
THE VILLAGE OF WEST DUNDEE
KANE COUNTY, ILLINOIS

ORDINANCE
NUMBER 2023-11

AN ORDINANCE
AUTHORIZING THE ACQUISITION OF AND
APPROVING A PURCHASE AND SALE AGREEMENT FOR
THE REAL ESTATE COMMONLY REFERRED TO AS
5000 SPRING HILL RING ROAD,
WEST DUNDEE, ILLINOIS 60118
(FORMER SEAR'S STORE)

CHRISTOPHER NELSON, Village President
MARY JO PAPE, Village Clerk

CHERYL ALOPOGIANIS
CHERYL ANDERLEY
MARK JOHNSON
THOMAS PRICE
DAN WILBRANDT
ANDY YUSCKA

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of West Dundee
on this the 15th day of May, 2023

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WHEREAS, the Village of West Dundee, Kane County, Illinois (hereinafter referred to as the "Village") is a home rule unit of local government, and as such may exercise any power and perform any function pertaining to its government and affairs, except as limited by Article VII, Section 6 of the 1970 Illinois Constitution;

WHEREAS, the Village upon approval of the corporate authorities may acquire real estate for various public purposes including but not limited to the redevelopment of certain identified blighted and dilapidated areas in order to revitalize and enhance the development of the community;

WHEREAS, the Illinois Compiled Statutes (65 ILCS 5/11-61-3) provides that "the corporate authorities of each municipality having a population of less than 1,000,000 inhabitants shall have the express power to purchase or lease either real estate or personal property for public purposes through contracts which provide for the consideration for such purchase or lease to be paid through installments to be made at stated intervals during a certain period of time";

WHEREAS, pursuant to the Tax Increment Allocation Redevelopment Act of the State of Illinois, 65 ILCS 5/11-74.4-1, et seq., as from time to time amended (hereinafter referred to as the "TIF Act"), the President and Board of Trustees of the Village (hereinafter referred collectively as the "Corporate Authorities") are empowered to undertake the development or the redevelopment of a designated area within its municipal boundaries in which existing conditions permit such area to be classified as a "blighted area" or a "conservation area" as such terms are defined in the TIF Act;

WHEREAS, to stimulate and induce development and redevelopment pursuant to the TIF Act, the Village, after giving all required notices, conducting a public hearing and making all findings required by law, on the 6th day of February, 2023, pursuant to Ordinance Nos. 2023-02 and 2023-04, approved a Redevelopment Plan and Program (hereinafter referred to as the "Redevelopment Plan") for an area designated as the Spring Hill Mall Redevelopment Project Area (hereinafter referred to as the "Project Area") which Project Area includes the Subject Property, and adopted tax increment financing for the payment and financing of "Redevelopment Project Costs", as defined by the TIF Act, incurred within the Project Area as authorized by the TIF Act; (hereinafter referred to collectively as the, "TIF Ordinance");

WHEREAS, the Village believes the acquisition and redevelopment of certain properties within the Project Area would enhance the business corridor on the adjacent major arterial roadways providing a synergistic effect upon the surrounding businesses providing job opportunities for its citizens; and, therefore, is prepared to facilitate the development of certain

properties, subject to the terms of the Illinois Municipal Code, the TIF Act, the Village Code, and all other applicable provisions of law;

WHEREAS, the Village has determined that it is necessary to acquire parcels located in the Project Area in order to achieve the objectives of the Redevelopment Plan, which includes, reducing or eliminating conditions that qualify the Project Area as a redevelopment area;

WHEREAS, the TIF Ordinance allows the Village upon approval of the corporate authorities to acquire real property situated in the Project Area by agreement, purchase, gift, lease or through the exercise of the Village's power of eminent domain;

WHEREAS, the Village needs to acquire the property commonly referred to as 5000 Spring Hill Ring Road, West Dundee, Illinois 60118 (former Sear's Store) (hereinafter referred to as the "Subject Property") in order to promote its Redevelopment Plan, which may include the demolishing of the current structures located on the properties in order to comply with the Redevelopment Plan; and

WHEREAS, the Village of West Dundee Corporate Authorities have determined that it is in the best interests of the Village to acquire the Subject Property referenced herein in furtherance of its Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled, by the Village President and Board of Trustees of the Village of West Dundee, Kane County, Illinois pursuant to the Village of Wet Dundee's "Home Rule Powers" as follows:

Section One - Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to this ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance as legislative findings.

Section Two – Approval and Authorization to Acquire Real Estate

The Village Board of Trustees hereby determines and declares that it is useful, desirable and necessary that it acquire the real estate commonly referred to as 5000 Spring Hill Ring Road, West Dundee, Illinois 60118 (former Sear's Store) for public purposes and for purposes of implementing the objectives of the Redevelopment Plan.

Section Three – Authorization of Negotiation and Purchase

The Village having authorized its Village Manger to negotiate with the owner(s) for the purchase of the Subject Property, and the Village Manger and the owner(s) having reached an agreement on the terms of purchase of the Subject Property, as set forth in the Purchase and Sale Agreement attached as Exhibit A, the Village is authorized to purchase the Subject Property for the agreed upon price.

Section Four – Approval, Authorization and Direction to Execute the Purchase and Sale Agreement

The Village President is hereby authorized to execute, and the Village Clerk is hereby authorized to attest the Purchase and Sale Agreement, substantially in the form of such

agreement attached hereto and made a part hereof as Exhibit A, with such changes therein as shall be approved by the Village Attorney and the officials of the Village executing the same, their execution thereof to constitute exclusive evidence of their approval to any and all changes or revisions therein from and after the execution and delivery of such Agreement.

Section Five - Other Actions Authorized

The officers, employees and/or agents of the Village shall take all actions necessary or reasonably required to carry out and give effect to the intent of this ordinance and otherwise to consummate the transactions contemplated herein, and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein which shall include the execution of any and all closing documents including but not limited to the closing statement and related title documents.

Section Six - Authorization of Expenditures

The Corporate Authorities hereby authorize and direct the expenditure of all costs related to the execution of the Agreement, additionally, the Village is authorized and directed to allocate and spend all necessary funds to fulfill the requirements of the Purchase and Sale Agreement and of this ordinance.

The Corporate Authorities further authorize and approve any related financing of this transaction which may include but not be limited to the ability of the Village to access the Village's Line of Credit in an amount equivalent to purchase price of the transaction plus closing costs and any additional closing costs including but not limited to the cost of demolition, if necessary.

Section Seven - Acts of Village Officials

That all past, present and future acts and doings of the officials of the Village that are in conformity with the purpose and intent of this ordinance are hereby, in all respects, ratified, approved, authorized and confirmed.

Section Eight - Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this Ordinance shall be repealed to the extent of said conflict.

Section Nine - Passage Clause

That this ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

Section Ten – Saving Clause

If any section, paragraph, clause or provision of this ordinance is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of the remaining provisions of the ordinance, which are hereby declared to be separable.

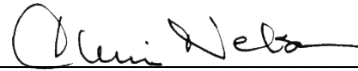
Section Eleven - Recording

This ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of West Dundee.

PASSED THIS 15th day of May, 2023

Ayes: Trustees Price, Yuscka, Johnson, Anderley and Wilbrandt
Nays: None
Absent: Trustee Alopogianis

APPROVED THIS 15th day of May, 2023



Christopher Nelson
Village President

ATTEST:



Mary Jo Pape
Village Clerk

Exhibit A

Purchase and Sale Agreement