



## ADDENDUM REGULAR VILLAGE BOARD MEETING

August 11, 2020

7:00 PM

### **6. CONSENT AGENDA**

- y. Consideration to adopt Ordinance No. 3674 ratifying the correct legal description of the property sought to be acquired by the Village and located at 1700-1706 Oakton Street within the Busse/Elmhurst Development Project Area.

(This Ordinance amends a previous Ordinance by addressing and clarifying the legal description of 1700-1706 Oakton Street.

(Additional research has revealed that 17 square feet of the property was sold in December of 2019 through a deed recorded in February of 2020. The sale was to IDOT and thus this 17 square feet is now public property and not subject to eminent domain power to acquire.)

In compliance with the Americans with Disabilities Act and other applicable Federal and State laws, the meeting will be accessible to individuals with disabilities. Persons requiring auxiliary aids and/or services should contact the Village Clerk, preferably no later than five days before the meeting.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE VILLAGE OF ELK GROVE VILLAGE, ILLINOIS  
RATIFYING THE CORRECT LEGAL DESCRIPTION OF THE PROPERTY SOUGHT  
TO BE ACQUIRED BY THE VILLAGE AND LOCATED AT 1700-1706 OAKTON  
STREET WITHIN THE BUSSE/ELMHURST REDEVELOPMENT PROJECT AREA**

**WHEREAS**, the Village of Elk Grove Village (the “Village”) is a home rule municipality as described in Section 6(a) Article VII of the 1970 Constitution of the State of Illinois, and as such, may exercise any power and function pertaining to its government and affairs; and

**WHEREAS**, pursuant to Section 11-74.4-4.2 of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.* (the “Act”), on March 11, 2014, the Village, after providing all notices and conducting a public hearing as required by the Act, adopted Ordinance No. 3372 designating the Busse/Elmhurst Redevelopment Project Area (“Redevelopment Project Area”); and

**WHEREAS**, pursuant to Section 11-74.4-4-2 of the Act, on March 11, 2014, the Village, after providing all notices and conducting a public hearing as required by the Act, adopted Ordinance No. 3371 which adopted the Busse/Elmhurst Redevelopment Plan and Project (the “Redevelopment Plan”); and

**WHEREAS**, the Redevelopment Plan included an eligibility study which concluded there were blighting factors in the Redevelopment Project Area qualifying it as a “conservation area” as defined in the Act, and the Redevelopment Plan called for the Village to eliminate these conditions of blight and to stimulate private investment in the Redevelopment Project Area by using various means, including eminent domain, if needed, as authorized by the Act; and

**WHEREAS**, pursuant to Section 11-74.4-4(c) of the Act, the Village has express authority to acquire by purchase or eminent domain real property that the Village deems to be reasonably necessary to achieve the objectives of the Redevelopment Plan; and

**WHEREAS**, on April 14, 2020, the Mayor and Board of Trustees of the Village passed and approved Ordinance No. 3655 deeming it necessary and advisable and in the public interest and welfare to acquire title to certain real estate located at 1700-1706 Oakton Street (the “Property”) within the Redevelopment Project Area; and

**WHEREAS**, after adoption of Ordinance No. 3655, the Village obtained an updated title commitment on the Property and within said title commitment it was determined that 17 square feet of the Property legally described in Ordinance No. 3655 had been conveyed to the Illinois Department of Transportation through a Warranty Deed dated December 4, 2019 and recorded on February 24, 2020 under Document No. 2005546174; and

**WHEREAS**, the legal description for the Property less the 17 square feet that was conveyed now reads as follows, as set forth in Exhibit A attached hereto and incorporated herein:

The South 275.000 feet, (as measured along the West line of Busse Road) of the East 200.00 feet, (as measured along the South line of the Southeast 1/4) of that part of the Southeast 1/4 of Section 22, Township 41 North, Range 11, East of the Third Principal Meridian, lying West of the West line of the Busse Road, as per the Instrument recorded February 8, 1939 as Document 12269603, excepting from the aforesaid tract that part taken for Oakton Street recorded March 27, 1928 as Document 9967968 and also except that part for additional dedication for Oakton Street in the Circuit Court of Cook County, Illinois per Case 68113091, and except that part conveyed to the People of the State of Illinois, Department of Transportation in Deed recorded as Document No. 2005546174, in Cook County, Illinois.

