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AN ORDINANCE AUTHORIZING CONDEMNATION OF PROPERTY FOR TINLEY CREEK STREAMBANK STABILIZATION TEMPORARY AND/OR PERMANENT EASEMENTS ON PROPERTY AT 8445, 8448, 8502 AND 15437 TEE BROOK DRIVE AND 8430 AND 8434 FLAMINGO CIRCLE, ORLAND PARK, ILLINOIS

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WHEREAS, the Village of Orland Park (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 in part by the Metropolitan Water Reclamation District of Greater Chicago ("MWRDGC"), is undertaking the design, construction, operation, maintenance and ownership of stormwater infrastructure for streambank stabilization on and along Tinley Creek for locations between 151<sup>st</sup> Street and Oriole Court and between 86<sup>th</sup> Avenue and 159<sup>th</sup> Street in the Village of Orland Park for the public benefit of reducing flooding in the general area (collectively, the "Project"); and

WHEREAS, in order to obtain the MWRDGC funding needed to complete the Project, it is necessary for the Village to obtain certain permanent and temporary construction easements on private property at 8445, 8448, 8502 and 15437 Tee Brook Drive and 8430 and 8434 Flamingo Circle, Orland Park, Illinois; and

WHEREAS, attorneys retained by the Village have or are negotiating. The attorneys have been unable to reach a negotiated settlement and have recommended that the Village file a condemnation action in order to obtain the easements; and

WHEREAS, it is useful, advantageous, necessary and desirable for the Village to acquire the permanent and temporary construction easements in order to construct the Project and reduce flooding in the general area of the Project 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 Orland Park 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 temporary and permanent easements.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS, AS FOLLOWS:

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

SECTION 2: The Village President and Board of Trustees finds that it is useful, advantageous and necessary to acquire the easements legally described in GROUP EXHIBIT A for the purpose of constructing the Project.

SECTION 3: The President and Board of Trustees authorize the Village Attorneys to engage in further negotiations for and on behalf of the Village with the owner or owners of the property on which the temporary and permanent easements are located.

SECTION 4: In the event the Village Attorneys are 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 Subject 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 the temporary and permanent easements legally described on GROUP EXHIBIT A (including Property Index Numbers and common addresses) attached hereto and made a part hereof for the Village of Orland Park in accordance with the eminent domain laws of the State of Illinois.

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

## GROUP EXHIBIT A

### Temporary Easement

THE EASTERLY 5 FEET OF THE WESTERLY 10 FEET ALONG WITH THE NORTHERLY 10 FEET OF LOT 89 IN TEE BROOK VILLA UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 7, 1971 AS DOCUMENT NUMBER 21502881, IN COOK COUNTY, ILLINOIS.

### Permanent Easement

THE WESTERLY 10 FEET OF LOT 89 IN TEE BROOK VILLA UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 7, 1971 AS DOCUMENT NUMBER 21502881, IN COOK COUNTY, ILLINOIS.

PIN: 27-14-105-004-0000

Common Address:  
8445 Teebrook Drive  
Orland Park, IL 60462

Permanent Easement

THE SOUTHWESTERLY 10 FEET OF LOT 62 IN TEE BROOK VILLA UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 7, 1971 AS DOCUMENT NUMBER 21502881, IN COOK COUNTY, ILLINOIS.

PIN: 27-14-103-045-0000

Common Address:  
8448 Teebrook Drive  
Orland Park, IL 60462

Temporary Easement

THE WESTERLY 10 FEET OF THE EASTERLY 36 FEET ALONG WITH THE SOUTHWESTERLY 10 FEET OF THE NORTHEASTERLY 36 FEET ALONG WITH THE SOUTHERLY 15 FEET OF LOT 63 IN TEE BROOK VILLA UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 7, 1971 AS DOCUMENT NUMBER 21502881, IN COOK COUNTY, ILLINOIS.

Permanent Easement

THE EASTERLY AND NORTHEASTERLY 26 FEET OF LOT 63 IN TEE BROOK VILLA UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 7, 1971 AS DOCUMENT NUMBER 21502881, IN COOK COUNTY, ILLINOIS.

