

ORDINANCE NO. _____

**ORDINANCE ESTABLISHING THE
PROCEDURE FOR PURCHASE OR
LEASE OF REAL ESTATE OR
PERSONAL PROPERTY**

WHEREAS, the City of O'Fallon is a home-rule municipality in accordance with the Constitution of the State of Illinois; and

WHEREAS, the City of O'Fallon has the authority, in accordance with its police powers, to adopt ordinances and resolutions to protect the health, safety and welfare of its citizens; and

WHEREAS, the City of O'Fallon, from time to time, may find it necessary and in the public interest to purchase and/or lease a parcel of real estate or items of personal property; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS;

Section 1. The forgoing recitals are incorporated herein as findings of the City Council.

Section 2. The Corporate Authorities may, by resolution passed by an affirmative vote of two thirds of the Corporate Authorities;

a) Determine the method by which the City shall purchase or lease real estate and in so doing, specify the location of the real estate, the intended use thereof, and such conditions with respect to the intended development and use of the real estate.

b) Determine the method by which the City shall purchase or lease personal property and in so doing specify the need therefore and intended use thereof.

c) Negotiate through the City Administrator or his designated representatives the price and terms for the purchase or lease of real estate or personal property.

d) Authorize the purchase or lease of real estate or personal property for public purposes pursuant to a purchase or lease agreement, including those which the purchase or lease

agreement provides the City may, at its option, to purchase the real estate or personal property or lease which is subject to the agreement, upon terms wherein payments previously made, or a portion of them, are deducted from the purchase price of the property.

e) Authorize purchase or lease of real estate personal property although contracts which provide for either lump sum payments or installment payments, at an interest rate as determined by the Corporate Authorities, provided the installment payments do not exceed 20 years.

f) Authorize the City to issue debt certificates to any person in lieu of or evidence of the amounts payable under any purchase or installment agreement or lease agreement. Such certificates may contain such terms as are provided for the issuance of bonds generally under section 10 of the Local Government Dept Reform Act, except to the extent such terms expressly conflict with limitations set forth in the Municipal Code. Cash proceeds received upon issuance of such certificates shall be duly applied to the acquisition, construction and payment for the real or personal property which is the subject of such installment or lease agreement.

g) Accept and authorize the execution by the appropriate Municipal offer of any proposed agreement for the purchase or lease of real estate or personal property.

This ordinance shall be in full force and effect from and after its passage and approval and its publication in the manner provided by law.

Passed by the City Council this _____ day of _____ 2006.

ATTEST:
(seal)

Approved by the Mayor this _____ day
of _____ 2006.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	Albrecht	Bennett	Bequette	Drolet	Grogan	Henry	Schmidt	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Medford	Boone	Mouser	Reckamp	Renner	True	West	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									