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**THE VILLAGE OF BURNHAM  
COOK COUNTY, ILLINOIS**

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**DECONSTRUCTION RESOLUTION**

**NUMBER: 2015 - R - 008**

**A RESOLUTION APPROVING THE ENTERING INTO AN “AGREEMENT”  
WITH THE SHERIFF OF COOK COUNTY TO “DECONSTRUCT”  
VARIOUS DANGEROUS, UNSAFE AND ABANDONED STRUCTURES  
WITHIN THE VILLAGE OF BURNHAM TO WIT;  
2945 E. 138<sup>th</sup> STREET, 3001 E. 138<sup>th</sup> STREET AND 14158 MACKINAW  
ALL LOCATED WITHIN THE VILLAGE OF BURNHAM,  
THORNTON TOWNSHIP, COOK COUNTY, ILLINOIS 60633-0000**

**WHEREAS**, the Village of Burnham, Cook County, Illinois has elected by referendum on March 11, 1980 to become a home rule unit, and accordingly, pursuant to the provisions of the Constitution of the State of Illinois of 1970, particularly Article VII Sec. 6(a) thereof, the Village is a home rule unit; and

**WHEREAS**, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs including, but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt; and

**WHEREAS**, Village has real estate parcels within its corporate boundaries that contain dangerous and abandoned residential structures; and

**WHEREAS**, the real estate parcels commonly known as: 2945 E. 138<sup>th</sup> Street, 3001 E. 138<sup>th</sup> Street and 14158 Mackinaw Avenue are deemed by the Village and found to be dangerous, unsafe and abandoned structures to the public health and safety of the Village of Burnham, its residents and community; and

**WHEREAS**, pursuant to its authority in 730 ILCS 5/5-8-1.2, Sheriff operates an alternative sentence program called the RENEW Program—Restoring Neighborhoods Workforce (“RENEW”), in which participants deconstruct, clear and secure vacant properties in Cook County which are often hotbeds of criminal activity, as part of an impact incarceration program; and

**WHEREAS**, pursuant to 730 ILCS 5/5-5-9, Sheriff operates an alternative sentence program called the Sheriff's Work Alternative Program ("SWAP"), in which participants are court ordered to participate in community service projects, including cleaning parks, viaducts, streets and other community clean-up activities; and

**WHEREAS**, pursuant to 55 ILCS 5/3-6021 the Sheriff shall be conservator of the peace in his or her county, and shall prevent crime and maintain the safety and order of the citizens of that county; and

**WHEREAS**, Village is a unit of local government situated within the corporate boundaries of Cook County, Illinois; and

**WHEREAS**, the *Constitution of the State of Illinois*, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

**WHEREAS**, 5 ILCS 200/1, entitled the *Intergovernmental Cooperation Act*, provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government; and

**WHEREAS**, pursuant to Illinois Municipal Code sections 11-20-7, 11-20-13, 11-20-15, 11-20-15.1, and Village Code Sections 18-1391, 18-1392, 18-1393, 18-1395, 18-1396, 18-1398, 58-1, 58-2, 58-10, 58-11, 58-13, 62-141, 62-144, 102-101, 102-104, 102-105, ("Authorizing Statutes"), Village is authorized to enter upon private property for the removal of nuisance greenery, garbage, debris and graffiti, for the securing or enclosing of abandoned residential property, and for the demolition of abandoned residential property; and

**WHEREAS**, pursuant to the Authorizing Statutes, Village is authorized to collect from the owner of the parcel the reasonable costs associated with such removal, enclosure or demolition; and to file a lien for the removal, enclosure or demolition costs in the case of abandoned residential property; and

**WHEREAS**, Village does not have the financial or physical capabilities to accomplish the nuisance greenery removal, enclosure or demolition of certain dangerous and abandoned residential structures and is seeking the assistance of the Sheriff to assist in such projects; and

**WHEREAS**, Village wishes to delegate and assign its authority, pursuant to the Authorizing Statutes, and authorize the Sheriff to enter upon private property for the removal of nuisance greenery, garbage, debris and graffiti, and for the securing, enclosing or demolition of abandoned residential property; and

**WHEREAS**, Village wishes to assign its authority, pursuant to the Authorizing Statutes, and authorize the Sheriff authorize the Sheriff to collect from the owner of the parcel the reasonable removal costs, and to file a lien for the removal, enclosure demolition costs in the case of abandoned residential property; and

**WHEREAS**, Village has identified multiple real estate parcels containing dangerous and abandoned residential structures, which may be a shelter for chronic criminal activity in the community; and

