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ORDINANCE NO. F-0511

**AN ORDINANCE AUTHORIZING NEGOTIATIONS FOR THE
ACQUISITION OF CERTAIN PROPERTY LOCATED AT
1734 NORTH MAIN STREET, WHEATON, ILLINOIS**

WHEREAS, the City of Wheaton is an Illinois Home Rule Municipality exercising those powers and authorities in conformance with the Constitution of the State of Illinois and not their right prohibited by statute of the State of Illinois;

WHEREAS, there exists within the Corporate limits of the City of Wheaton, certain property commonly known as 1734 North Main Street, Wheaton, Illinois (hereinafter "Property") ; and

WHEREAS, the Property is located adjacent to a water course which the Mayor and City Council of the City of Wheaton (hereinafter "Corporate Authorities") have determined should be changed to improve upstream and downstream stormwater drainage as well as stormwater damage on adjacent streets and sidewalks; and

WHEREAS, 65 ILCS 5/11-61-1; 65 ILCS 5/11-61-2, 65 ILCS 5/11-81-3 and the Home Rule Authority of the City of Wheaton provide authority for the City of Wheaton to acquire the Property; and

WHEREAS, the Corporate Authority deem it advisable and in the best interest of the public health, safety and welfare to acquire title to the subject property in order to construct storm water improvements which will change the water course and improve adjacent streets and sidewalks; and

WHEREAS, the Property which is legally described in the attached Exhibit A and depicted in the attached Exhibit B, should be acquired to fulfill the foregoing goals and purposes of the City of Wheaton; and

WHEREAS, in accordance with the property ownership disclosure requirement imposed on units of local governments as set forth in 50 ILCS 105/3.1, the City of Wheaton, has determined that the record title holder of the real estate described in the attached Exhibit A and depicted in the exact Exhibit B to be Harry and Anne Yocherer with the contract purchaser to be Thienduc Nguyen and his wife; and

WHEREAS, the Corporate Authorities have determined a valuation of said fee simple parcel which it believes represents a fair amount to the owner of said parcel; and

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois as follows:

Section 1: The recitals set forth above are hereby adopted and incorporated in this Ordinance.

Section 2: That it is necessary and desirable that the Property as described in Exhibit A and depicted in Exhibit B, attached hereto be acquired by fee simple by the City of Wheaton by purchase, donation, lease or eminent domain as authorized by 65 ILCS 5/11-61-1 and/or 65 ILCS 5/11-61-2 and/or 65 ILCS 5/11-87-3.

Section 3: That the City Manager, his staff, and the City Attorneys are hereby authorized and directed to negotiate for the acquisition of the property in fee simple as described in Exhibit A and depicted on Exhibit B, based upon the appraisal information obtained of the subject real estate, as well as either other information available including title and tract search reports in accordance with directions received by the City Council and the policies and procedures established and utilized by the City of Wheaton and such cases.

Section 4: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this ordinance.

Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 6: This ordinance shall become effective from and after its passage, approval and publication in pamphlet form in a manner prescribed by law.

AYES: Councilwoman Davenport; Councilman Eckhoff; Councilman Gesk; Mayor Carr; Councilman Johnson; Councilwoman Johnson; Councilman Mork.

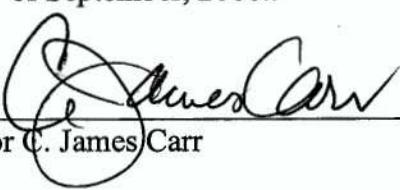
NAYS: None.

ABSENT: None.

Motion Carried Unanimously

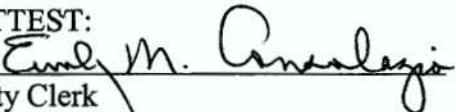
PASSED AND APPROVED this 5th day of September, 2000.

PUBLISHED in pamphlet form this 6th day of September, 2000..



Mayor C. James Carr

ATTEST:



Evelyn M. Anselmo
City Clerk

EXHIBIT A

LOT 15 AND LOT 16 IN BLOCK 1 AND THAT PART OF VACATED BLUFF STREET LYING WESTERLY OF AND ADJOINING LOTS 15 AND 16, TOGETHER WITH THE WEST HALF OF THE VACATED ALLEY LYING EAST OF AND ADJOINING LOTS 15 AND 16 AS VACATED BY ORDINANCE E-776 RECORDED AS DOCUMENT R65-13693 IN WHEATON HEIGHTS, A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1891 AS DOCUMENT 45878, IN DUPAGE COUNTY, ILLINOIS, AND ALL OF LOT 7 IN MC GRATH AND GRIFFINS RESUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF RESUBDIVISION RECORFDED JUNE 21, 1966, AS DOCUMENT R66-23309, IN DUPAGE COUNTY, ILLINOIS.

LOTS 5 AND 6 (EXCEPT THAT PART OF LOT 5 LYING SOUTH OF THE NORTH LINE OF LOT 4 EXTENDED WESTERLY, AND EXCEPT THE SOUTH 100 FEET OF LOT 5 RUNNING WESTERLY 150 FEET) IN MCGRATH AND GRIFFIN'S RESUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JUNE 21, 1966 AS DOCUMENT R66-23309, IN DUPAGE COUNTY, ILLINOIS.

Known as: 1734 N. Main Street, Wheaton, IL 60187

PERMANENT INDEX NUMBER: 05-09-106-026

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