

F-5717 P.3

Nays: Councilman Eckhoff
Absent: None

Motion Carried Unanimously

Passed: May 20, 2002

Published: May 21, 2002

670

ORDINANCE NO. F-0718

**AN ORDINANCE AUTHORIZING THE NEGOTIATION FOR THE ACQUISITION OF
CERTAIN PROPERTY LOCATED WITHIN THE WHEATON MAIN STREET
REDEVELOPMENT PROJECT AREA BY THE CITY OF WHEATON,
DUPAGE COUNTY, ILLINOIS
(111 and 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, on January 7, 2002, the Corporate Authorities passed and approved Ordinance No. F-0675, "An Ordinance of the City of Wheaton, DuPage County, Illinois, Approving an Amendment to the Wheaton Main Street Redevelopment Area Project and Plan and Ratifying and/or Confirming Certain Other Changes"; 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 Sandberg and Karen Sandberg, husband

and wife, a copy of said tract search being attached hereto and incorporated herein as **Exhibit C**; and

WHEREAS, the Corporate Authorities have determined a valuation of said fee simple parcel which it believes to represent a fair amount to be offered to the owner of said parcel.

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 purchase, donation, lease or eminent domain as authorized in 65 ILCS 5/11-74.4-4.

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

SECTION 4: 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 5: 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.

James Carr
James Carr
Mayor

ATTEST:

Emily M. Connelley
City Clerk

Ayes:

Roll Call Vote:

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

F-0718 P.3

Nays: Councilman Eckhoff
Absent: None

Motion Carried

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4/22

PARCEL 1:

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 2:

EASEMENT FOR THE BENEFIT OF PARCEL NUMBER 1 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.

PARCEL 3:

THE NORTH 35 FEET OF LOT 6 (EXCEPT THAT PART THEREOF LYING WEST OF THE EASTERLY LINE OF LOT 3, AS EXTENDED) IN OWNER'S SECOND ASSESSMENT SUBDIVISION OF LOT 6 AND THE WEST 1/2 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 OWNER'S SECOND ASSESSMENT SUBDIVISION, RECORDED JULY 6, 1907, AS DOCUMENT 91155, IN DUPAGE COUNTY, ILLINOIS.

**EXHIBIT B to Ordinance
(111 & 113 North Main Street)**



CHICAGO TITLE INSURANCE COMPANY

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

(630) 588-4870

TRACT INDEX SEARCH

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

CTIC Order No.: 1410 C53422010 STP
Cover Date: FEBRUARY 18, 2002
Ref: KELLI SMITH/WHEATON/DUPG CNTY
KLH

Legal Description of Land Searched: (See Attached)

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

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

Grantee(s) in last recorded conveyance:
ROBERT SANDBERG AND KAREN SANDBERG

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.:	R68-060193
GRANTOR:	FRANK WILDERSPING AND BETTY WILDERSPING, HIS WIFE
GRANTEE:	ROBERT SANDBURG AND KAREN SANDBURG
INSTRUMENT:	DEED
DATE:	12/27/1968
RECORDED:	12/20/1968
DOCUMENT/CASE NO.:	2000ED-54
GRANTOR:	CITY OF WHEATON
GRANTEE:	ROBERT SANDBERG, ETAL
INSTRUMENT:	COMPLAINT FOR CONDEMNATION
DATE:	00/00/00
RECORDED:	09/12/2000
DOCUMENT/CASE NO.:	R2000-141795
GRANTOR:	CITY OF WHEATON
GRANTEE:	DUPAGE TRUST COMPANY, ROBERT SANDBERG, KAREN SANDBERG AND WHEATON SANITARY DISTRICT
INSTRUMENT:	LIS PENDENS NOTICE
DATE:	00/00/00
RECORDED:	09/13/2000
REMARKS:	(RE: CASE NO. 2000ED-54)

(CONTINUED)

F-0718

EXHIBIT C to Ordinance
(111 & 113 North Main Street)

By: Kenneth L. Van
S OF SEARCH AND EXPLANATION OF ABBREVIATIONS
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 C53422010 STP

Additional Tax Numbers:

Legal Description:

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CHICAGO TITLE INSURANCE COMPANY

Order No.: 1410 C53422 O10 STP

Disclosures (Continued):

DOCUMENT/CASE NO.: R2001-019041
GRANTOR: WHEATON SANITARY DISTRICT
INSTRUMENT: LIEN
DATE: 01/30/2001
RECORDED: 02/02/2001
REMARKS: (FOR PROVIDING SEWERAGE & RELATED SERVICES)

F-0718