

VILLAGE OF ORLAND PARK

Ordinance No: # 4387

AN ORDINANCE AUTHORIZING THE NEGOTIATION FOR THE ACQUISITION OF CERTAIN PROPERTY LOCATED WITHIN THE “MAIN STREET TRIANGLE REDEVELOPMENT PROJECT AREA” BY THE VILLAGE OF ORLAND PARK, COOK COUNTY, ILLINOIS (Orland Plaza Shopping Center)

WHEREAS, the Village of Orland Park (the “Village”) is a home rule municipality organized and existing under the provisions of the Illinois Constitution, Article 7, Section 6; and

WHEREAS, the Village is authorized and empowered by their constitutional home rule authority to acquire property that is useful, advantageous or desirable for municipal purposes or for the public health, welfare and safety; and

WHEREAS, on October 4, 2004, the Village President and Village Board passed and approved Ordinance #3941 “An Ordinance Approving the Village of Orland Park Main Street Triangle Tax Increment Financing Redevelopment Plan and Project” for the Village of Orland Park Main Street Triangle Redevelopment Project Area; and

WHEREAS, on October 4, 2004, the Village adopted Ordinance #3942 “An Ordinance Designating the Village of Orland Park Main Street Triangle Redevelopment Project Area” and Ordinance #3943 “An Ordinance Adopting Tax Increment Financing for the Village of Orland Park Main Street Triangle Redevelopment Project Area”; and

WHEREAS, on August 6, 2007, the Village adopted Ordinance #4278 “An Ordinance Proposing Approval of an Amendment to the Redevelopment Plan and Project for the Main Street Triangle Redevelopment Project Area and Convening a Joint Review Board and Calling a Public Hearing in Connection Therewith”; and

WHEREAS, on October 15, 2007, the Village adopted Ordinance #4297 “An Ordinance Approving an Amendment to the Village of Orland Park, Main Street Triangle Tax Increment Financing Plan and Project”; and

WHEREAS, on October 15, 2007, the Village adopted Ordinance #4298 “An Ordinance Amending the Designation of the Village of Orland Park Main Street Triangle Redevelopment Project Area”; and

WHEREAS, on October 15, 2007, the Village adopted Ordinance #4299 “An Ordinance Adopting Tax Increment Financing for the Village of Orland Park, Cook and Will Counties, Illinois, in Connection with the Designation of the Amended Village of Orland Park Main Street Triangle Redevelopment Project Area”; and

WHEREAS, the Village has undertaken the acquisition of more than 20 acres of land located within the Main Street Triangle Redevelopment Area Plan and Project Area, and has managed to assemble all of the collective land interests within the Project Area, with the exception of the Orland Plaza Shopping Center property described in **Exhibit A** and depicted in **Exhibit B** to this Ordinance; and

WHEREAS, the Village has undertaken comprehensive review of the roadway network serving the Main Street Triangle Redevelopment Area, and has identified the need for the acquisition in fee simple of additional land necessary and desirable for the construction of roads including a northerly extension of Ravinia Avenue, Jefferson Street, and the easterly extension of B Street as described in **Exhibit C** and as depicted in **Exhibit D** to this Ordinance; and

WHEREAS, the Village's consultant, SPACECO Inc., has prepared a conceptual design for public utilities and public improvements to be constructed by the Village for utilization of the Orland Plaza Shopping Center Parcel to serve the health, benefit, welfare and safety of the residents of the Village of Orland Park and the general public, said design being attached hereto and incorporated herein as **Exhibit E**; and

WHEREAS, the construction and maintenance of the roadway network as permanent public land, accessible to and servicing the general population of the Village, will require the demolition of certain shopping center improvements both within the area of the roadways and on land adjacent to the roadway network, and in order to accomplish demolition of the buildings, grading of the area and restoration of the adjacent land, the Village will need to acquire temporary construction easements for an 18 month duration over the property described in **Exhibit F** and depicted in Exhibit D to this Ordinance; and

WHEREAS, the construction of the roadway network and the development of the balance of the Main Street Triangle Redevelopment Area will also require the installation of public utilities including sanitary sewers, storm sewers and municipal water mains, and for this reason it will be necessary for the Village to acquire permanent non-exclusive utility easements over the property described in **Exhibit G** and depicted in Exhibit D attached to this Ordinance; and

