

403.

ORDINANCE NO. F-0691

**AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN
AND DIRECTING THE CITY CLERK TO ATTEST
TO AN INTERGOVERNMENTAL REAL ESTATE / PURCHASE AGREEMENT
BETWEEN THE DUPAGE HOUSING AUTHORITY AND THE CITY OF WHEATON**

WHEREAS, the DuPage Housing Authority, an Illinois Municipal Corporation, (hereinafter "Housing Authority" or "Seller") is organized and incorporated in conformance with the Housing Authority Act 310 ILCS 10/1 et seq.; and

WHEREAS, the City of Wheaton is an Illinois Home Rule Municipality (hereinafter "City" or "Purchaser"); and

WHEREAS, the Housing Authority has the authority to sell real property and personal property or any interests created therein in accordance with 310 ILCS 10/8.3; and

WHEREAS, the Housing Authority currently owns property commonly known as 120 East Liberty Drive, Wheaton, Illinois; and

WHEREAS, the Housing Authority has determined that it is appropriate and reasonable to sell the property at 120 East Liberty Drive to the City; and

WHEREAS, the Housing Authority and the City are authorized by Article 7, Section 10 of the Illinois Constitution and the Intergovernmental Co-operation Act 5 ILCS 220/1 et. seq. to enter into an Intergovernmental Agreement providing for the transfer of real and personal property;

WHEREAS, the City of Wheaton is authorized to acquire properties in a T.I.F. District in conformance with the Tax District Allocation Refinancing Act 65 ILCS 5/11-74.4-1 et seq.

WHEREAS, the Corporate Authorities of the City of Wheaton have determined that it is in the best interests of and in furtherance of the City of Wheaton's Main Street Redevelopment Project area (TIF II) to acquire 120 East Liberty Drive, Wheaton, Illinois for redevelopment purposes; and

WHEREAS, the Corporate Authorities of the City of Wheaton, upon the advice and research of Corporate Counsel, have concluded that there is a substantial legal question as to whether the City of Wheaton has the legal authority to take title to the Property by condemnation from the DuPage Housing Authority. Consequently, the Corporate Authorities have determined that it is in the best interests of the City of Wheaton to acquire the property at the Housing Authority's proposed purchase price, in order to avoid the legal issue of whether the City has the lawful authority to condemn the property, and further to avoid the legal expenses associated with a traverse hearing regarding such issue, the appeal of the traverse hearing, and expenses for

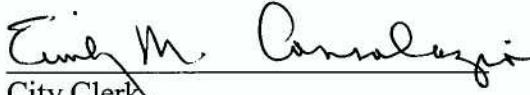
attorneys' fees and other eminent domain consultants that would be incurred if the Courts determine that the City had the legal authority to take the property by eminent domain.

NOW THEREFORE, be it Ordained by the Mayor and City Council of the City of Wheaton, Illinois, that the Mayor is hereby authorized to sign, and the City Clerk is hereby directed to attest, to that certain Intergovernmental Real Estate Sale and Purchase Agreement between the DuPage County Housing Authority and the City of Wheaton, attached hereto and incorporated herein as if fully set forth as Exhibit A.



James Carr
Mayor

ATTEST:



Cindy M. Connaluzio
City Clerk

Ayes:

Roll Call Vote:

Councilman Mouhelis
Councilman Eckhoff
Councilman Gresk
Councilman Johnson
Mayor Carr
Councilwoman Johnson
Councilman Mork

Nays:

None

Absent:

None

Motion Carried Unanimously