**WHEREAS**, the Village continues to deem it necessary and advisable and in the public interest and welfare of the Village to acquire and perpetually own the Property less the 17 square feet that was conveyed as legally described above and in Exhibit A hereto for those purposes and uses set forth in Ordinance No. 3655; and

**WHEREAS**, while the Village believes that the legal description of the Property set forth within Ordinance No. 3655 is sufficient and reasonably describes the real estate sought to be acquired by the Village in accordance with the applicable Illinois case law, by adoption of this Ordinance, the Mayor and Board of Trustees of the Village desire to clarify and correct the legal description set forth in Exhibit A to Ordinance No. 3655 to delete the 17 square feet that has been conveyed, to provide for the Village's acquisition of the Property as legally described in Exhibit A attached hereto and incorporated herein, and to ratify and reaffirm Ordinance No. 3655 in all other respects; and

**WHEREAS**, by the passage of this Ordinance, the Mayor and Board of Trustees of the Village further desire to ratify and reaffirm that it was always the Village's intent under Ordinance No. 3655 to acquire the entire parcel of real estate bearing permanent index number 08-22-403-010-0000 and located at 1700-1706 Oakton Street within the Village as legally described as set forth above and in Exhibit A attached hereto and incorporated herein.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Cook and DuPage Counties, 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 and in the best interest of the Village to acquire the Property as described in Exhibit A attached hereto in fee simple, by negotiation or by eminent domain as authorized under 65 ILCS 5/11-74.4-4, and as provided for herein and under Ordinance No. 3655.

**Section 3:** That the legal description of the Property in Ordinance No. 3655 is hereby clarified and amended to legally describe the real estate sought to be acquired by the Village as

being set forth in Exhibit A attached hereto and incorporated herein, and Ordinance No. 3655 is hereby ratified and reaffirmed in all other respects.

**Section 4:** That the Village Manager, his staff, and the Village Attorneys continue to be, and are again hereby confirmed to be authorized to take the necessary steps by negotiation or by condemnation, if necessary, to acquire fee simple title to the Property as legally described in Exhibit A attached hereto.

**Section 5:** 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 the validity of any of the remaining provisions of this Ordinance.

**Section 6:** That this ordinance shall be in full force and effect from and after its passage and approval according to law.

**PASSED AND APPROVED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**VOTE:**      **AYES:** \_\_\_\_\_ **NAYS:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

**PASSED this** \_\_\_\_\_ **day of** \_\_\_\_\_, **2020.**

**APPROVED this** \_\_\_\_\_ **day of** \_\_\_\_\_, **2020.**

**APPROVED:**

\_\_\_\_\_  
**Mayor Craig B. Johnson**  
**Village of Elk Grove Village**

**ATTEST:**

\_\_\_\_\_  
**Loretta M. Murphy**  
**Village Clerk**

**EXHIBIT A**

**Legal Description  
1700-1706 Oakton Street  
Elk Grove Village, Illinois 60007**

The South 275.000 feet, (as measured along the West line of Busse Road) of the East 200.00 feet, (as measured along the South line of the Southeast 1/4) of that part of the Southeast 1/4 of Section 22, Township 41 North, Range 11, East of the Third Principal Meridian, lying West of the West line of the Busse Road, as per the Instrument recorded February 8, 1939 as Document 12269603, excepting from the aforesaid tract that part taken for Oakton Street recorded March 27, 1928 as Document 9967968 and also except that part for additional dedication for Oakton Street in the Circuit Court of Cook County, Illinois per Case 68113091, and except that part conveyed to the People of the State of Illinois, Department of Transportation in Deed recorded as Document No. 2005546174, in Cook County, Illinois.

Permanent Index Number: 08-22-403-010-0000