



Legislation Text

File #: RES19-2681, **Version:** 1

A Resolution Authorizing the Release of Funds in the Amount of \$30,470.00 to Taylor C. Nischan

WHEREAS, Village, through its Police Department, on or about June 28, 1990 and June 30, 1990, took possession of the sum of \$30,470.00 in U.S. currency (the “Funds”) from James Gerald Ivan (“Ivan”) for safekeeping purposes during the course of a criminal investigation, and continues to possess the said sum for safekeeping purposes as of the date hereof; and

WHEREAS, Ivan died intestate on November 25, 2002; and

WHEREAS, Ivan was survived by two heirs at law, Melissa Joy Tracy (“Tracy”) and Nischan; and

WHEREAS, as of the date hereof, Tracy has represented to the Village that she intends to file a disclaimer (the “Disclaimer”) with the Village, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, pursuant to the Disclaimer, Tracy will disclaim, waive and relinquish any interest or claim whatsoever in and to the Funds; and

WHEREAS, upon the execution of the Disclaimer and the Village’s receipt thereof, Nischan will be the sole present heir at law who possesses any right, title or interest in and to the estate of Ivan, specifically including the Funds; and

WHEREAS, Nischan represents herein to the Village that she desires to receive payment of the Funds from the Village, and in connection therewith, to release and hold harmless the Village of and from any and all claims whatsoever pertaining in any way to the Funds, and to memorialize the same by executing and delivering to the Village a release and hold harmless agreement (the “Release”) substantially in the form attached hereto and incorporated herein by reference as Exhibit B.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ROMEOVILLE, WILL COUNTY, ILLINOIS:

SECTION ONE. The foregoing Recitals are hereby incorporated into this resolution as if fully set forth in this Section 1.

SECTION TWO. Subject to the Village’s prior receipt of the Disclaimer from Tracy in substantially the form shown herein as Exhibit A, and the Village’s prior receipt of the Release from Nischan in substantially the form shown herein as Exhibit B, the proper officers of the Village are hereby authorized to make payment to Nischan of an amount of money equal to the amount of the Funds.

SECTION THREE. That the various provisions of this Resolution are to be considered severable and if any part or portion of this Resolution shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution.

SECTION FOUR. All prior Resolutions and Resolutions, or parts thereof in conflict or inconsistent with this Resolution are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE. This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.