

ORDINANCE NO. F-0504

AN ORDINANCE OF THE CITY OF WHEATON, DU PAGE COUNTY, ILLINOIS,
ESTABLISHING A RELOCATION POLICY FOR RESIDENTIAL PROPERTIES LOCATED IN
THE CITY OF WHEATON MAIN STREET REDEVELOPMENT PROJECT AREA

WHEREAS, the City Council of the City of Wheaton, DuPage County, Illinois (the "City"), has heretofore determined that it is necessary and advisable for the public health, safety, welfare and convenience of residents of the City that the City undertake a redevelopment project and has heretofore approved the Wheaton Main Street Redevelopment Area Project and Plan (the "Plan") and designated a redevelopment project area (the "Area") for that portion of the City known as the City of Wheaton Main Street Redevelopment Project Area, all as authorized by the Tax Increment Allocation Redevelopment Act, as amended, 65 ILCS 5/11-74.4-1, *et seq.*;

WHEREAS, the Plan includes, as eligible project costs, relocation costs to the extent that the City determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or state law;

WHEREAS, it is and has always been the intent of the City that relocation assistance be provided in accordance with all applicable federal and state laws;

WHEREAS, it is necessary and desirable that the City adopt a relocation policy consistent with applicable law.

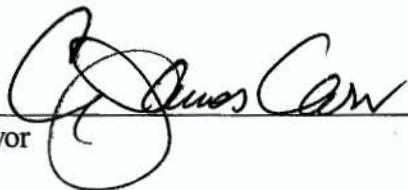
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, a home rule municipality in the exercise of its home rule powers, as follows:

Section 1. That the City hereby adopts the "Residential Relocation Assistance Policy of the City of Wheaton for the Properties Located Within the Main Street Redevelopment Project Area, Wheaton, Illinois" attached hereto as Exhibit "A" and incorporated herein. In the event any part or portion of said policy conflicts with any provision of applicable law, the provisions of such law shall prevail.

Section 2. That all ordinances and resolutions, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

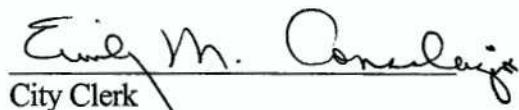
Section 3. That this Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the City Council of the City of Wheaton, Illinois, this 21st day of August, 2000.



Mayor

ATTEST:



City Clerk

Roll Call Vote:

Ayes: Councilman Eckhoff
Councilman Gresk
Mayor Carr
Councilman Johnson
Councilwoman Johnson
Councilwoman Davenport

Nays: None

Absent: Councilman Mork

Motion Carried Unanimously

Passed: August 21, 2000
Published: August 22, 2000

EXHIBIT "1"
RESIDENTIAL RELOCATION ASSISTANCE POLICY
OF THE CITY OF WHEATON
FOR THE PROPERTIES LOCATED WITHIN THE MAIN STREET
REDEVELOPMENT PROJECT AREA, WHEATON, ILLINOIS

The City of Wheaton has established this policy to provide relocation assistance to persons residing in residential living units who will be displaced as a result of City-initiated projects in the Main Street Redevelopment Area.

The term displaced person shall include any person or persons who move from a single address of real estate located within the Main Street Redevelopment Project Area as a direct result of the acquisition of said real estate by the City or a party who has entered into a Development Agreement with the City for property that is located within the Main Street Redevelopment Project Area.

The real estate may include that which the displaced person is the owner or tenant. Each address or unit located within the Main Street Redevelopment Project Area shall be entitled to relocation expenses in accordance with the attached summaries.

The term displaced person shall not include a person who has been determined to be in unlawful occupancy of the real estate or to have occupied the real estate for the purpose of obtaining assistance under this policy. Unlawful occupancy shall include illegally occupying the structure under the provisions of Wheaton's Zoning Ordinance or building regulations.

In order to qualify for relocation assistance:

(i) Owners must have legally occupied the subject premises not less than one hundred eighty (180) days prior to the initiation of negotiations for the acquisition of the subject property, and

(ii) Tenants must have legally occupied the subject premises not less than ninety (90) days prior to the initiation of negotiations for the acquisition of the subject property. Tenants whose leases contain a condemnation clause that provides that the tenant shall receive a portion of any compensation award shall have that award deducted from any amount owed under this policy.

