

ORDINANCE NO. 7677-61

AN ORDINANCE GRANTING THE RIGHT TO  
ENTER AND REMAIN ON CERTAIN PREMISES,  
TRANSFERRING POSSESSION OF A CERTAIN  
FACILITY, AND TRANSFERRING THE TITLE  
OF CERTAIN EQUIPMENT FROM THE CITY OF URBANA,  
ILLINOIS TO THE CHAMPAIGN-URBANA SOLID WASTE  
DISPOSAL SYSTEM

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WHEREAS, on December 18, 1975, the City of Urbana, Illinois executed an Agreement with the City of Champaign, Illinois to create and establish, as an agency of both municipalities, the Champaign-Urbana Solid Waste Disposal System; and

WHEREAS, said Agreement was executed pursuant to the Constitution of the State of Illinois, 1970, Article VII, Section 10, which gives local governments the power to contract or otherwise associate among themselves to obtain and share services and to exercise, combine, transfer any power or function, in any manner not prohibited by law or ordinance; and

WHEREAS, said Section 10 of the Illinois Constitution also gives units of local government not only the power to contract and otherwise associate with individuals, associations, and corporations in any manner not prohibited by law or ordinance but also the power to use their credit, revenues, and other resources to pay costs and service debt related to intergovernmental activities; and

WHEREAS, said Agreement was also executed pursuant to the Intergovernmental Cooperation Act (Illinois Revised Statutes, 1973, Chapter 127, Sections 741-748) which provides that any unit of local government which enters into an agreement pursuant thereto may appropriate funds and may sell, lease, give, authorize the receipt of grants, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking; and

WHEREAS, the Cities of Urbana and Champaign are both home rule units which may exercise any power and perform any function pertaining to their government and affairs; and

WHEREAS, the City Council, by Resolution No. 7576-R66, which was passed on June 21, 1976, and approved on June 23, 1976, has heretofore resolved that the operation and maintenance of the solid waste disposal

facilities of the City of Urbana be subject to the jurisdiction, direction and control of the Champaign-Urbana Solid Waste Disposal System; and

WHEREAS, on November 23, 1976, the Champaign-Urbana Solid Waste Disposal System by Resolution authorized payment to the City of Urbana of the sum of \$659.17 per month not later than the third Monday of each month for a period of seventy-two (72) months commencing the month of December 1976, said payment representing the City of Urbana's share of the cost less salvage value of the 23.74 acre sanitary landfill site known as "Huls Land" pursuant to the Agreement Amending Agreement Concerning Cost Of Operation Of The City Dump Of Urbana, Illinois, And To Various Agreements Concerning Purchase Of Dumping Ground, And To Other Amending Agreements Thereto Between The City Of Urbana, Illinois, And The Board Of Trustees Of The University Of Illinois, Champaign, Illinois, dated September 15, 1976; and

WHEREAS, on November 23, 1976, the Champaign-Urbana Solid Waste Disposal System executed An Agreement Between Waste Management of Illinois, Inc. And The Champaign-Urbana Solid Waste Disposal System Sanitary Landfill, and pursuant to that Agreement, Waste Management has agreed that, in the event that the System obtains a sufficient legal interest in the present maintenance facility which consists of a 60' x 60' metal building located on the premises at 1020 East University Avenue, Urbana, Illinois, and owned by the City of Urbana, Illinois, Waste Management shall lease and pay the System rent in the amount of \$927.77 per month for a period of seventy-two (72) months for the lease of the said maintenance facility; and

WHEREAS, on November 23, 1976, the Champaign-Urbana Solid Waste Disposal System by Resolution authorized that all said rent monies received by the Champaign-Urbana Solid Waste Disposal System from Waste Management of Illinois, Inc. be forwarded to the City Treasurer of the City of Urbana not later than the third Monday of every month in which rent is received by the System for said maintenance facility, said rent monies representing the total cost to the City of Urbana for the construction of said maintenance facility; and

WHEREAS, the City of Urbana, Illinois, and the University of Illinois are currently the owners of the following heavy equipment which is used for solid waste disposal purposes:

<u>Equipment</u>	<u>Serial Number</u>
Caterpillar bulldozer (No. 1)	D7F2484
Caterpillar bulldozer (No. 2)	977L6565
International bulldozer	250C12098

and

WHEREAS, said heavy equipment was appraised at the following values by the following companies on the dates listed below:

