

2 **RESOLUTION: Authorize Divestiture of the Tri-County Ice Arena**
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4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5 **WHEREAS**, the Winnebago County Board of Supervisors has voted 25-9 to explore the divestiture of the Tri-
6 County Ice Arena as referenced in Resolution Number 56-82012; and

7 **WHEREAS**, the aforementioned Resolution clearly states “it is the desire of your undersigned Supervisors
8 that ownership of the Ice Arena be transferred to other parties who would be willing to continue to operate the Ice
9 Arena as a recreational resource for the Fox Valley area”; and

10 **WHEREAS**, one of the options subsequently proposed by the Winnebago County Executive was to “sell to a
11 new non-profit organization to be formed from youth hockey supporters for \$1.00”; and

12 **WHEREAS**, Winnebago County has received an Offer to Purchase from the Fox Valley Youth Hockey
13 Association Inc, dated December 12, 2012; and

14 **WHEREAS**, the Lease Agreement between Winnebago County and the Tri-County Recreation Association
15 Inc provides a Right of First Refusal to the Tri-County Recreation Association Inc.

16 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that a counter-offer
17 to Fox Valley Youth Hockey Association’s December 12, 2012, Offer to Purchase be made to include the following
18 provisions:

19 1. Buyer will purchase the property for the purpose of operating a recreational facility consistent with its
20 current use with intended short and long-term improvement, replacement, and investment in the property;

21 2. Buyer will, within five (5) days of an accepted offer, provide written documentation showing a
22 minimum of \$70,000.00 cash on hand and a minimum of \$100,000.00 line of credit from a local lending institution;

23 3. Eliminate Paragraph 6 of Addendum A of the Fox Valley Youth Hockey Association’s December 12,
24 2012, Offer to Purchase;

25 4. Eliminate Lines 270 through 276 of the Fox Valley Youth Hockey Association’s December 12, 2012,
26 Offer to Purchase since Winnebago County will only accept a cash offer for the property in question;

27 5. If, in the first seven (7) years of ownership, the Buyer is unable (or unwilling) to continue operation as
28 a recreational resource for the Fox Valley area, ownership will revert to Winnebago County;

29 6. Eliminate Paragraph 15 of the Estoppel Certificate attached to the Fox Valley Youth Hockey
30 Association’s December 12, 2012, Offer to Purchase since there is a current Lease Agreement between Winnebago
31 County and the Tri-County Recreation Association;

32 7. The counter offer is binding upon the seller and buyer only if a copy of the accepted counter offer is
33 delivered to the party making the counter offer (Winnebago County) on or before April 26, 2013;

34 8. The Closing shall be held on or before August 1, 2013; and

35 **BE IT FURTHER RESOLVED** that if the Tri-County Recreation Association Inc has not already been
36 notified, it be immediately notified, in writing, of the Fox Valley Youth Hockey Association’s December 12, 2012, Offer
37 to Purchase and Winnebago County’s counter offer, giving the Tri-County Recreation Association ninety (90) days
38 from the date of receipt of the notice of the offer/counter-offer to match any third-party offer as stipulated in their
39 Lease Agreement with Winnebago County for the Tri-County Ice Arena.

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Respectfully submitted by:

FACILITIES AND PROPERTY MANAGEMENT COMMITTEE

Committee Vote: **5-0**

Vote Required for Passage: **Majority of Those Present**

Approved by the Winnebago County Executive this ____ day of _____, 2013.

Mark L Harris
Winnebago County Executive