

ORDINANCE NO. 16-40

**AN ORDINANCE AUTHORIZING ACQUISITION OF TITLE TO, EASEMENTS OVER,
OR OTHER PROPERTY RIGHTS OVER, CERTAIN REAL PROPERTY FOR
THE HUNTLEY ROAD RECONSTRUCTION AND WIDENING IMPROVEMENT PROJECT**

WHEREAS, The Village of West Dundee ("**West Dundee**"), Kane County, Illinois and the Village of Carpentersville ("**Carpentersville**") are each an Illinois home rule municipal corporation; and

WHEREAS, West Dundee and Carpentersville each have jurisdictions over portions of the Huntley Road right-of-way ("**Huntley Road**"); and

WHEREAS, West Dundee has maintenance jurisdiction over the Huntley Road from Sleepy Hollow Road to the westerly right-of-way line of the intersection of Huntley Road and Tartans/Inlet Drives; and

WHEREAS, Carpentersville has maintenance jurisdiction over the Huntley Road from Elm Avenue to the westerly right-of-way line of the intersection of Huntley Road and Tartans/Inlet Drives; and

WHEREAS, Huntley Road and the nearby intersection of Main Street and Illinois Route 31 are among the most heavily-used roadway networks within the Village and the surrounding area, through which thousands of vehicles pass daily; and

WHEREAS, in order to accommodate increased vehicular use of the roadway network, and to provide for safe vehicular and pedestrian use of the surrounding roadways, West Dundee and Carpentersville have determined that it is necessary to improve portions of Huntley Road; and

WHEREAS, West Dundee and Carpentersville have entered into that certain Intergovernmental Agreement for Phase II Design Engineering for the Roadway Reconstruction of Huntley Road, dated January 13, 2014 ("**Phase II Agreement**"), which sets forth their respective obligations with regard to the Huntley Road Reconstruction and Widening Project ("**Project**"); and

WHEREAS, Pursuant to Section 2.2 of the Phase II Agreement, West Dundee and Carpentersville agreed that each would be responsible for negotiating the right-of-way acquisitions and temporary construction easements necessary for completion of the Project within their own jurisdictions; and

WHEREAS, on June 7, 2016, West Dundee and Carpentersville entered into a Memorandum of Understanding ("**MOU**") in order to clarify their respective rights and responsibilities regarding the Land Acquisition Responsibilities; and

WHEREAS, per the MOU, West Dundee is responsible for negotiating and paying all costs associated with the required right-of-way acquisitions and/or temporary and construction easements from all properties located south of the centerline of Huntley Road, as such right-of-way exists on the Effective Date of this MOU, as may be necessary for the completion of the Project.; and

WHEREAS, the Project will consist of several components, including, without limitation:
(i) the reconstruction of Huntley Road from Sleepy Hollow Road to just east of Elm Avenue; and

WHEREAS, the Project will also consist of the upgrades to one existing traffic signal located at the intersection of Huntley Road and Elm Avenue; and

WHEREAS, the Village has determined that, in order to successfully complete the Project, it is necessary for the Village to acquire fee simple title to, or temporary easements over, or other property rights over, certain specified portions of property located along Huntley Road, (collectively, the "**Parcels**"); and

WHEREAS, the owners of those specific Parcels identified and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance have agreed to sell, or grant an easement over, or grant other property rights over, all or a portion of their respective Parcels (collectively, the "**Subject Properties**"); and

WHEREAS, the Village President and Board of Trustees have determined that it is necessary, convenient, and desirable for the Village to acquire title to, or an easement over, or other property rights over, the Subject Properties; and

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of West Dundee, Kane County, Illinois, as follows:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Ordinance by this reference as findings of the Village President and Board of Trustees.

SECTION 2: APPROVAL OF ACQUISITIONS. The President and Board of Trustees hereby approve the acquisition by the Village of title to, or an easement over, or other property rights over, each of the Subject Properties. The President and Board of Trustees further approve payments of the respective amounts set forth in Exhibit A to this Ordinance totaling \$360,225.00, plus recording and ancillary costs, to the respective owners of each of the Subject Properties as consideration for such acquisitions.

