

ORDINANCE NO. F-0514

AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF
CERTAIN PROPERTY LOCATED WITHIN THE MAIN STREET REDEVELOPMENT
PROJECT AREA BY THE
CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS
(113 North Main Street, Wheaton, Illinois)

WHEREAS, on December 6, 1999, the Mayor and City Council of the City of Wheaton (the "Corporate Authorities") passed and approved Ordinance No. F-0418, "An Ordinance of the City of Wheaton, DuPage County, Illinois, Approving a Tax Increment Redevelopment Plan and Redevelopment Project for the City of Wheaton Main Street Redevelopment Project Area"; and,

WHEREAS, on December 6, 1999, the Corporate Authorities passed and approved Ordinance No. F-0419, "An Ordinance of the City of Wheaton, DuPage County, Illinois, Designating the City of Wheaton Main Street Redevelopment Project Area A Redevelopment Project Area Pursuant to the Tax Increment Allocation Redevelopment Act"; and,

WHEREAS, on December 6, 1999, the Corporate Authorities passed and approved Ordinance No. F-0420, "An Ordinance of the City of Wheaton, DuPage County, Illinois, Adopting Tax Increment Allocation Financing for the City of Wheaton Main Street Redevelopment Project Area"; and,

WHEREAS, the Corporate Authorities deem it advisable and in the public interest and welfare to acquire title to certain real estate located within the City of Wheaton Main Street Redevelopment Project Area, with the said real estate having been found in Ordinance No. F-0418 to not be subject to growth and development by private enterprise, and also that the property would not be reasonably anticipated to be developed without the adoption of a Redevelopment Plan; and,

WHEREAS, the Corporate Authorities find that the real estate described in the attached Exhibit A and depicted in the attached Exhibit B should be acquired to fulfill the goals and purposes of the Redevelopment Plan and Redevelopment Project for the City of Wheaton Main Street Redevelopment Project Area; and,

WHEREAS, in accordance with the property ownership disclosure requirement imposed on units of local government as set forth in 50 ILCS 105/3.1, the City of Wheaton, has obtained a tract search identifying the record title holder of the real estate described in the attached Exhibit A and depicted in the attached Exhibit B to be: Robert O. Sandberg and Karen K. Sandberg, husband and wife, a copy of said tract search being attached hereto and incorporated herein as Exhibit C; and,

WHEREAS, on the 21st day of August, 2000, Ordinance No. F-0507 was adopted providing for the negotiation for the acquisition of the property described in Exhibit A and depicted in Exhibit B attached hereto; and

WHEREAS, the Corporate Authorities have offered to purchase said property at a price which is based on information obtained from the Corporate Authorities' consultants regarding the fair cash market value of the property, however, the Corporate Authorities have been unable to agree with the owners of the property concerning just compensation and negotiations have reached an impasse as defined by Illinois case law.

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

SECTION 1: That the recitals set forth above are hereby adopted and incorporated into this Ordinance.

SECTION 2: That it is necessary and desirable that the real estate described in Exhibit A and depicted in Exhibit B attached hereto be acquired in fee simple by the said City of Wheaton by eminent domain as authorized in 65 ILCS 5/11-74.4-4.

SECTION 3: That the Corporate Authorities have reviewed the history of negotiations and hereby finds that negotiations with the owners have reached an impasse as defined by the law.

SECTION 4: That it is necessary and desirable that fee simple title to the real estate described in Exhibit A and depicted in Exhibit B attached hereto, be acquired by condemnation by the Corporate Authorities for one or more of the purposes set forth.

SECTION 5: That the City Manager, his staff, and the City Attorneys be, and hereby are, authorized to take the necessary steps by condemnation to acquire title to the real estate described in Exhibit A and depicted in Exhibit B attached hereto.

SECTION 6: That the previously issued negotiation authority as set forth in Ordinance No. F-0507, authorizing the City Manager, his staff and the City Attorneys to acquire the subject property through negotiation is hereby revoked as it relates to "good faith negotiations" necessary as a predicate for the exercise of the City of Wheaton's condemnation power. In this regard, it is the express intention of the City of Wheaton that any and all further discussions, negotiations or conferences related to the acquisition of the subject real estate be declared to be only in reference to settlement of imminent or pending condemnation litigation.

SECTION 7: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 8: All ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict, and this Ordinance shall be in full force and effect upon its passage and approval as provided by law.

PASSED AND APPROVED by the Mayor and City Council of the City of Wheaton, Illinois, this 11th day of September, 2000.



