



Legislation Text

File #: 2023-1005, **Version:** 1

Title

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

Body

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 151st Street and Oriole Court and between 86th Avenue and 159th 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.