

VILLAGE OF ORLAND PARK

Ordinance No: _____

AN ORDINANCE AUTHORIZING LIMITED TENANT POST-POSSESSION OF A PORTION OF THE ORLAND PLAZA SHOPPING CENTER BY THE VILLAGE OF ORLAND PARK, COOK COUNTY, ILLINOIS

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 its 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 September 16, 2008, the Village filed a Complaint for Condemnation in the Circuit Court of Cook County, Illinois under Case No. 08 L 050965 (the “Condemnation Proceedings”) in order to acquire certain fee simple, permanent easement and temporary easement interests over certain portions of the 7.13 acre site commonly known as the Orland Plaza Shopping Center (“Orland Plaza”); and

WHEREAS, on September 15, 2011 a Final Judgment Order and Settlement Agreement and Mutual Release of Claims (“Settlement Agreement”) were entered in the Condemnation Proceedings requiring a number of tenants located within the Orland Plaza, including tenant, Bloomingfield’s Florist, Inc., to fully vacate and relinquish possession of their respective leasehold spaces within the Orland Plaza by February 14, 2012; and

WHEREAS, Bloomingfield’s Florist, Inc. has requested that the Village allow it to retain certain defined and limited post-possessionary rights to its existing tenant space (9636 West 143rd Street) up through March 14, 2012, as Bloomingfield’s Florist, Inc. and its owner, Lawrence A. Zona, will suffer extreme hardship to their business operations, as they are unable to relocate and begin business operations within their new tenant space prior to the February 14, 2012 deadline set forth within the Settlement Agreement; and

WHEREAS, Village staff has reviewed the request for limited post-occupancy possession up through March 14, 2012, and recognizing that the tenant space occupied by Bloomingfield’s Florist, Inc. is not within the proposed Ravinia Avenue right-of-way, Village staff has determined that allowing Bloomingfield’s Florist, Inc. limited post-occupancy possession up through March 14, 2012, will not detrimentally impact the Village’s intended use and development of the Orland Plaza; and

WHEREAS, the Village attorneys and the attorneys for Bloomingfield’s Florist, Inc. have negotiated the specific terms and conditions of the limited post-possession, and have documented

those terms and conditions within the Holdover Agreement attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, as requested by the Village, Bloomingfield's Florist, Inc. has also provided the Village with a hardship letter, a request to use relocation letter and an estoppel letter, copies of which are attached hereto and incorporated herein as **Group Exhibit B**; and

WHEREAS, as has been done since the filing of the Condemnation Proceedings, the Village continues to desire to make every reasonable effort to accommodate the concerns and hardships confronted by the tenants within the Orland Plaza, provided that such accommodation is formally documented and does not restrict the Village's intended use and development of the Orland Plaza.

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 the President and Board of Trustees of the Village desire to assist Bloomingfield's Florist, Inc. and Mr. Zona in their orderly transition to their new relocation space, and to minimize any hardship on their ongoing business operations, recognizing that the requested limited post-possession will not detrimentally impact the Village's intended use and development of the Orland Plaza.

3. That the President and Secretary of the Board of Trustees of the Village be, and hereby are, therefore authorized to sign and attest to the Holdover Agreement attached hereto and incorporated herein as Exhibit A.

4. That the attorneys and staff of the Village are hereby authorized to take all necessary actions and steps to implement, carry out and enforce all terms and conditions set forth within the Holdover Agreement, or resulting from the execution of the Holdover Agreement.

5. If any section, paragraph, or provision of this Ordinance shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any remaining provisions of this Ordinance.

6. All ordinances, resolutions, motions, or orders in conflict herewith shall be, and the same hereby are, repealed only 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 _____ day of _____, 2012.

David P. Maher, Village Clerk

Aye:

Nay:

Abstain:

DEPOSITED in my office this _____ day of _____, 2012

David P. Maher, Village Clerk

APPROVED this _____ day of _____, 2012

Daniel J. McLaughlin, Village President