

ORDINANCE NO. F-0719

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

**(101-103 West Front Street, Wheaton, Illinois
105 West Front Street, Wheaton, Illinois
106 North Main Street, Wheaton, Illinois
108 North Main Street, Wheaton, Illinois
110 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 September 11, 2000, the Corporate Authorities passed and approved Ordinance No. F-0512 authorizing the acquisition by either negotiation or condemnation of certain properties commonly known as 102-110 North Main Street for purposes of accomplishing the redevelopment goals of the City of Wheaton; and

WHEREAS, on September 12, 2000, the City of Wheaton filed condemnation in Case No. 00ED052, City of Wheaton v. Robert O. Sandberg, et al., 18th Judicial Circuit of Illinois; and

WHEREAS, through the course of the condemnation case, the owner of the property expressed his objection to the acquisition of his property, and expressed his strong preference for the opportunity to undertake his own redevelopment of the property, and maintain his business as part of the Downtown Redevelopment Area; and

WHEREAS, on June 7, 2001, the Corporate Authorities adopted Ordinance No. F-0602 authorizing the dismissal of the pending eminent domain proceedings, and expressed the City's willingness to allow the owner of the properties under condemnation the chance to pursue private

redevelopment opportunities, and reserving the right to reinstitute eminent domain proceedings at a future date; 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 newly adopted Wheaton Main Street Redevelopment Area Project Plan specifically finds that the purpose of the Redevelopment Plan is to encourage private investment of underutilized and vacant properties in order to strengthen the economy, tax base and business environment in the City of Wheaton; and

WHEREAS, the Redevelopment Plan also indicates that the overall goal is to prepare commercial corridor improvement plans that establish street scape and façade design elements that can unify the image of both public and private properties in the Redevelopment Plan Area; and

WHEREAS, the Plan further states as follows:

"Block 302 is part of the pedestrian core of the commercial business district, but the pedestrian nature is compromised by ground floor vacancies, underutilized ground floor space and ineffective use of second floor space. The age and character of buildings on this block make it physically attractive, yet the difficulty to maintain old buildings is obvious in the physical decay of structures and in building obsolescence. Most importantly, the chronic vacancy that occurs on this prominent downtown block is a strong threat to the health of the entire central business district. It is necessary to encourage private investment and participation in the strengthening of this block. It is also necessary for the City to identify and pursue the specific tools that it may use to encourage redevelopment enhancement of this block. These tools may range from providing financial assistance to property owners and developers, to property acquisition....opportunities for strengthening ground floor retailing activities current exist in the first two buildings along Main Street north of Front Street and the Masonic Temple."; 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, 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.

WHEREAS, the Corporate Authorities find that the owner of the parcel described in the attached **Exhibit A** and depicted in the attached **Exhibit B**, has expressed his repeated interest in maintaining his business as part of the Downtown Commercial Business District, and that he be given further opportunity to undertake his own redevelopment of his property; and

WHEREAS, the Corporate Authorities of the City of Wheaton continue to believe that acquisition of this property is both necessary and proper to achieve the goals of the Redevelopment Plan, but express their intent to refrain, at this time, from pursuing a forced acquisition of these properties through eminent domain, and continuing their determination to extend opportunity to the owner to undertake redevelopment of the property if the owner rejects the City offer to purchase.

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 **Exhibits 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.

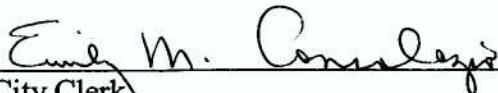
SECTION 4: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

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.



Mayor

ATTEST:



City Clerk

Ayes:	<u>Roll Call Vote:</u> Councilman Gresk Councilman Johnson Mayor Carr Councilwoman Johnson Councilman Mork Councilman Mouhelis
Nays:	Councilman Eckhoff
Absent:	None

Motion Carried

Passed: May 20, 2002
Published: May 21, 2002