

ORDINANCE

AN ORDINANCE AUTHORIZING AND DIRECTING THE ACQUISITION THROUGH CONDEMNATION OF THE PROPERTY COMMONLY KNOWN AS AND LOCATED AT 3-31 MADISON STREET AND 509 S. HUMPHREY AVENUE

WHEREAS, the Village of Oak Park ("**Village**"), as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, there is property in the Village located at and commonly known as 3-31 Madison Street and 509 S. Humphrey Avenue (sometimes known as 11 Madison Street), having the P.I.N.s., and being legally described in **Exhibit A** attached hereto and incorporated herein ("**Property**"); and

WHEREAS, the Property is located entirely within the Village and it is listed for sale; and

WHEREAS, the acquisition of the Property by the Village will further a legitimate public use and public purpose; and

WHEREAS, the Village intends and desires to own, control and use the Property for a public building and facility or other legitimate public use or public purpose; and

WHEREAS, the Village delivered to the owner of record for the Property ("**Owner**") multiple written good-faith offers to purchase the Property in an effort to acquire the Property in a voluntary purchase and sale transaction; and

WHEREAS, the Owner has informed the Village that it is unwilling to accept any of the good-faith offers made by the Village for the voluntary purchase of the Property; and

WHEREAS, the Village has engaged the Owner in good-faith negotiations with the intent of reaching a mutual agreement on a price and other terms for which the Owner would be willing to sell the Property to the Village, and for which the Village would be willing to purchase the Property from the Owner ("**Just Compensation**"); and

WHEREAS, the Village intends to make a best and final offer to the Owner through the provision of a letter based upon an independent appraisal prepared by a certified and licensed appraiser in an effort to acquire the Property for Just Compensation in a voluntary purchase and sale transaction ("**Village's Best and Final Offer**"), and if, after making the Village's Best and Final Offer, the Village and the Owner are not able to agree upon Just Compensation for the Property within a reasonable period of time, the Village President and Board of Trustees adopt this Ordinance to authorize and direct the initiation of eminent domain proceedings to acquire fee simple title to the Property by condemnation; and

WHEREAS, the Village President and Board of Trustees specifically find that acquiring the Property would be useful, advantageous, and desirable for municipal purposes and the public welfare, and that it is necessary, convenient, desirable, and in the best interests of the Village to acquire the Property for public ownership, control, and use as a public building and facility or other legitimate public use or public purpose in the manner, and pursuant to the powers and authority, set forth in this Ordinance and in the Illinois Compiled Statutes, including specifically, but without limitation, the provisions of Sections 11-61-

1 *et seq* of the Illinois Municipal Code, 65 ILCS 5/11-61-1 *et seq*, and the Illinois Eminent Domain Act, 735 ILCS 30/1-1-1 *et seq*; and

NOW THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Oak Park, Cook County, Illinois, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein by reference.

Section 2. Acquisition of Property Necessary, Convenient, Useful, Advantageous and Desirable. The Village Board finds that it is necessary, convenient, useful, advantageous and desirable for the Village to acquire the Property in furtherance of the legitimate public use and purposes set forth in the recitals of this Ordinance and as may otherwise be authorized by law. The Village Board finds that the Property is proper and appropriate for such public use and purposes, that the Property is properly and lawfully subject to condemnation by the Village and that the Village is properly exercising its power of eminent domain for the acquisition of the Property.

Section 3. Authorization and Direction for Acquisition. The Village Manager and the Village Attorney, or their designees, are authorized and directed to submit the Village's Best and Final Offer to the Owner in accordance with this Ordinance and to negotiate in good-faith for and on behalf of the Village with the Owner for the purchase of the Property. If the Owner and the Village are unable to agree on Just Compensation to be paid by the Village to the Owner for the purchase of the Property within a reasonable period of time, or if the Owner fails to respond or refuses to accept the Village's Best and Final Offer within a reasonable period of time, then the Village Board, in furtherance of the findings and public use and purposes set forth in this Ordinance and in accordance with the authority conferred by the Illinois Compiled Statutes including specifically, but without limitation, the provisions of Section 11-61-1 *et seq* of the Illinois Municipal Code (65 ILCS 5/11-61-1 *et seq*) and the Illinois Eminent Domain Act (735 ILCS 30/1-1-1 *et seq*), authorizes and directs the Village Manager and the Village Attorney, or their designees, to file a complaint for condemnation in the Circuit Court of Cook County, Illinois and prosecute to completion such eminent domain or other legal proceedings to acquire fee simple title to the whole Property, free and clear of all liens, easements and encumbrances.

Section 4. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity thereof will not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance will be in full force and effect after its passage, approval and publication as required by law.

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ADOPTED this __ day of _____, 2025, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Eder				
Trustee Enyia				
Trustee Leving Jacobson				
Trustee Straw				
Trustee Taglia				
Trustee Wesley				

APPROVED this __ day of _____, 2025.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this __ day of _____, 2025.

Christina M. Waters, Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY TO BE ACQUIRED

LOTS 1 THROUGH 10 ALL INCLUSIVE, IN WILSON'S AUSTIN BOULEVARD AND MADISON STREET SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF FILED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, AS DOCUMENT NUMBER 91638.

AND

LOTS 1, 2 AND 3 IN HOLTON'S SUBDIVISION OF THE EAST HALF OF LOT 2 OF HENRY C. WILSON'S SUBDIVISION OF THE NORTH HALF OF THE EAST 10 ACRES OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE EAST 337 FEET THEREOF) IN COOK COUNTY, ILLINOIS.

Street address: 3-31 Madison Street and 509 S. Humphrey Avenue (sometimes known as 11 Madison Street), Oak Park, Illinois

P.I.Ns.: 16-17-107-035-0000, 16-17-107-034-0000, 16-17-107-004-0000, 16-17-107-003-0000, 16-17-107-002-0000, 16-17-107-001-0000, 16-17-106-017-0000, and 16-17-106-018-0000