

ORDINANCE NO. F-0602

AN ORDINANCE OF THE CITY OF WHEATON, DU PAGE COUNTY, ILLINOIS,
AUTHORIZING THE DISMISSAL OF CERTAIN PENDING EMINENT DOMAIN
PROCEEDINGS REGARDING REAL PROPERTY WITHIN THE CITY OF WHEATON
MAIN STREET REDEVELOPMENT PROJECT AREA AND CERTAIN OTHER MATTERS

WHEREAS, the Mayor and City Council of the City of Wheaton, DuPage County, Illinois (the "City"), have 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 have heretofore approved a redevelopment plan (the "Plan"), designated a redevelopment project area (the "Project Area") for that portion of the City known as the City of Wheaton Main Street Redevelopment Project Area, and adopted tax increment allocation financing for the Project Area, all as authorized by the Tax Increment Allocation Redevelopment Act, as amended; and,

WHEREAS, the City has, in furtherance of said Plan, instituted certain eminent domain proceedings in the Circuit Court for the Eighteenth Judicial Circuit, DuPage County, Illinois regarding the real property legally described on Exhibit "A" attached hereto and incorporated herein (the "Subject Realty"), which is located within the Project Area;

WHEREAS, said proceedings are *City of Wheaton v. Sandberg, et al.*, 00 ED 052, *City of Wheaton v. Sandberg, et al.*, 00 ED 053 and *City of Wheaton v. Sandberg, et al.*, 00 ED 054 (collectively referred to as the "Pending Actions"); and

WHEREAS, subsequent to the public hearing regarding designation of the Project Area, but prior to passage of the ordinance designating the Project Area, certain changes were made to the Plan; and

WHEREAS, said changes did not alter the exterior boundaries of the Project Area, substantially affect the general land uses established in the Plan or substantially change the nature of the redevelopment project; and

WHEREAS, said changes generally serve to restrict certain actions to be taken by the City in furthering the Plan, including the ability of the City of Wheaton to forcibly acquire property by use of its power of eminent domain to certain specifically designated parcels of property within Project Area (inclusive of all three parcels which are the subject of the Pending Actions); and

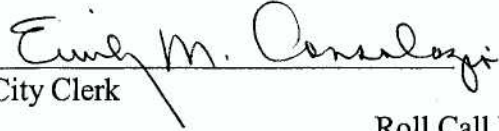
WHEREAS, written notice of such changes was mailed to all affected taxing districts and all property owners in the Project Area, however, notice of such changes was not published in a newspaper of general circulation in the Project Area; and

WHEREAS, an explanation of such changes was provided to the public at the meeting of the City Council where the Project Area was designated; and

PASSED AND APPROVED by and the Mayor and City Council of the City of Wheaton, Illinois, this 4th day of June, 2001.

Mayor 

ATTEST:


City Clerk

Roll Call Vote:

Ayes: Councilman Mork; Councilman Mouhelis; Councilman Eckhoff; Councilman Gresk; Councilman Johnson; Mayor Carr.

Nays: None.

Absent: Councilwoman Johnson.

Passed: June 4, 2001

Published: June 5, 2001

Exhibit A.

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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