PIN: 27-14-103-046-0000

Common Address:  
8502 Teebrook Drive  
Orland Park, IL 60462

Temporary Easement

THE WESTERLY 10 FEET OF THE EASTERLY 35 FEET OF LOT 142 IN TEE BROOK VILLA UNIT NO. 2, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON AUGUST 6, 1973 AS DOCUMENT NUMBER 22428310, IN COOK COUNTY, ILLINOIS.

Permanent Easement

THE EASTERLY 25 FEET OF LOT 142 IN TEE BROOK VILLA UNIT NO. 2, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON AUGUST 6, 1973 AS DOCUMENT NUMBER 22428310, IN COOK COUNTY, ILLINOIS.

PIN: 27-14-105-037-0000

Common Address:  
15437 Teebrook Drive  
Orland Park, IL 60462

Temporary Easement

THE WESTERLY 10 FEET OF LOT 116 IN TEE BROOK VILLA UNIT NO. 2, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON AUGUST 6, 1973 AS DOCUMENT NUMBER 22428310, IN COOK COUNTY, ILLINOIS.

Permanent Easement

THE WESTERLY 17 FEET OF LOT 52 IN TEE BROOK VILLA UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 7, 1971 AS DOCUMENT NUMBER 21502881, IN COOK COUNTY, ILLINOIS.

PIN: 27-14-105-011-0000

Common Address:  
8430 Flamingo Circle  
Orland Park, IL 60462

Temporary Easement

THAT PART OF LOT 117 IN TEE BROOK VILLA UNIT NO. 2, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON AUGUST 6, 1973 AS DOCUMENT NUMBER 22428310, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS;

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 117; THENCE SOUTH 36 DEGREES 40 MINUTES 00 SECONDS EAST 170.41 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 59.14 FEET, A CHORD BEARING OF SOUTH 44 DEGREES 59 MINUTES 39 SECONDS WEST, A CHORD LENGTH OF 4.93 FEET FOR AN ARC LENGTH OF 4.93 FEET; THENCE NORTH 36 DEGREES 42 MINUTES 31 SECONDS WEST A DISTANCE OF 156.94 FEET; THENCE SOUTH 76 DEGREES 49 MINUTES 36 SECONDS WEST A DISTANCE OF 84.17 FEET; THENCE SOUTH 04 DEGREES 20 MINUTES 37 SECONDS WEST A DISTANCE OF 43.34 FEET; THENCE SOUTH 83 DEGREES 56 MINUTES 25 SECONDS WEST A DISTANCE OF 10.17; THENCE NORTH 04 DEGREES 21 MINUTES 07 SECONDS EAST A DISTANCE OF 57.58 FEET TO THE NORTH LINE OF SAID LOT; THENCE NORTH 76 DEGREES 43 MINUTES 20 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 88.89 FEET TO THE POINT OF BEGINNING.

Permanent Easement

THAT PART OF LOT 117 IN TEE BROOK VILLA UNIT NO. 2, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON AUGUST 6, 1973 AS DOCUMENT NUMBER 22428310, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 117; THENCE NORTH 76 DEGREES 32 MINUTES 27 SECONDS EAST A DISTANCE OF 22.28 FEET; THENCE SOUTH 04 DEGREES 19 MINUTES 06 SECONDS WEST A DISTANCE OF 57.68 FEET; THENCE SOUTH 16 DEGREES 27 MINUTES 47 SECONDS EAST A DISTANCE OF 55.89 FEET; THENCE SOUTH 44 DEGREES 53 MINUTES 33 SECONDS EAST A DISTANCE OF 78.55 FEET; THENCE 88 DEGREES 47 MINUTES 14 SECONDS WEST A DISTANCE OF 15.21 FEET; THENCE NORTH 44 DEGREES 53 MINUTES 33 SECONDS WEST A DISTANCE OF 117.61 FEET; THENCE NORTH 01 DEGREES 22 MINUTES 57 SECONDS WEST A DISTANCE OF 76.02 FEET TO THE POINT OF BEGINNING.

PIN: 27-14-105-012-0000

Common Address:  
8434 Flamingo Circle  
Orland Park, IL 60462