

WHEATON PARK DISTRICT

**ORDINANCE AUTHORIZING THE ACQUISITION OF A CERTAIN PROPERTY
COMMONLY KNOWN AS THE WILLIAMS PROPERTY FOR PARK DISTRICT
PURPOSES BY THE WHEATON PARK DISTRICT - APPROXIMATELY 1.525 ACRES
LOCATED AT 1313 GARY AVENUE IN WHEATON, ILLINOIS**

ORDINANCE 2017-05

WHEREAS, the Wheaton Park District (the “Park District”), DuPage County, Illinois is a duly authorized and existing Park District under the laws of the State of Illinois; and

WHEREAS, the Statutes of the State of Illinois pertaining to such matters provide that park districts shall have the power to acquire real estate, or rights therein necessary for building, laying out, extending, adorning and maintaining any such parks, boulevards and driveways, or for affecting any of the powers or purposes granted under this Code as its board may deem proper; and

WHEREAS, the Commissioners of the Park District deem it advisable and in the public interest and welfare to acquire fee simple title to additional real estate within the boundaries of the Park District for the purpose of building, laying out, extending, adorning and maintaining any such parks, boulevards and driveways, or for affecting any of the powers or purposes granted under this Code as its Board may deem proper; and

WHEREAS, the Commissioners of the Park District find that a fee simple interest in the real estate described in the attached Exhibit “A” should be acquired and is necessary and desirable for the purposes as hereinabove set forth; and

WHEREAS, for this purpose, the Commissioner of the Park District adopted Ordinance Nos. 2015-07 and 2016-01, empowering the Executive Director, his staff and the Park District’s attorneys to take the necessary steps either by negotiation or condemnation, to acquire the real estate described in Exhibit A; and

WHEREAS, on January 22, 2016, the Park District filed a Complaint for Condemnation against Barbara McLaren Williams as Trustee of the Barbara McLaren Williams Trust dated August 10, 1988, et al., in the Eighteenth Judicial Circuit for the State of Illinois, DuPage County, under Case No. 2016 ED 2, to acquire the property described in Exhibit A; and

WHEREAS, the owner of the subject property is the Barbara McLaren Williams Trust dated August 10, 1988, and that said owner has agreed to settle the aforementioned condemnation case on the terms and conditions set forth in the Stipulation and Settlement Agreement, a copy of which is attached hereto and made a part hereof as Exhibit B.

NOW, THEREFORE, be it ordained by the Commissioners of the Wheaton Park District, a Park District existing under the laws of the State of Illinois as follows:

1. That it is necessary and desirable that the real estate described herein in Exhibit A be acquired by the Park District for one or more of the purposes set forth.

2. That, upon receipt of a clean Phase I Environmental Site Assessment, the Executive Director and Board of Commissioners of the Park District, acting through their authorized agent and attorney be, and they hereby are, empowered to take the necessary steps to acquire title to the real estate, described in Exhibit A.
3. That the President and Secretary of the Board of Commissioners of the Park District be, and hereby are, authorized to sign and attest to the Stipulation and Settlement Agreement, a copy of which is attached hereto and made a part hereof as Exhibit B.
4. That the Attorney and Executive Director of the Park District are authorized to take the necessary steps after acquiring the subject property to properly remove said real estate from the general real estate tax rolls.
5. That the Secretary of the Board of Commissioners be, and hereby is, authorized and directed to transmit a certified copy of this Ordinance to the Executive Director, Secretary, Treasurer and attorney for the Park District.
6. That the Secretary of the Board of Commissioners be, and hereby is, authorized and directed to retain the original executed Stipulation and Settlement Agreement attached to this Ordinance and transmit an executed original Agreement to the Executive Director of the Park District and to transmit an executed original Agreement to the Law Offices of Schirott, Luetkehans & Garner, LLC, 105 E. Irving Park Road, Itasca, Illinois 60143.

This Ordinance shall be in full force and effective immediately upon its adoption and approval.

Adopted this 19th day of July, 2017.

AYES: Fahney, Frey, Kolly, Mee, Vires

NAYS: Ø

ABSENT: Hodgkinson, Morrill



President Board of Park Commissioners
Wheaton Park District

ATTEST:



Secretary, Board of Park Commissioners
Wheaton Park District

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION OF SUBJECT REALTY

LOT 1 IN WILLIAMS RESUBDIVISION, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST ¼ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 28, 1989, AS DOCUMENT R89-120886, IN DUPAGE COUNTY, ILLINOIS

AND

LOTS 2, 3 AND 4 OF WILLIAMS RESUBDIVISION OF LOT 8 IN THOMPSON'S SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHEAST ½ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 19, 1978, AS DOCUMENT R78-89345, IN DUPAGE COUNTY, ILLINOIS

Permanent Index Number(s): 05-08-408-032; 05-08-408-033; 05-08-408-034; 05-08-408-035

Address of Real Estate: 1313 Gary Avenue, Wheaton, Illinois

EXHIBIT "B"

STIPULATION AND SETTLEMENT AGREEMENT