The City of Wheaton has designated Director of Economic Development, Anne Wollensak, to provide information regarding the relocation assistance to be provided under this policy. Anyone with questions regarding this policy should contact Anne Wollensak at: 630-260-2018.

The expenses that are subject to reimbursement are detailed in the attached Exhibits A and B. In addition, the City shall provide relocation assistance advisory services as described in 42USCA Section 4625.

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EXHIBIT A
RELOCATION EXPENSES - RESIDENTIAL OCCUPANCY

Relocation expenses, including but not limited to the following, must be documented and authorized PRIOR to the move and PRIOR to actually incurring the expenses in order to claim reimbursement as relocation costs. Please contact Director of Economic Development, Anne Wollensak, if you have any questions pertaining to the following items.

1. Moving Expenses - all relocatees, chose A or B
 - A. Self-move: See chart for amounts
 - B. Actual Expenses: Estimate received and move performed by licensed I.C.C. Carrier paid directly by City of Wheaton.
2. Replacement Housing Payment
 - A. Owner Occupant - The City of Wheaton will make a replacement housing payment not in excess of \$25,000.00 to all displaced persons (or person) located at a single address who are displaced from a dwelling actually owned and occupied by such displaced person(s) for not less than 180 days prior to the initiation of negotiations for the acquisition of property. Such replacement housing payment shall include the following elements, the total of which shall not exceed \$25,000.00:
 - (1) Purchase Supplement: The amount by which the cost of a comparable replacement dwelling exceeds the acquisition cost of the displacement dwelling, as determined by the City of Wheaton;
 - (2) The increased interest costs and debt service costs to be incurred in connection with the mortgage(s) on the replacement dwelling (limited to outstanding balance on existing mortgage, if any);
 - (3) The reasonable expenses incidental to the purchase of the replacement dwelling, include the following:
 - a) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.
 - b) Lender, FHA, or VA application and appraisal fees.
 - c) Loan origination or assumption fees that do not represent prepaid interest.

Exhibit A-Relocation Expenses-Residential Occupancy
(Continued)

- d) Certification of structural soundness and termite inspection when required.
- e) Credit report.
- f) Owner's and mortgagee's evidence of title e.g. title insurance, not to exceed the costs for a comparable replacement dwelling.
- g) Escrow agent's fee.
- h) State revenue or documentary stamps, sales or transfer taxes (not to exceed the costs for a comparable replacement dwelling).
- i) Such other costs as the City of Wheaton determines to be incidental to the purchase.

B. Tenant Occupant: The City of Wheaton will make a replacement housing payment to all displaced persons (or person) located at a single address who has lawfully occupied a dwelling under rental agreement for not less than 90 days, immediately prior to the initiation of negotiations for the acquisition of such dwelling. This replacement housing payment will be the difference between the tenant's current monthly housing costs (rent and utilities) and the monthly housing costs of a comparable rental unit, as determined by the City of Wheaton, times 42 months and not to exceed \$5,250.00. This payment may be used toward renting or purchasing replacement housing.

When more than one person occupies a residential living unit, housing replacement costs will be calculated on the basis of one person. By way of example, if there is more than one person living at one address/unit, the City shall pay up to the maximum replacement housing payment of \$5,250.00 only and not \$5,250.00 to each person.

EXHIBIT B
RESIDENTIAL MOVING EXPENSE
AND RELOCATION ALLOWANCE PAYMENT SCHEDULE
(For Self-Moves)

OCCUPANT OWNS FURNITURE:

No. of Rooms
of Furniture

1	\$250
2	\$400
3	\$550
4	\$650
5	\$750
6	\$850
7	\$950
8	\$1,050

Each Addt'l Room add \$100

OCCUPANT DOES NOT OWN FURNITURE:

First Room \$225.00

Each Addt'l Room \$ 35.00

This schedule does not apply to a displaced person whose residential move is performed by the City of Wheaton. In that situation, payment is limited to \$50.00.