James Carr
Mayor

ATTEST:



Cindy M. Consalvo
City Clerk

Ayes:

Roll Call Vote:
Councilman Mörk
Councilwoman Davenport
Councilman Gresk
Mayor Pro Tem Eckhoff
Councilman Johnson
Councilwoman Johnson

Nays:

None

Absent:

Mayor Carr

Motion Carried Unanimously

Passed: September 11, 2000
Published: September 12, 2000

PARCEL 2:

LOT 2 AND THAT PART OF LOT 6 LYING NORTH OF A LINE EXTENDED EASTERLY THAT IS 5 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF LOT 3, IN OWNER'S SECOND ASSESSMENT SUBDIVISION OF LOT 6 AND THE WEST HALF OF LOT 7 IN BLOCK 6 (EXCEPT THE NORTH 50 FEET THEREOF) OF THE ORIGINAL TOWN OF WHEATON AND LAND ADJOINING SAME ON THE SOUTH TO NORTH RAILROAD STREET, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SECOND ASSESSMENT RECORDED JULY 6, 1907, AS DOCUMENT 91155, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3:

EASEMENT FOR THE BENEFIT OF PARCEL NUMBER 2 AS CREATED BY AGREEMENT BETWEEN NORA D. OTT AND CHARLES F. OTT, HER HUSBAND, AND JAMES S. PEIRONNET AND FANNY S. PEIRONNET, HIS WIFE, DATED AUGUST 28, 1905, AND RECORDED NOVEMBER 22, 1905, AS DOCUMENT 86172, FOR A PRIVATE PASSAGEWAY OVER THE NORTH 5 FEET OF LOT 3 IN OWNER'S SECOND ASSESSMENT SUBDIVISION OF LOT 6 AND THE WEST HALF OF LOT 7 IN BLOCK 6 (EXCEPT THE NORTH 50 FEET THEREOF) OF THE ORIGINAL TOWN OF WHEATON AND LAND ADJOINING SAME ON THE SOUTH TO NORTH RAILROAD STREET, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-16-303-008 and 05-16-303-012

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Ordinance No. F-0514

**EXHIBIT B to Ordinance
(113 North Main Street)**



CHICAGO TITLE INSURANCE COMPANY

505 E. NORTH AVE., CAROL STREAM, IL 60188

523
5/23
(630) 588-4848

TRACT INDEX SEARCH

DAY & ROBERT
300 E 5TH AVE
SUITE 365
NAPERVILLE, ILLINOIS 60563
KELLI SMITH

CTIC Order No.: 1410 C52223706 STP
Cover Date: MARCH 17, 2000
Ref: KELLI SMITH/DUPAGE/ZAZOO & SANDBURG PPTY
KLH/NMR

Legal Description of Land Searched: (See Attached)

Permanent Tax Number (P.I.N.):
05-16-303-008-0000
05-16-303-009; 05-16-303-012

Street Address of Land Search (as furnished by Applicant):
ILLINOIS

Grantee(s) in last recorded conveyance:

*****SEE BELOW*****

In accordance with the application, a search of tract indices discloses the following items. With respect to residential properties, we may not have shown mortgages, trust deeds, or other liens which were eliminated by transactions closed through CTIC or Chicago Title and Trust Company.

DOCUMENT/CASE NO.:	R65-24049
GRANTOR:	FRANK J. FERNANDES AND BETTY LOU FERNANDES, HIS WIFE
GRANTEE:	ROBERT O. SANDBERG
INSTRUMENT:	WARRANTY DEED
DATE:	05/28/65
RECORDED:	07/06/65

DOCUMENT/CASE NO.:	R68-60193
GRANTOR:	FRANK WILDERSPIN AND BETTY WILDERSPIN, HIS WIFE
GRANTEE:	ROBERT SANDBURG AND KAREN SANDBURG
INSTRUMENT:	DEED
DATE:	12/27/68
RECORDED:	12/30/68

NO APPARENT MORTGAGES, TRUST DEEDS, MECHANIC LIEN CLAIMS, NOR OTHER PROPERTY LIENS OF RECORD.

Ordinance No. F-0514 EXHIBIT C to Ordinance
(113 North Main Street)

CHICAGO TITLE INSURANCE COMPANY

By: Renner L. Hahn

SEE ATTACHED FOR TERMS AND CONDITIONS OF SEARCH AND EXPLANATION OF ABBREVIATIONS
This is not a title insurance policy, guarantee, or opinion of title and should not be relied upon as such.



CHICAGO TITLE INSURANCE COMPANY

505 E. NORTH AVE., CAROL STREAM, IL 60188

TRACT INDEX SEARCH

Order No.: 1410 C52223706 STP

Additional Tax Numbers:

Legal Description:

PARCEL 1:

LOT 3 OF OWNER'S SECOND ASSESSMENT SUBDIVISION OF LOT 6 AND THE WEST HALF OF LOT 7 IN BLOCK 6 (EXCEPT THE NORTH 50 FEET THEREOF) OF ORIGINAL TOWN OF WHEATON AND LAND ADJOINING SAME ON SOUTH TO NORTH RAILROAD STREET, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE SECOND ASSESSMENT PLAT RECORDED JULY 6, 1907 AS DOCUMENT 91155, IN DUPAGE COUNTY, ILLINOIS.

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EXHIBIT C to Ordinance (p. C-2)
(113 North Main Street)