SECTION 3: EXECUTION OF REQUIRED DOCUMENTATION. The Village Manager, the Village Clerk, the Village Finance Director, and the Village Attorney are hereby authorized to execute all documentation, and take all action, necessary for the acquisition by the Village of title to, or an easement over, or other property rights over, each of the Subject Properties, in furtherance of the approval set forth in Section 2 of this Ordinance and as may be required pursuant to applicable law.

SECTION 4: AUTHORIZATION TO DEDICATE PROPERTY FOR ROADWAY / HIGHWAY PURPOSES. The Village Manager, the Village Clerk, the Village Finance Director, and the Village Attorney are hereby authorized to execute all documentation, and take all action, necessary to dedicate acquired properties, or properties currently owned by the Village for roadway or highway purposes.

SECTION 5: EXERCISE OF HOME RULE AUTHORITY. Pursuant to the home rule powers of the Village, the President and Board of Trustees waive the publication requirements set forth in Section 11-76.1-3 of the Illinois Municipal Code, 65 ILCS 5/11-76.1-3, with respect to the acquisition of title to one or more of the Subject Properties by the Village.

SECTION 6: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 7: EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage by two-thirds of the members of the Village Board, approval, and publication in the manner provided by law.

Motion made by Trustee Yuscka, seconded by Trustee Hanley that the Ordinance be passed.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of West Dundee, Illinois at a regular meeting thereof held on the 19th day of December 2016, pursuant to a roll call vote as follows:

AYES: Trustees Yuscka, Wilbrandt, Kembitzky, Price and Hanley

NAYS: None

ABSENT: Trustee Pflanz

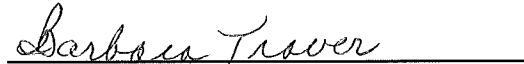
APPROVED this 19th day of December, 2016.



Christopher Nelson, Village President

(SEAL)

ATTEST:



Barbara Traver, Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTIES

Parcel 0007 & TE

Acquisition of Title

That part of the Southwest quarter of Section 16, Township 42 North, Range 8, East of the Third Principal Meridian, in Kane County, Illinois, described as follows:

Beginning at the intersection of the West line of the East half of said Southwest quarter of Section 16 with the centerline of Huntley Road; thence on an Illinois Coordinate System NAD 83 (2011) East Zone bearing of South 00 degrees 10 minutes 28 seconds East along the West line of said Southwest quarter, 68.49 feet; thence South 54 degrees 20 minutes 37 seconds East, 115.92 feet; thence along an arc, concave to the Southwest, having a radius of 3,764.83 feet; an arc length of 365.69 feet and a chord bearing South 51 degrees 34 minutes 07 seconds East, 365.55 feet; thence South 41 degrees 16 minutes 25 seconds West, 5.00 feet; thence along an arc, concave to the Southwest, having a radius of 3,759.83 feet; an arc length of 22.42 feet and a chord bearing South 48 degrees 36 minutes 55 seconds East, 22.42 feet; thence South 41 degrees 33 minutes 20 seconds West, 15.00 feet; thence along an arc, concave to the Southwest, having a radius of 3,744.83 feet; an arc length of 43.96 feet and a chord bearing South 48 degrees 06 minutes 29 seconds East, 43.96 feet; thence North 42 degrees 13 minutes 42 seconds East, 15.00 feet; thence along an arc, concave to the Southwest, having a radius of 3,759.83 feet, an arc length of 110.99 feet and a chord bearing South 46 degrees 55 minutes 34 seconds East, 110.99 feet to a point on the South line of said Southwest quarter; thence North 89 degrees 03 minutes 48 seconds East along the South line of said Southwest quarter, 85.14 feet to a point on the existing centerline of Huntley Road; thence along an arc, said arc being the existing centerline of Huntley Road, concave to the Southwest, having a radius of 3,952.76 feet; an arc length of 548.87 feet and a chord bearing North 49 degrees 13 minutes 24 seconds West, 548.43 feet; thence North 54 degrees 21 minutes 05 seconds West along the existing centerline of Huntley Road, 200.50 feet to the point of beginning, in Kane County, Illinois.

Said parcel containing 0.926 Acres, more or less, of which 0.544 Acres, more or less, was previously dedicated or used for highway purposes.

