

5/15/2012

38-R-12

A RESOLUTION

**Authorizing the Acquisition of the Real Property at
1801-05 Church Street through Condemnation or Other Means**

WHEREAS, the City of Evanston is empowered, pursuant to its home rule authority and pursuant to the Illinois Municipal Code, 65 ILCS 5/11-61-1, to acquire by eminent domain, real property that is useful, advantageous, and/or desirable for municipal purposes or the public welfare; and

WHEREAS, the acquisition of the real property commonly known as 1801-05 Church Street (the "Subject Property"), legally described in Exhibit A, attached hereto and incorporated herein by reference, for redevelopment requires the exercise of powers and performance of functions relating to the government and affairs of the City,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

SECTION 1: The foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby determines that acquisition of the Subject Property for redevelopment by the City is a public purpose.

SECTION 3: Pursuant to the authority vested in the City Council through the statutes of the State of Illinois and the home rule authority and ordinances of the City, the City Council hereby determines that it is necessary and desirable that the City acquire title to and possession of the Subject Property, and that said acquisition is necessary and convenient to achieve the public purpose of redevelopment.

SECTION 4: The City Manager is hereby authorized, empowered and directed to negotiate personally or through his designee(s) for and on behalf of the City with the owner or owners of the Subject Property for the purchase thereof by the City.

SECTION 5: In the event that the City Manager or his agents are unable to agree with the owner of the Subject Property as to the compensation to be paid therefore, then fee simple title to and possession of the Subject Property shall be acquired by the City through condemnation and the City's Law Department is hereby authorized, empowered and directed to institute proceedings in any court of competent jurisdiction to acquire fee simple title to and possession of the Subject Property for the City in accordance with the eminent domain laws of the State of Illinois and also pursuant to its home rule authority and ordinances.

SECTION 6: This resolution and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such resolution should: **(a)** contain terms contrary to the terms of the current or subsequent non-preemptive state law; or **(b)** legislative in a manner or regarding a matter not delegated to municipalities by Illinois law. It is the intent of the City Council that, to the extent that the terms of this resolution should be inconsistent with non-preemptive Illinois law, said terms shall supersede said Illinois law to the extent of said inconsistency

SECTION 7: If any provision of this resolution or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this resolution is severable.

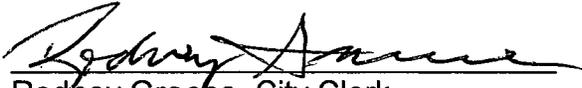
SECTION 8: This resolution shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 9: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.



Elizabeth B. Tisdahl, Mayor

Attest:



Rodney Greene, City Clerk

Adopted: June 11, 2012

EXHIBIT A

Legal Description

THE SOUTH 106.00 FEET OF LOTS 9 AND 10 IN BLOCK 3 IN MERRILL LADD'S SECOND ADDITION TO EVANSTON, SAID ADDITION BEING A SUBDIVISION OF THE WEST ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-13-220-035-0000

COMMONLY KNOWN As: 1801-05 Church Street, Evanston, Illinois.