<u>Equipment</u>	<u>Appraisers</u>			<u>Average Appraised Value</u>
	<u>Roland 7/19/76</u>	<u>Capital 7/21/76</u>	<u>Roesch 7/22/76</u>	
Caterpillar bulldozer (No. 1)	\$37,500	\$42,500	\$34,000	\$38,000
Caterpillar bulldozer (No. 2)	\$52,500	\$62,500	\$38,000	\$51,000
International bulldozer	\$67,500	\$51,500	\$41,000	\$53,333

and

WHEREAS, pursuant to the Agreement executed by the Champaign-Urbana Solid Waste Disposal System on November 23, 1976 with Waste Management of Illinois, Inc., Waste Management has agreed that, in the event the System acquires title to any and all of the equipment listed above, Waste Management shall purchase and the System shall sell such equipment at the average appraised values designated above; and

WHEREAS, on November 23, 1976, the Champaign-Urbana Solid Waste Disposal System by Resolution authorized that all of the proceeds from the sale by the System of any of the above designated heavy equipment to Waste Management, minus the amount due as a credit to the University of Illinois as determined and specified in the Amending Agreement between the City of Urbana and the University of Illinois dated September 15, 1976, be forwarded to the City Treasurer of the City of Urbana.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the City of Urbana hereby grants to the Champaign-Urbana Solid Waste Disposal System the right and privilege

to enter and remain upon certain premises consisting of parcels of land known as "Huls Land" and more particularly described as follows:

"Two adjacent parcels of 13.70 acres and 10.04 acres shown by the Supervisor of Assessments Office of Champaign County, Illinois, as Parcels 366 and 367. Such parcels are further described as follows:

The East 547' of the West 877' of the South 1091' of the West One-Half of the Northwest Quarter of Section 10, Township 19 North, Range 9 East,

AND

The West 330' of Lots 5 and 6 of the West One-Half of the Northwest Quarter of Section 10, Township 19 North, Range 9 East, of the Third Principal Meridian, Champaign, County, Illinois.

Both parcels contain a total acreage of 23.74 acres, more or less."

The System's right and privilege to enter and remain upon the above described premises is for the sole purpose of operating and maintaining a sanitary landfill upon said premises in accordance with the Champaign-Urbana Solid Waste Disposal System Agreement, and said right and privilege shall only be and remain in full force and effect until such time as the operation and maintenance of said premises for sanitary landfill purposes, including a final inspection to lawfully close the premises as a sanitary landfill site, no longer continue to be undertaken thereon pursuant to said Agreement.

Section 2. That the City of Urbana, Illinois, hereby transfers possession of the facility consisting of a 60' x 60' metal building, commonly known as 1020 East University, Urbana, Illinois, and located at and upon the Urbana Sanitary Landfill, to the Champaign-Urbana Solid Waste Disposal System. The System's right to possession of said facility is for the sole purpose of using, storing and repairing equipment and supplies and of providing administrative office space for the operation and maintenance of a sanitary landfill in accordance with the Champaign-Urbana Solid Waste Disposal System Agreement, and said right to possession shall only be and remain in full force and effect until such time as the facility no longer continues to be used for the purpose herein specified pursuant to said Agreement.

Section 3. That the City of Urbana, Illinois, convey and transfer title to the following heavy equipment to the Champaign-Urbana Solid Waste Disposal System:

<u>Equipment</u>	<u>Serial Number</u>
Caterpillar bulldozer (No. 1)	D7F2484
Caterpillar bulldozer (No. 2)	977L6565
International bulldozer	250C12098

Section 4. That pursuant to An Agreement Between Waste Management Of Illinois, Inc. And The Champaign-Urbana Solid Waste Disposal System Concerning The Operation Of The Champaign-Urbana Solid Waste Disposal System Sanitary Landfill, dated November 23, 1976, together with the Lease Agreement attached thereto as Exhibit B and made a part of that Agreement, both the lease of the maintenance facility described in Section 2 of this Ordinance and the sale of the equipment described in Section 3 of this Ordinance by the System to Waste Management of Illinois, Inc., be and the same are hereby approved.

Section 5. That the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized and directed to sign and execute any and all papers and documents necessary and appropriate for the conveyance and transfer of title to the above described heavy equipment from the City of Urbana, Illinois to the Champaign-Urbana Solid Waste Disposal System.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council held on the 6<sup>th</sup> day of December, 1976.

PASSED by the City Council of the City of Urbana, Illinois, this 6<sup>th</sup> day of December, 1976.

Duane Eckerty  
Duane Eckerty, City Clerk

APPROVED by the Mayor of the City of Urbana, Illinois, this 10 day of December, 1976.

Hiram Paley  
Hiram Paley, Mayor