

**GRAFTON TOWNSHIP
ANNUAL TOWN MEETING
APRIL 13, 2010**

Overview of Land Transfer Resolution Options

History: At the 2007 annual town meeting, the electors took certain actions in an attempt to purchase property and approve the construction of a new township hall. Predicated upon those actions, the Township sold the current Township Hall property to the Road District, (and the Road District therefore purchased the property from the Township), and the Township purchased property from Lake in the Hills on Haligus Road for a site for the new town hall. Certain residents filed a lawsuit challenging the new town hall, because the electors never had properly authorized the construction or financing of a new town hall. The trial and appellate courts agreed. While the lawsuit has been proceeding, the Township has been operating, without a lease, from the Road District property.

As a result of this court order, tonight the electors have to make a decision about the real estate transfers that were made as a result of the improper 2007 annual town meeting.

First, the electors need to decide whether the Township's transfer of property to the Road District should be ratified (confirmed) or whether the property should be transferred back from the Road District to the Township, as well as what to do with the lease of the property in the future. You also must determine what to do with the Haligus Road property.

Second, in the event that the electors opt to ratify the previous transfer, the electors will also need to approve a lease for the Township to continue operating out of the Road District's property, at least until another location for the Township Hall is approved.

1. The Current Township Hall Building

TO UNDO:

If you believe the property should **go back the way it was before the transfers**, you must authorize the Road District should sell the property back to the Township and the Township to purchase the property back from the Road District.

To accomplish this and undo the past transfer, you should vote "aye" on Resolutions 1 and 4, and "nay" on Resolutions 2 and 3. If you select this option, the property will be owned by the Township, so **you should vote "nay" for Resolutions 5 and 6** because there is no need for the Township to lease property from the Road District. Resolution 1 already provides for the payment of back rent for the six months that the Township has used the Road District's property.

TO RATIFY:

If you believe the property should **stay the way it is**, with the Road District keeping the former Township Hall property, you must ratify the Township's sale of the property and also the Road District's purchase of the property.

To accomplish this and ratify the past transfer, you should vote "aye" on Resolutions 2 and 3, and "nay" on Resolutions 1 and 4. If you select this option, the property will be owned by the Road District, and the Township will need to lease the space from the Road District to continue operating where it is, **so you should vote "aye" for Resolutions 5 and Resolution 6.**

2. The Haligus Road Property

While the Court's decision in Ziller v. Grafton Township, 395 Ill.App.,3d 130, did not specifically invalidate the Township's purchase of the Haligus Road property from Lake in the Hills, it appears the transaction could be voided based upon the same flaws from the 2007 annual town meeting which voided the other actions taken by the Township. Therefore, we recommend that the electors take action related to that property. The options are:

a. Vote to ratify the purchase. This would mean the Township could keep the property or offer it for sale. To vote to ratify the purchase, vote "aye" for Resolution 7.

b. Vote to sell the property back to Lake in the Hills. The Township does not believe that Lake in the Hills would like to purchase this property back at this time. Perhaps any Village officials who are present at the annual town meeting can express the Village's position related to this. To vote to sell the property back to Lake in the Hills, vote "aye" for Resolution 8.

c. Offer the property for sale. Under the previous purchase contract with Lake in the Hills, the Township has the ability to sell the property, with the Village of Lake in the Hills having the right of first refusal. If the Township ratifies the previous purchase by passing Resolution 7, you may vote to offer the property for sale by voting "aye" to approve Resolution 9. The property could then be purchased by either Lake in the Hills or another purchaser.

3. Agenda items 10 and 11

Because we are unable to anticipate what the electors would like to accomplish, if anything, about the location of the township hall, these items permit the electors to discuss options related to the location of the township hall.

This document was prepared by Grafton Township Attorneys, Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C.