

ORDINANCE NO. _____

**ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY
BY PURCHASE OR BY THE EXERCISE OF EMINENT DOMAIN**

WHEREAS, the City of Joliet, (“City”) is an Illinois home rule municipality, and Article VII, Section 6(a) of the Illinois Constitution allows home rule municipalities the ability to exercise any power and perform any function pertaining to its government and affairs except as limited by Section 6(a), including but not limited to, the power to regulate for the protection of the public health, safety, morals, and welfare to license, to tax, and to incur debt; and

WHEREAS, pursuant to Illinois Municipal Code, including the provisions of Chapter 65 ILCS 5/11-61-1, et seq., the City is authorized and empowered to acquire by eminent domain property that is useful, advantageous or desirable for municipal purposes or for the public welfare; and

WHEREAS, the City of Joliet is also authorized by the provisions of Chapter 65 ILCS 5/11-61-2 of the Illinois Municipal Code, to exercise the right of eminent domain to acquire property necessary for the establishment of streets and other public grounds; and

WHEREAS, the City of Joliet is proposing to construct a bridge on Millsdale Road over the Union Pacific Railroad and has determined the necessity to acquire certain real property located in the City to implement the new bridge construction; and

WHEREAS, the City of Joliet has determined that it is useful, desirable and necessary that the City acquire the parcel(s) of real property legally described in Exhibit A attached hereto and made a part hereof (the “Subject Parcels”), in order to construct the proposed bridge project; and

WHEREAS, the City, by and through the Director of Public Works, has engaged with consultants for title investigation and appraisal of the Subject Parcels on behalf of the City, and to implement the objectives of the bridge construction project on behalf of the City, has issued to the record owner(s) thereof a formal offer to purchase fee title interest in the Subject Parcels on the basis of opinions provided by a licensed real estate appraiser; and

WHEREAS, the City, by and through the Director of Public Works, has been unable to reach an agreement regarding the amount of just compensation to be paid for or in respect of the Subject Parcels with the record owner(s) thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET AS FOLLOWS:

SECTION 1: The foregoing recitals are hereby adopted as findings of fact.

SECTION 2: The Corporation Counsel is hereby authorized and directed to institute and prosecute condemnation proceedings on behalf of the City to obtain fee simple title to, or any lesser property interest, in and to the Subject Parcels under the City’s power of eminent domain, and to further act on behalf of the City in carrying out the responsibilities and duties authorized and mandated by this ordinance, including engagement of special counsel, appraisers, surveyors, title investigators and/or other consultants or expert witnesses on behalf of the City in relation to said condemnation proceedings.

SECTION 3: The City Manager is hereby further authorized to make such compensation for the Subject Parcels as may be ordered by the Court. This authorization shall extend to preliminary and final payments of just compensation and any other award or order made by the Court. The payment of such compensation shall constitute formal acceptance of the real property by the City.

SECTION 4: This Ordinance, including the legal descriptions set forth in the attached Exhibit, shall be deemed severable and the invalidity of any portion hereof shall not be deemed so as to invalidate the remainder.

SECTION 5: This Ordinance shall take effect immediately upon its passage.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL IN THE MANNER PROVIDED BY LAW.

PASSED this _____ day of _____, 2024.

MAYOR

CITY CLERK

VOTING YES: _____

VOTING NO: _____

NOT VOTING: _____

Exhibit "A"

**DESCRIPTION OF PROPERTY
TO BE ACQUIRED**

(SUBJECT TO FINAL SURVEY AND TITLE COMMITMENT)

PARCEL 0001:

Common Address: South of Millsdale Road, West of UPRR Right-of-Way.

PIN(s): Part of 10-11-08-201-0010 & Part of 10-11-08-201-0020

Legal Description:

THAT PART OF LOT 27 - BLOCK 2 IN CENTERPOINT INTERMODAL CENTER AT JOLIET PHASE EIGHTEEN, BEING A RESUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 4, AND PART OF THE NORTHWEST QUARTER OF SECTION 9, AND PART OF SECTIONS 5 AND 8, ALL IN TOWNSHIP 34 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 2018, AS DOCUMENT R2018- 027533 IN THE OFFICE OF THE RECORDER, WILL COUNTY, ILLINOIS, BEING BOUNDED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERN CORNER OF SAID LOT 27; THENCE SOUTH 88 DEGREES 13 MINUTES 13 SECONDS WEST (BASIS OF BEARINGS IS THE AFORESAID PHASE EIGHTEEN PLAT OF SUBDIVISION) ALONG THE NORTHERN LINE OF SAID LOT 27 A DISTANCE OF 220.46 FEET TO A BEND POINT; THENCE SOUTH 88 DEGREES 16 MINUTES 55 SECONDS WEST ALONG THE NORTHERN LINE OF SAID LOT 27 A DISTANCE OF 1712.81 FEET TO THE NORTHWESTERN CORNER OF SAID LOT 27; THENCE SOUTH 01 DEGREES 43 MINUTES 05 SECONDS EAST ALONG THE WESTERN LINE OF SAID LOT 27 A DISTANCE OF 250.00 FEET; THENCE NORTH 88 DEGREES 16 MINUTES 55 SECONDS EAST PARALLEL WITH AND 250 FEET SOUTHERLY OF THE NORTHERN LINE OF SAID LOT 27 A DISTANCE OF 1712.50 FEET; THENCE SOUTH 61 DEGREES 40 MINUTES 25 SECONDS EAST 171.42 FEET TO A POINT ON THE EASTERN LINE OF SAID LOT 27, SAID POINT LYING SOUTH 10 DEGREES 26 MINUTES 11 SECONDS WEST 343.77 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 10 DEGREES 26 MINUTES 11 SECONDS EAST ALONG THE EASTERN LINE OF SAID LOT 27 A DISTANCE OF 343.77 FEET TO THE POINT OF BEGINNING, CONTAINING 483,762 SQUARE FEET OR 11.106 ACRES, MORE OR LESS, ALL IN WILL COUNTY, ILLINOIS.