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ORDINANCE NO. 0070

AN ORDINANCE AUTHORIZING THE NEGOTIATION FOR
THE ACQUISITION OF CERTAIN PROPERTIES COLLECTIVELY KNOWN AS
"SITE II ALLEY" 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 AREA 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 has adopted Resolutions R-06-94 and R-07-94 authorizing the City Manager to negotiate redevelopment agreements with prospective developers of certain sites within the Downtown Wheaton Redevelopment Project (the "Project") area; 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 proposed

redevelopment of the areas described in the various ordinances pertaining to the Project area; and

WHEREAS, the City has the 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 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 by negotiation the westerly nine feet of various parcels of real estate located within the Project area, and including the following properties:

Site A: The westerly nine feet of the property commonly known as the Pollex parcel, with the entire Pollex parcel legally described in Exhibit "A" attached hereto and incorporated herein.

Site B: The westerly nine feet of the property commonly known as the Schaeffer parcel, with the entire Schaeffer parcel legally described in Exhibit "B" attached hereto and incorporated herein.

Site C: The westerly nine feet of the property commonly known as the Cornwall parcel, with the entire Cornwall parcel legally described in Exhibit "C" attached hereto and incorporated herein.

WHEREAS, the City has also determined that it is necessary to enter into an "Abrogation of Easement" Agreement with the owner(s) of the following property:

Site D: The property commonly known as the "LaPage" property, with the entire legal description of the LaPage property legally described in Exhibit "D" attached hereto and incorporated herein.

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 westerly nine feet of the land, legally described in this Ordinance in Exhibits "A", "B" and "C".

Section 2: That in order to achieve the objectives of the City's redevelopment project and plan, it is necessary and desirable that the City enter into an "Abrogation of Easement" Agreement with the owner(s) of the property legally described in this Ordinance in Exhibit "D".

Section 3: That the City Manager and the City's land acquisition attorneys be and hereby are authorized to negotiate for the acquisition of the westerly nine feet of the properties described in the attached exhibits.

Section 4: That in order to negotiate for the acquisition of said properties, the City Manager and the City's land acquisition attorneys 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 5: That any offers to be made pursuant to the authority authorized herein, shall be made subject to approval by the Mayor and City Council acting through a duly adopted City Ordinance.

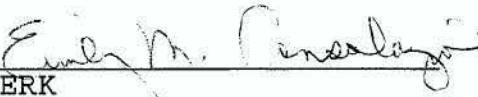
Section 6: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED by the Mayor and City Council of the City of Wheaton, Illinois, this 21st day of October, 1996.



MAYOR

ATTEST:



CITY CLERK

Ayes: Councilman Eckhoff; Councilman Gerig; Mayor Carr; Councilman Gresk; Councilwoman Johnson; Councilman Mork; Councilwoman Davenport.

Nays: None.

Absent: None.

Motion Carried Unanimously

Passed: October 21, 1996

Published: October 22, 1996

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LOT 1 IN PAWLICK'S ASSESSMENT PLAT OF LOT 12 IN BLOCK 8 OF THE ORIGINAL TOWN OF WHEATON, ALSO THE EAST 9 FEET OF SUBDIVISION LOT 2, (EXCEPT THE NORTH 50 FEET THEREOF) IN THE COMMISSIONER'S SUBDIVISION OF LOT 2 IN BLOCK 8 IN SAID ORIGINAL TOWN OF WHEATON, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PAWLICK'S ASSESSMENT PLAT RECORDED MARCH 28, 1950 AS DOCUMENT 589210, IN DUPAGE COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 05-16-301-024, AFFECTS LOT 1

LOT 4 IN PAWLICK'S ASSESSMENT PLAT OF LOT 12 IN BLOCK 8 OF THE ORIGINAL TOWN OF WHEATON, ALSO THE EAST 9 FEET OF SUBDIVISION LOT 2, (EXCEPT THE NORTH 50 FEET THEREOF) IN THE COMMISSIONER'S SUBDIVISION OF LOT 2 IN BLOCK 8 IN SAID ORIGINAL TOWN OF WHEATON, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PAWLICK'S ASSESSMENT PLAT RECORDED MARCH 28, 1950 AS DOCUMENT 589210, IN DUPAGE COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 05-16-301-023, AFFECTS LOT 4

LOT 5 IN PAWLICK'S ASSESSMENT PLAT OF LOT 12 IN BLOCK 8 OF THE ORIGINAL TOWN OF WHEATON, ALSO THE EAST 9 FEET OF SUBDIVISION LOT 2, (EXCEPT THE NORTH 50 FEET THEREOF) IN THE COMMISSIONER'S SUBDIVISION OF LOT 2 IN BLOCK 8 IN SAID ORIGINAL TOWN OF WHEATON, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PAWLICK'S ASSESSMENT PLAT RECORDED MARCH 28, 1950 AS DOCUMENT 589210, IN DUPAGE COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 05-16-301-022

LOTS 2 AND 3 IN PAWLIK'S ASSESSMENT PLAT OF LOT 12 IN BLOCK 8 OF THE ORIGINAL TOWN OF WHEATON, ALSO THE EAST 9 FEET OF SUBDIVISION LOT 2, (EXCEPT THE NORTH 50 FEET THEREOF) IN THE COMMISSIONER'S SUBDIVISION OF LOT 2 IN BLOCK 8 IN SAID ORIGINAL TOWN OF WHEATON, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PAWLIK'S ASSESSMENT PLAT RECORDED MARCH 28, 1950 AS DOCUMENT 589210, IN DUPAGE COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 05-16-301-025, AFFECTS LOT 2

PERMANENT INDEX NUMBER: 05-16-301-026, AFFECTS LOT 3