

ORDINANCE NO. CO-2021-34

**AN ORDINANCE AUTHORIZING CONDEMNATION
OF A PUBLIC UTILITY AND SIDEWALK EASEMENT ON PROPERTY AT 600 SOUTH 9TH AVENUE**

WHEREAS, the Village of Maywood (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village is authorized by the provisions of the Illinois Municipal Code at 65 ILCS 5/11-61-1 and the Illinois Eminent Domain Act at 735 ILCS 30/5-5-5(d) to exercise the right of eminent domain by condemnation proceedings to acquire private property useful, advantageous or desirable for municipal purposes or public welfare; and

WHEREAS, the Village, utilizing funds provided by the Illinois Department of Transportation ("IDOT"), is undertaking the full reconstruction of Washington Boulevard, a public right-of-way within the jurisdiction of the Village, from 9th Avenue to 21st Avenue, including drainage improvements, traffic signal improvements, intersection modernization, and lighting improvements (collectively, the "Project"); and

WHEREAS, in order to obtain the IDOT funding needed to complete the Project, it is necessary for the Village to obtain certain permanent public utility and sidewalk easements on private property at the intersection of Washington Boulevard and 9th Avenue, for the purpose of hosting proposed Americans With Disabilities Act ("ADA") sidewalk ramps and traffic signals as part of the Project. Each easement includes a 10' x 10' triangular shape (50 square foot) specifically located behind the area where the public sidewalks meet at each corner. The individual addresses are 517 S. 9th Avenue, 518 S. 9th Avenue, 600 S. 9th Avenue, and 601 S. 9th Avenue, and the acquisition of the Easements and a Plat of Easement showing the proposed permanent public utility and sidewalk easements for the construction of the Project (collectively, the "Easements") was previously approved by the Board of Trustees pursuant to the adoption of Resolution No. R-2021-49, entitled "A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A PLAT OF HIGHWAYS AND PUBLIC UTILITY AND SIDEWALK EASEMENT PAYMENTS FOR VARIOUS EASEMENTS FOR THE WASHINGTON BOULEVARD IMPROVEMENTS PROJECT"; and

WHEREAS, a land acquisition specialist retained by the Village has or is negotiating for three (3) of the four (4) Easements. The land acquisition specialist has been unable, after significant effort and research, to determine ownership of the fourth Easement, located at 600 South 9th Avenue (the "600 South 9th Avenue Easement"), and has recommended that the Village file a condemnation action in order to obtain the 600 S. 9th Avenue Easement; and

WHEREAS, it is useful, advantageous, necessary and desirable for the Village to acquire the 600 South 9th Avenue Easement, in order to construct the Project improving Washington Boulevard, a major thoroughfare in the Village; and

WHEREAS, pursuant to the authority granted under the applicable provisions of the Illinois Municipal Code (65 ILCS 5/11-61-1) and the Illinois Eminent Domain Act (735 ILCS 30/5-5-5(d)), the

President and Board of Trustees of the Village of Maywood find that it is in the best interests of the Village, its residents and the public to approve this Ordinance authorizing the initiation of a condemnation action relative to acquisition of the 600 South 9th Avenue Easement.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: The Village Board of Trustees finds that it is useful, advantageous and necessary to acquire the 600 South 9th Avenue Easement legally described in Section 4 below for the purpose of constructing the Project.

SECTION 3: The Board of Trustees authorizes the Village Attorney to engage in further negotiations for and on behalf of the Village with the owner or owners of the property on which the 600 South 9th Avenue Easement is located, for acquisition of the Easement.

SECTION 4: In the event the Village Attorney is unable to ascertain the owner or owners, or to agree with the owner(s) of said property as to the compensation to be paid therefor, then title to and possession of the 600 South 9th Avenue Easement property shall be acquired by the Village through condemnation, and Klein, Thorpe and Jenkins, Ltd., as attorneys for the Village, are hereby authorized and directed to institute proceedings in any court of competent jurisdiction to acquire title to and possession of portions of the 600 South 9th Avenue Easement for the Village of Maywood in accordance with the eminent domain laws of the State of Illinois. The 600 South 9th Avenue Easement is legally described as follows:

THAT PART OF LOT 20 IN NICHOLAS KOCH'S SUBDIVISION OF BLOCK 7 IN SMITH'S ADDITION TO MAYWOOD, IN THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 20; THENCE SOUTH 02 DEGREES 07 MINUTES 06 SECONDS EAST, BEARINGS ARE BASED ON THE ILLINOIS STATE PLAN COORDINATE SYSTEM, EAST ZONE NAD83 (2011 ADJUSTMENT), ALONG THE EAST LINE OF SAID LOT 20, 10.0 FEET; THENCE NORTH 47 DEGREES 08 MINUTES 45 SECONDS WEST, 14.14 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 20; THENCE NORTH 87 DEGREES 49 MINUTES 36 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 20, 10.0 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

SAID PARCEL CONTAINING 50 SQUARE FEET, MORE OR LESS.

PIN No.: 15-10-427-010-0000 (PART OF)

ADDRESS COMMONLY KNOWN AS: 600 SOUTH 9TH AVENUE, MAYWOOD, ILLINOIS

SECTION 5: This Ordinance shall be in full force and effect from and after its approval, adoption and publication in the manner provided by law.

ADOPTED this 14th day of December, 2021 pursuant to a roll call vote as follows:

AYES: Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Jones, M. Lightford, A. Peppers and I. Brandon

NAYS: None

ABSENT: None

APPROVED by me as Village President, and attested by the Village Clerk, on the 14th day of December, 2021.

Nathaniel George Booker, Village President

ATTEST:

Gwaine Dianne Williams, Village Clerk

This Ordinance was published by me in pamphlet form on the 15th day of December, 2021.

Gwaine Dianne Williams, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Gwaine Dianne Williams, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. CO-2021-34

**AN ORDINANCE AUTHORIZING CONDEMNATION
OF A PUBLIC UTILITY AND SIDEWALK EASEMENT ON PROPERTY AT 600 SOUTH 9TH AVENUE**

which Ordinance was passed by a roll call vote of the Board of Trustees of the Village of Maywood at a Special Village Board Meeting held on the 14th day of December, 2021, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 14th day of December, 2021.

I further certify that the roll call vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Jones, M. Lightford, A. Peppers and I. Brandon

NAYS: None

ABSENT: None

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 15th day of December, 2021.

Gwaine Dianne Williams, Village Clerk

[SEAL]