

CITY OF LeROY
COUNTY OF McLEAN
STATE OF ILLINOIS

ORDINANCE NO. 284

AN ORDINANCE PROVIDING FOR AND APPROVING THE SALE OF PERSONAL
PROPERTY OF THE CITY OF LE ROY

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LeROY THIS 3rd DAY OF November, 1986

PRESENTED: November 3, 1986

PASSED: November 3, 1986

APPROVED: November 3, 1986

RECORDED: November 3, 1986

~~PUBLISHED: _____, 19____
In Pamphlet Form/In Newspaper _____~~

Voting "Aye" _____
Voting "Nay" _____

~~The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.~~

Granita Hagley

City Clerk of the City of LeRoy,
McLean County, Illinois

(SEAL)

Dated: November 4, 1986

AN ORDINANCE PROVIDING FOR AND APPROVING THE SALE OF PERSONAL PROPERTY OF THE CITY OF LE ROY.

WHEREAS, THE CITY OF LEROY, being a City organized under the laws of the State of Illinois and having less than 500,000 population, owns personal property which in the opinion of three-fourths of the corporate authorities now holding office is no longer necessary or useful to, or for, the best interests of said City; and

WHEREAS, a three-fourths or more majority of the corporate authorities then holding office at a regular meeting held at 7:30 p.m. on November 3, 1986, did make the aforesaid determination;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of LeRoy, Illinois, in lawful meeting assembled:

Section 1. That the following items of property hereinafter listed, be sold by the City of LeRoy to Coe Equipment, Inc., of Rochester, Illinois, in accordance with the bid submitted by that company in the amount of \$425.00 to purchase the two hereinafter-described sewer winch machines. Said sale shall be made as soon after the adoption of this ordinance as final terms may be agreed between the Mayor of the City of LeRoy and the appropriate representative of Coe Equipment, Inc. The Mayor of the City of LeRoy and the City Clerk are hereby directed to sign all necessary documents in order to accomplish the transfer and receive the payment in full therefor, and the Mayor of the City of LeRoy is hereby given the authority to agree to any other necessary and reasonable terms in order to accomplish the sale and conveyance of the hereinafter-described property. The items to be sold in accordance with the terms of this ordinance and proposed sale are as follows: Two - Flexible Power Bucket Sewer Machines, each with Briggs and Stratton Engine.

Section 2. That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the Mayor and City Council of the City of LeRoy, Illinois, on the 3rd day of November, 1986, and deposited and filed in the office of the City Clerk in said City on that date.

Aldermen elected 6
Aldermen present 6

AYES King, Hillard, Davis, Winston, Builta, Derby
NAYS None

APPROVED by the Mayor of the City of LeRoy, Illinois, this 3rd day of November, 1986.

[Signature]
Mayor of the City of LeRoy, IL

ATTEST:

[Signature]
City Clerk of the City of LeRoy

HUNT HENDERSON
ATTORNEY AT LAW
122 NORTH CHESTNUT STREET
LEROY, ILLINOIS 61752

(309) 962-2791

October 21, 1986

Juanita Dagley
City Clerk
P. O. Box 151
LeRoy, Illinois 61752

Dear Juanita:

Chapter 24, paragraph 11-76-4, Illinois Revised Statutes 1985, deals with the sale of personal property, and explains the manner in which the sewer machines could be sold. I believe an ordinance should be adopted indicating that 3/4 of the corporate authorities then holding office had determined that the property is no longer necessary or useful to or for the best interests of the City and that a majority of the corporate authorities then holding office at a regular meeting by ordinance authorize the sale of the personal property in such a manner as designated in the ordinance with or without advertising the sale. I have enclosed an ordinance which may be suitable for that purpose that could be adopted by the City Council.

Sincerely yours,

Hunt Henderson

Hunt Henderson

HH:njb

requirements of this Section. Additionally, leases to persons or corporations of municipally-owned or operated airport lands, buildings, structures or other facilities for the shelter, servicing, manufacturing and repair of aircraft, aircraft parts or accessories, or for receiving and discharging passengers and, or cargo, are exempt from the requirements of this Section.

Amended by Laws 1968, p. 519, eff. July 1, 1969.

¹ Chapter 67½, ¶ 91.13.

² Chapter 67½, ¶¶ 91.112, 91.122 and 91.131.

³ Paragraph 11-11-1 et seq. of this chapter.

11-76-3. Deed of conveyance

§ 11-76-3. When the ordinance has been adopted and the consideration paid or secured, as provided in Section 11-76-2, the mayor, or president, and the municipal clerk, may convey the real estate and transfer it, by proper deed of conveyance, stating therein the consideration therefor, with the seal of the city or village.