**WHEREAS**, The Village and Sheriff wish to assign SWAP and RENEW crews to clear nuisance greenery and/or secure properties identified by Village in exchange for collection and lien rights for the removal and securing costs; and

**WHEREAS**, the removal of nuisance greenery, garbage, debris, graffiti and for the securing, enclosing or demolition of abandoned property by the Sherriff's Programs will be an immediate benefit to the Village residents; and

**WHEREAS**, the Corporate Authorities of the Village are desirous of contracting with The Cook County Sheriff, herein referred to as 'The Sheriff', to provide such services; and

**WHEREAS**, the Village and The Sheriff have negotiated the terms, provisions and conditions under which The Sheriff will provide for the above services for The Village and under which The Village will assign its rights in a written agreement entitled "Assignment Agreement Between The Cook County Sheriff and The Village of Burnham" (the "Agreement"), a copy of which is attached hereto, as Exhibit "A", and made an express part hereof as if fully set forth herein; and

**WHEREAS**, the Corporate Authorities of The Village deem it advisable and in the best interests of the residents of The Village to approve the Agreement, to authorize and direct The Village President to execute the Agreement, to authorize and direct The Village Clerk to attest the Agreement and affix The Village Seal, and to authorize and direct The Village President and The Village Clerk to do all things necessary to put in full force and effect all the provisions set forth in the Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by The Village President (Mayor) and Board of Trustees of The Village of Burnham, Cook County, Illinois, by and through its home rule powers, as follows:

**Section 1. THAT**, The Village President (Mayor) and Board of Trustees of The Village of Burnham hereby find that all of the recitals and legislative findings contained in the preambles of this Resolution are found to be true and correct and are hereby adopted and incorporated herein and made a part hereof, as if fully set forth in their entirety.

**Section 2. THAT**, in order to facilitate the deconstruction of the abandoned real estate parcels to wit: 2945 E. 138<sup>th</sup> Street, 3001 E. 138<sup>th</sup> Street and 14158 Mackinaw, Burnham, Cook County, Illinois, the Corporate Authorities of The Village of Burnham, Cook County, Illinois, do hereby approve the written agreement entitled “Assignment Agreement Between The Cook County Sheriff and The Village of Burnham” (the “Agreement”), a copy of which is attached hereto, as Exhibit “A”, and made an express part hereof as if fully set forth herein; and

**Section 3. THAT**, The Village President is hereby authorized and directed to execute the Agreement and The Village Clerk is authorized and directed to attest the Agreement and to affix the Village Seal.

**Section 4. THAT**, The Village President and The Village Clerk are hereby directed and authorized to do all things necessary to put in full force and effect all the provisions set forth in the Agreement.

**Section 5. THAT**, This Resolution and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Resolution should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of The Village of Burnham, Cook County, Illinois that to the extent that the terms of this Resolution should be inconsistent with any non-preemptive state law, that this Resolution should supersede state law in that regard within its jurisdiction.

**Section 6.** If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity thereof shall not affect any other provision of this Resolution.

**Section 7.** All ordinances, resolutions, motions or orders in conflict with this Resolution are hereby repealed to the extent of such conflict.

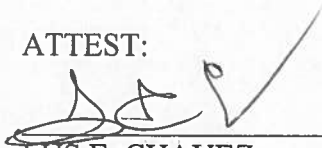
**Section 8.** This Resolution shall be in full force and effect upon its passage, approval and publication as provided by law.

**Section 9.** This Resolution shall be published in pamphlet form by the authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois.

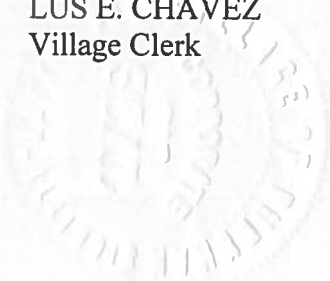
Recorded in Village Records:

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois on 13th day of October, 2015.

ATTEST:



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LUS E. CHAVEZ  
Village Clerk (SEAL)



**PASSED** by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 13th day of October, 2015.

**PRESIDENT AND VILLAGE BOARD MEMBERS**

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	_____	_____	<u>  x  </u>	_____
Trustee Paris Ellison	_____	_____	_____	_____
Trustee Grace Garcia	_____	_____	_____	_____
Trustee Brenda Greer	_____	_____	_____	_____
Trustee Carmela Richardson	_____	_____	_____	_____
Trustee Travis Claybrooks	_____	_____	_____	_____

Robert E. Polk  
ROBERT E. POLK  
Village President (Mayor)

ATTEST:

Luis E. Chavez  
LUS E. CHAVEZ  
Village Clerk (SEAL)

