

**RESOLUTION NO. 2020 - 10**

**A RESOLUTION  
APPROVING AND AUTHORIZING  
THE TRANSFER OF FUNDS TO THE  
OSWEGO TOWNSHIP CEMETERY FUND AND ROAD DISTRICT FUND**

**RECITALS**

**WHEREAS**, the Township of Oswego, Kendall County, Illinois (the “Township”) is a township duly organized under the laws of the State of Illinois, including the Illinois Township Code, and a unit of local government as defined in Section 1 of Article VII of the Illinois Constitution;

**WHEREAS**, the Township expects to sell Township property at 84 Templeton Drive (“Templeton Property”) in Oswego, Illinois on or around February 1, 2021, and the Township Board declared on November 10, 2020 that it anticipates the sale will result in a surplus of Township funds of approximately \$740,000; and

**WHEREAS**, in 2018, the Township sold its property at 4100 Route 71, Oswego, Illinois (the “Route 71 Property”) and deposited the proceeds of the sale—approximately \$480,000 (the “Proceeds”)—into the Township General Fund because the Township had originally purchased the Route 71 Property in 1961; and

**WHEREAS**, during the approximately 57 years that the Township owned the Route 71 Property, both the Township and the Oswego Township Road District (the “Road District”) paid for maintenance, repairs, and other expenses related to the Route 71 Property; and

**WHEREAS**, in light of those prior expenditures, the Road District has requested that the Township transfer half of the Proceeds to the Road District; and

**WHEREAS**, in April 2020, the Township Electors filed a petition for a resolution to be considered and potentially approved at the annual town meeting declaring a surplus of Township funds and transferring \$240,000 from the Township General Fund to the Road District Fund; and

**WHEREAS**, the Township Electors desire to fund the Pfund Court Scatter Garden Project at 106 Pfund Court, Oswego, IL, which will benefit the residents of the Township;

**WHEREAS**, the Section 245-5 of the Illinois Township Code, 60 ILCS 1/245-5(a) authorizes the legal voters of a township to transfer funds from one of the township funds to any

other township fund or funds, or to the general road and bridge fund when the township fund has surplus of any funds over and above an amount necessary to meet township charges and expenses until the time of receiving revenue levied at the next annual township meeting;

**WHEREAS**, on November 10, 2020 the Township Board found that the estimated amount of the proper and necessary charges and expenses of the Township against the Township General Fund until the time of receipt of revenue after the next annual township meeting was \$1,585,700.00.

**WHEREAS**, on November 10, 2020 the Township Board declared that, contingent upon the Township's sale of the Templeton Property for at least \$1,224,000.00 (less any buyer credits for inspection issues, which such not exceed \$10,000.00), the Township General Fund will have a surplus of \$740,000.

**THEREFORE, BE IT RESOLVED** by the **ELECTORS OF OSWEGO, TOWNSHIP, KENDALL COUNTY, ILLINOIS**, as follows:

**Section 1:** The Electors find and determine the foregoing Recitals to be true and correct, and said Recitals are incorporated herein as if written out here in full.

**Section 2:** The Electors hereby find that, upon the Township's sale of the Templeton Property for at least \$1,224,000.00 (less any buyer credits for inspection issues, such credits not exceeding \$10,000.00), the Township General Fund will have a surplus of \$740,000.

**Section 3:** The Electors hereby direct the Township to transfer \$240,000 in otherwise uncommitted funds in the Township General Fund to the Road District Fund by April 30, 2021, in recognition of the Road District's contributions to the upkeep of the Route 71 Property. Such funds shall be used to finance the Township's ADA Sidewalk Project.

**Section 4:** This \$240,000 transfer of funds by the Township, which represents half of the Proceeds from the sale of the Subject Property, is intended to satisfy any claims by the Road District against the Township that in any way relate to the Roue 71 Property.

**Section 5:** The Electors further hereby direct that the Township transfer \$500,000 in otherwise uncommitted funds in the Township General Fund to the Township Cemetery Fund by April 30, 2021. Such funds shall be used to finance the Township's Scatter Garden Project at 106 Pfund Court, Oswego, IL.

**Section 6:** The Electors hereby direct the officers, employees and/or agents of the Township to take all actions necessary or reasonably required to carry out and give effect to the

intent of this Resolution and otherwise to consummate the transactions contemplated herein, and to take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein.

**Section 7:** The Electors' authorization and approval of the transfer of these funds is contingent upon the Township's sale of the Templeton Property for at least \$1,224,000.00 (less any buyer credits for inspection issues, which shall not exceed \$10,000.00),

**Section 8:** If any section, paragraph, or provision of this Resolution shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect any of the remaining provisions of this Resolution.


**Section 9:** This Resolution shall be in full force and effect upon its passage and approval as required by law.

**PASSED by the Electors this 10th day of November, 2020.**

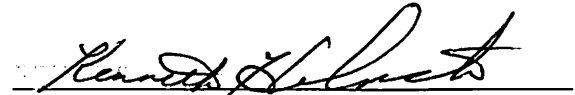
AYES Unanimous VOTE

NAYS: None

Approved this 10th day of November, 2020.

  
Town Meeting Moderator

ATTEST:

  
Township Clerk, Oswego Township

[SEAL]