

250

ORDINANCE NO. F-0007

**AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH
CONDEMNATION OF PROPERTY COMMONLY KNOW AS "RJN"
PARCEL FOR MUNICIPAL PURPOSES BY THE CITY OF WHEATON, ILLINOIS**

WHEREAS, the City of Wheaton, Illinois (the "City") on March 1, 1993 passed and approved Ordinance E-3888 entitled "AN ORDINANCE PROPOSING THE DESIGNATION OF A REDEVELOPMENT PROJECT AND CALLING A PUBLIC HEARING IN CONNECTION THEREWITH"; and

WHEREAS, the City on October 18, 1993 passed and approved Ordinance E-3903, entitled "AN ORDINANCE OF THE CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS, APPROVING A TAX INCREMENT REDEVELOPMENT PLAN AND REDEVELOPMENT PROJECT FOR THE DOWNTOWN WHEATON REDEVELOPMENT PROJECT AREA"; AND

WHEREAS, the City on October 18, 1993 passed and approved Ordinance E-3904 entitled "AN ORDINANCE OF THE CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS, DESIGNATING THE DOWNTOWN WHEATON REDEVELOPMENT PROJECT AREA A REDEVELOPMENT PROJECT AREA PURSUANT TO THE TAX INCREMENT ALLOCATION REDEVELOPMENT ACT"; and

WHEREAS, the City on October 18, 1993 passed and approved Ordinance E-3905 entitled "AN ORDINANCE OF THE CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS ADOPTING TAX INCREMENT ALLOCATION FINANCING FOR THE DOWNTOWN WHEATON REDEVELOPMENT PROJECT AREA"; and

WHEREAS, the City on March 21, 1994 passed and approved Ordinance 3974 entitled "AN ORDINANCE AUTHORIZING THE NEGOTIATION FOR THE ACQUISITION OF CERTAIN PROPERTIES COLLECTIVELY KNOWN AS 'REDEVELOPMENT PROJECT SITES, PHASE I AND PHASE II' FOR MUNICIPAL PURPOSES BY THE CITY OF WHEATON, ILLINOIS", and identified as one of said properties to be acquired the property known as the RJN parcel, legally described as Exhibit A attached hereto and made a part hereof; and

WHEREAS, the City acting through the City Manager and the City Staff has proceeded to take steps to carry out the directives of the various ordinances and resolutions related to the Downtown Wheaton Redevelopment Project area (the "Project"); and

WHEREAS, the City has authority pursuant to the statutes of the State of Illinois, specifically pursuant to 65 ILCS 5/11-74.4-4(c) (1992), to acquire real estate located within the Project area by purchase or by eminent domain in order to achieve the objectives of the redevelopment plan and project; and

WHEREAS, the City has determined that within the Project area the acquisitions will occur in phases all of which are intended to be a part of the overall acquisition and redevelopment project, and related thereto the City has found that it is necessary to acquire the RJN parcel to do so by filing condemnation proceedings; and

WHEREAS, the City has attempted to negotiate the purchase of property but the City has been unable to reach an agreement for acquisition, and finds that it may become necessary to acquire said parcel by eminent domain.

WHEREAS, the City Council has given the City Manager clear direction regarding the point at which the City Council has determined an impasse has been reached and regarding the extent of which the City will agree to the various settlement demands of RJN; the City Council has directed the City Manager to authorize and direct the Attorney for the City to file eminent domain proceedings to acquire the RJN property once the City Manager has determined that an impasse in negotiations has been reached.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois, as follows:

Section 1. That in order to achieve the objectives of the City's redevelopment project and plan, it is necessary and desirable that the City acquire fee simple title to the parcel commonly known as the RJN parcel, legally described in this Ordinance in Exhibit A attached hereto.

Section 2. That in carrying out the directives of the City Council regarding the settlement negotiations, the City Manager is directed to continue to negotiate until such time that RJN's position reaches the point determined by the City Council that results in an impasse; at the point that said impasse in negotiations occurs, the City Manager and the City's land acquisition attorneys be and hereby are authorized to take the necessary steps to acquire title to the real estate described in Exhibit A attached hereto by eminent domain and to file all necessary condemnation pleadings to so acquire said real estate parcel.

Section 3. That in order to take steps to acquire title to the real estate, the City Manager and the City's land acquisition attorney be and hereby are authorized to retain such consultants as deemed reasonably necessary to ascertain the fair cash market value of the respective parcels of real estate described herein.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED by the Mayor and City Council of the City of Wheaton, Illinois, this 5th day of February, 1996.

ATTEST:

Emily M. Connelley
City Clerk

James Carr
Mayor

Roll Call Vote:

Ayes: Councilman Mork
Councilwoman Culler

Councilwoman Davenport
Councilman Gresk
Councilwoman Johnson

Nays: Mayor Carr

Absent: Councilman Eckhoff

Motion Carried

Passed: February 5, 1996

Published: February 6, 1996

EXHIBIT A

PARCEL 1: THE WEST 57 FEET OF THE SOUTH 148 FEET OF THE SOUTH EAST 1/4 OF LOT 2 IN BLOCK 8 IN TOWN OF WHEATON IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 20, 1853 AS DOCUMENT 7256, IN DUPAGE COUNTY, ILLINOIS

PARCEL 2: THE SOUTH 26.37 FEET OF THE NORTH 50 FEET OF THE SOUTH EAST 1/4 OF LOT 2 IN BLOCK 8 IN TOWN OF WHEATON IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 20, 1853 AS DOCUMENT 7256, IN DUPAGE COUNTY, ILLINOIS

PARCEL 3: THE EAST 22 FEET OF SUBDIVISION OF LOT 1 (EXCEPT THE NORTH 23.63 FEET THEREOF) IN COMMISSIONER'S SUBDIVISION OF LOT 2 IN BLOCK 8 IN THE ORIGINAL TOWN OF WHEATON, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

PIN 05-16-301-040