WHEREAS, the Village recognizes that the public real property rights necessary for the acquisition and construction of the permanent public right-of-way and public utility lines require demolition and a significant intrusion into the current shopping center use of the Orland Plaza Shopping Center, and as a result, there is a possibility that the property owner will prefer that the Village acquire the entire Orland Plaza Shopping Center as described in Exhibit A and depicted in Exhibit B attached to this Ordinance; and

WHEREAS, the Village President and the Village Board deem it in the best interest of the Village to provide flexibility to the Village staff and attorneys in processing negotiations with the property owner so as to permit the submission of an offer to purchase either the partial interests deemed necessary for the public improvements as detailed herein, or in the alternative, the purchase of the entire parcel of property described in Exhibit A and depicted in Exhibit B, if requested by the property owner; and

WHEREAS, the Village President and the Village Board find that the temporary and permanent easements described Exhibits F and G and depicted in Exhibit D attached hereto, and a fee simple interest in the real estate described in Exhibit C and depicted in Exhibit D attached hereto, should be acquired and held in public ownership in perpetuity to serve the transportation needs of the residents of the Village of Orland Park, to serve the general, health, welfare and safety of the Village, and to fulfill the goals and purposes of the Main Street Triangle Redevelopment Project Area for the Village; 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 Village, has obtained a title commitment identifying the record title holder of the real estate described in the attached Exhibit A and depicted in the attached Exhibit B to be: Orland Park Building Corporation, a copy of said title commitment being attached hereto and incorporated herein as **Exhibit H**; and

WHEREAS, the Village President and the Village Board, through consultation with qualified expert consultants, have determined valuations for the fee simple and easement acquisitions referenced herein, which the Village believes represents fair amounts to be offered to the property owner; and

WHEREAS, the Village has determined that it is necessary and desirable to acquire in fee simple that portion of the Orland Plaza Shopping Center Parcel described and depicted in Exhibits C and D, and the temporary and permanent easements depicted in Exhibits D, F and G, for the public purposes set forth in this Ordinance, and as otherwise authorized under the provisions of the Illinois Constitution and Illinois statutes, while further allowing for the flexibility to acquire in fee simple the property described and depicted in Exhibits A and B, respectively, if preferred by the property owner; and

WHEREAS, in order to effectuate the purposes set forth in this Ordinance, the Village expressly declares that it shall maintain in perpetuity public control over the roadways and permanent easements referenced herein after they are acquired.

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

1. That the recitals set forth above are hereby adopted and incorporated into this Ordinance.
2. That it is necessary and desirable that the real estate described in Exhibit C and depicted in Exhibit D attached hereto be acquired in fee simple by the Village, and the temporary and permanent easements described in Exhibit F and G and depicted in Exhibit D be acquired as well.
3. That the Village Manager, her staff, and the Village Attorneys be, and hereby are, authorized to negotiate and submit an offer for the acquisition of the fee simple and temporary and permanent easement interests described and depicted in Exhibits C, D, F and G, based on the

appraisal, engineering, title and other information obtained by the Village in accordance with the direction given by the Village Board.

4. That in the alternative, the Village recognizes that despite the opportunity for resale and development of that portion of the Orland Plaza Shopping Center not being acquired, the public real property rights necessary for the acquisition and construction of the permanent public right-of-way and public utility lines require demolition and a significant intrusion into the current shopping center use of the Orland Plaza Shopping Center, and as a result, there is a possibility that the property owner will prefer that the Village acquire the entire Orland Plaza Shopping Center described and depicted in Exhibits A and B.

5. That if the property owner requests that the Village acquire the entire Orland Plaza Shopping Center, that the Village Board and the Village President deem it in the best interest of the Village to provide flexibility to the Village staff and attorneys in processing negotiations with the property owner so as to permit the submission of an offer for said real estate as described and depicted in Exhibits A and B.

6. 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.

7. 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.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Orland Park, Illinois this 7th day of July, 2008.

/s/ David P. Maher
David P. Maher, Village Clerk

Aye: 5 Trustee Fenton, Trustee O'Halloran, Trustee Dodge, Trustee Gira,
and Village President McLaughlin
Nay: 1 Trustee Murphy
Abstain: 0
Absent: 1 Trustee Schussler

DEPOSITED in my office this 7th day of July, 2008

/s/ David P. Maher
David P. Maher, Village Clerk

APPROVED this 7th day of July, 2008

/s/ Daniel J. McLaughlin
Daniel J. McLaughlin, Village President

PUBLISHED this 8th day of July, 2008

/s/ David P. Maher
David P. Maher, Village Clerk