Amended by Laws 1967, p. 3435, eff. Aug. 31, 1967.

11-76-4. Sale of personal property

§ 11-76-4. Whenever a city or village incorporated under any general or special law, other than a city or village of 500,000 or more population, owns any personal property which in the opinion of three-fourths of the corporate authorities then holding office, is no longer necessary or useful to, or for the best interests of the city or village, such a majority of the corporate authorities then holding office, at any regular meeting or at any special meeting called for that purpose, (1) by ordinance may authorize the sale of that personal property in such manner as they may designate, with or without advertising the sale, or (2) may authorize any municipal officer to convert that personal property into some other form that is useful to the city or village by using the material in the personal property, or (3) may authorize any municipal officer to convey or turn in any specified article of personal property as part payment on a new purchase of any similar article. However, no article shall be turned in as part of the purchase price on any purchase except upon receipt of competitive bids, in such manner as may be prescribed by ordinance, after notice to all bidders that the article will be turned over as part of the purchase price.

In cities or villages of 500,000 or more population, the sale of any such personal property shall be governed by the provisions of Division 10 of Article 8.¹

Amended by Laws 1967, p. 3425, eff. Aug. 31, 1967.

¹ Paragraph 8-10-1 et seq. of this chapter.

11-76-4.1. Sale of real estate

§ 11-76-4.1. The corporate authorities of a municipality by resolution may authorize the sale of surplus public real estate. The value of said real estate shall be determined by a written MAI certified appraisal which shall be available for public inspection. The resolution may direct the sale to be conducted by the staff of the municipality or by listing with local licensed real estate agencies in which case the terms of the agent's compensation shall be included in the resolution. Said resolution shall be published at the first opportunity following passage in a newspaper published in the municipality or, if none, then in a newspaper published in the county wherein the municipality is located. The resolution shall also contain pertinent information concerning the size, use and zoning of the real estate and the terms of sale. The corporate authorities may accept any contract proposal determined by them to

be in the best interest of the municipality by a vote of ¾ of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value. Added by P.A. 83-1256, § 1, eff. Aug. 13, 1984.

11-76-5. Landings and levees

§ 11-76-5. If, in the opinion of the corporate authorities of a municipality with a population not exceeding 100,000 which is situated upon the banks of a navigable river, the land owned by the municipality for the purpose of a public landing or public levee, is not immediately required for that purpose, the municipality may lease, for a period not exceeding 25 years, such parts of the landing or levee as the corporate authorities think best, for the purpose of erecting manufactories, warehouses, or grain elevators thereon.

No lease specified in this section shall take effect until approved by a resolution or ordinance of the corporate authorities of the municipality.

11-76-6. Lease of equipment and machinery

§ 11-76-6. The corporate authorities of each municipality may enter into a lease for a period of not to exceed 5 years for such equipment and machinery as may be required for corporate purposes when authorized by the affirmative vote of two-thirds of the corporate authorities. Added by Laws 1961, p. 2841, eff. Aug. 7, 1961.

Division 76.1. Purchase or Lease of Real or Personal Property

Par.

11-76.1-1. Powers of corporate authorities.

11-76.1-2. Levy and collection of taxes.

11-76.1-3. Ordinance for lease or purchase of property—
Publication—Effective date.

11-76.1-4. Referendum.

Division 76.1 was added by Laws 1965, p. 2173, eff. Aug. 2, 1965.

11-76.1-1. Powers of corporate authorities

§ 11-76.1-1. The corporate authorities of each municipality having a population of less than 500,000 inhabitants have the power by ordinance adopted by an affirmative vote of two-thirds of the elected corporate authorities then holding office:

(i) To purchase or lease real or personal property for public purposes pursuant to contracts or leases which provide for the consideration for such purchase or lease to be paid in annual installments during a period not exceeding 20 years;

(ii) To lease as lessee and to purchase real property or personal property for public purposes pursuant to a lease or purchase agreement which lease or purchase agreement may provide that the municipality may, at its option, purchase the property which is subject to the agreement or lease upon terms wherein payments previously made, or a portion of them, are deducted from the purchase price of the property as provided for in such lease or agreement.

However, the maximum amounts that will become due under the terms of such purchase or lease agreements, together with all other indebtedness of the municipality, must be within all applicable limitations upon the incurring of indebtedness for such municipality and for such pertinent public purposes.

Amended by Laws 1967, p. 3425, eff. Aug. 31, 1967.