delegation of their power to the Township Board under Illinois law to negotiate a license or similar access on and across the Property. The Property is better reflected on the attached Exhibit A, which is incorporated into this Resolution.

(b) Consistent with this Resolution, 60 ILCS 1/30-50, and elsewhere provided under Illinois law, the Township Board is specifically authorized by the electors (for a period of up to 12 months from the date of this Resolution) to:

- (i) Negotiate a formal agreement with representatives of Vertical Bridge regarding its request for access and use of the Property;
- (ii) If the Board deems prudent, to approve any agreement and/or related documentation conveying a license or similar access on and across the Property; and
- (iii) If the Board approves the conveyance of a license or similar access on and across the Property, be authorized to expend all additional, reasonable costs related thereto, including, but not limited to, any necessary survey and engineering work, and Township attorney fees.

(c) While delegating their authority, the Electors further instruct the Township Board that it is under no obligation to finalize and execute any agreement with Vertical Bridge or any of its related entities should the Board determine such agreement is not in the best interests of the people of Bloomingdale Township.

Section 4. Additional Powers/Authority Granted to Township by Electors. In addition to the powers expressly set forth in this Resolution, the Township Board is hereby granted full power and authority to take such steps necessary to carry out the intent of this Resolution. This shall include, but is not limited to, the execution by the Township Supervisor and Township Clerk of any and all documentation if an agreement is reached with Vertical Bridge and/or any of its related entities, including the right to amend and/or supplement any such documentation in the future consistent with this Resolution, and to pay for all related costs and legal fees.

Section 5. Reporting Back to Electors. The Township Supervisor shall provide a report regarding the status of the Property and any potential agreement at the 2023 Annual Town Meeting of the Electors, and reserves the right to seek additional authority from the Electors at that time (or at any duly other noticed and called Special Township Meeting) regarding the Property, if necessary.

Section 6. If any portion of this Resolution is held invalid, the remaining portions shall remain in full force and effect.

APPROVED by a vote of ____ AYES, ____ NAYS, and ____ ABSTENTIONS on the 12th day of October, 2022.

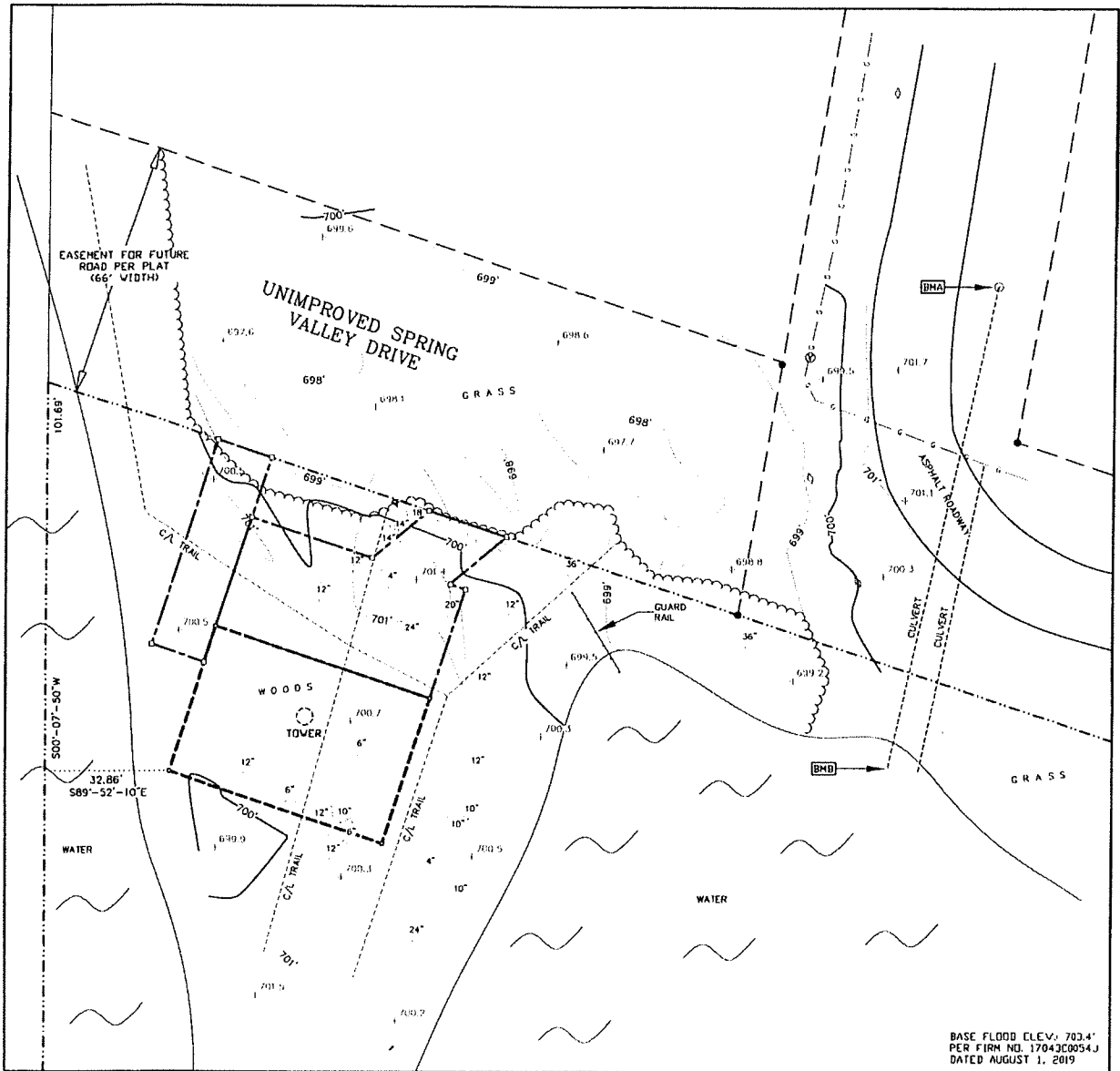
Moderator, Special Township Meeting

ATTEST:

Township Clerk

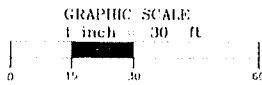
EXHIBIT A – the Property

(shown as “Unimproved Spring Valley Drive” on a Survey provided by Vertical Bridge and created by its Professional Land Surveyor, Craig Keach)



BENCHMARK INFORMATION
 SITE BENCHMARK: (BM A)
 SET CONSISTED "X" ON WEST
 RM OF CATCH BASIN
 ELEVATION: 700.70'

BENCHMARK INFORMATION
 SITE BENCHMARK: (BM B)
 TOP OF CONCRETE CULVERT
 ELEVATION: 699.77'



BASE FLOOD ELEV: 703.4'
 PER FIRM NO. 1704JC0054J
 DATED AUGUST 1, 2019