

June 2, 2008

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## Via E-Mail Transmittal and Regular Mail

Mr. Gary Balling  
Executive Director  
Park District of Oak Park  
218 Madison Street  
Oak Park, Illinois 60302

Re: Organization of Park District of Oak Park

Dear Gary:

I am writing this letter at your request for inclusion in the application being prepared by the Park District related to the Village of Oak Park's Community Development Block Grant Program.

Park District of Oak Park representatives, after diligent research including contact with the Illinois Secretary of State and record-keepers in other governmental offices, have been unable to locate a copy of the Park District of Oak Park's articles of incorporation. The Park District does have information, however, indicating (a) that the first meeting of the Board of Commissioners of the Park District of Oak Park was held on Monday, April 8, 1912, at which the first terms of the five commissioners were decided and (b) that the Park District of Oak Park has operated continuously as a park district after that date.

Based on the information available to us, it is our opinion that the Park District is a duly constituted Illinois unit of local government.

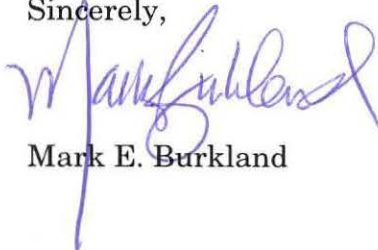
When the Illinois Park District Code (the "Park District Code") was enacted in 1947, the Illinois General Assembly declared that it was the intent of the Park District Code that all existing park districts shall be governed by the Park District Code (with exceptions applicable only to the Chicago Park District). Since the enactment of the Park District Code, the Park District of Oak Park has operated under the provisions of that Code. The Park District's Board of Commissioners has met regularly to conduct

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the business of the Park District in accordance with the Park District Code, and the Park District has purchased and sold property, created and maintained park and recreation programs, conducted referenda, levied taxes, issued obligations, and in every other respect conducted and managed its affairs in the manner of an Illinois unit of local government.

It is our further opinion, therefore, that Illinois common law recognizes the Park District of Oak Park as a duly constituted Illinois municipal corporation organized and existing under the Park District Code, regardless of the inability of the Park District to find a copy of its articles of incorporation. See *People ex rel. Mohlenbrock v. Pike*, 197 Ill. 449 (1902) (“Municipal corporations being required by public necessity, the law itself, for the purpose of strengthening the infirmity of evidence and upholding the public peace and the security of private property, will indulge, after long continued use of corporate powers and the public acquiescence, in presumptions in favor of their legal existence.”)

Sincerely,



Mark E. Burkland

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