Common Address: 35W721 Huntley Road, West Dundee, Illinois

P.I.N.: 03-16-276-002

Acquisition of Temporary Easement

That part of the Southwest quarter of Section 16, Township 42 North, Range 8, East of the Third Principal Meridian, in Kane County, Illinois, described as follows:

Commencing at the intersection of the West line of the East half of said Southwest quarter of Section 16 with the centerline of Huntley Road; thence on an Illinois Coordinate System NAD 83 (2011) East Zone bearing of South 00 degrees 10 minutes 28 seconds East along the West line of said Southwest quarter, 68.49 feet; thence South 54 degrees 20 minutes 37 seconds East, 115.92 feet; thence along an arc, concave to the Southwest, having a radius of 3,764.83 feet; an arc length of 12.78 feet and a chord bearing South 54 degrees 15 minutes 15 seconds East, 12.78 feet to the point of beginning; thence along an arc, concave to the Southwest, having a radius of 3,764.83 feet; an arc length of 352.92 feet and a chord bearing South 52 degrees 51 minutes 18 seconds East, 352.79 feet; thence South 41 degrees 16 minutes 25 seconds West, 5.00 feet; thence along an arc, concave to the Southwest, having a radius of 3,759.83 feet; an arc length of 22.42 feet and a chord bearing South 48 degrees 36 minutes 55 seconds East, 22.42 feet; thence South 41 degrees 33 minutes 20 seconds West, 15.00 feet; thence along an arc, concave to the Southwest, having a radius of 3,744.83 feet; an arc length of 50.04 feet and a chord bearing North 48 degrees 49 minutes 38 seconds West, 50.04 feet; thence North 40 degrees 47 minutes 24 seconds East, 5.00 feet; thence along an arc, concave to the Southwest, having a radius of 3,749.83 feet, an arc length of 77.70 feet and a chord bearing North 49 degrees 48 minutes 13 seconds West, 77.70 feet; thence North 39 degrees 36 minutes 10 seconds East, 10.00 feet; thence along an arc, concave to the Southwest, having a radius of 3,759.83 feet, an arc length of 221.65 feet and a chord bearing North 52 degrees 05 minutes 10 seconds West, 221.62 feet; thence South 36 degrees 13 minutes 30 seconds West, 15.00 feet; thence along an arc, concave to the Southwest, having a radius of 3,744.83 feet, an arc length of 24.96 feet and a chord bearing North 53 degrees 57 minutes 57 seconds West, 24.96 feet; thence North 35 degrees 50 minutes 35 seconds East, 20.00 feet to the point of beginning, in Kane County, Illinois.

Said parcel containing 0.084 Acres, (3,669 sq.ft.), more or less.

Common Address: 35W721 Huntley Road, West Dundee, Illinois

P.I.N.: 03-16-276-002

Purchase Price: \$65,000.00

Parcel 0011 & TE

Acquisition of Title

That part of Lot 1 in Resubdivision of Lot 1 – Hill Subdivision Unit No. 2, being a subdivision of part of the West half of the Northeast quarter of Section 21, Township 42 North, Range 8, East of the Third Principal Meridian, in Kane County, Illinois, according to the plat thereof recorded July 11, 2003 as Document 2003k114043, described as follows:

Beginning at the Northwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83 (2011) East Zone bearing of South 25 degrees 14 minutes 25 seconds West along the West line of said Lot 1, 15.02 feet; thence along an arc, concave to the Northeast, having a radius of 874.02 feet, an arc length of 140.85 feet and a chord bearing South 72 degrees 36 minutes 05 seconds East, 140.69 feet; thence South 12 degrees 46 minutes 55 seconds West, 5.00 feet; thence along an arc, concave to the Northeast, having a radius of 879.02 feet, an arc length of 137.02 feet and a chord bearing South 81 degrees 41 minutes 02 seconds East, 136.88 feet to a point on the East line of said Lot 1; thence North 03 degrees 58 minutes 38 seconds East along the East line of said Lot 1, 20.00 feet to the Northeast corner of said Lot 1; thence along an arc, said arc being the North line of said Lot 1, concave to the Northeast, having a radius of 859.02 feet, an arc length of 271.53 feet and a chord bearing North 77 degrees 05 minutes 48 seconds West, 270.40 feet to the point of beginning, in Kane County, Illinois.

Said parcel containing 0.110 Acres, more or less.

Common Address: 1925-1997 Huntley Road, West Dundee, Illinois 60118

P.I.N.: 03-21-251-012

Acquisition of Temporary Easement

That part of Lot 1 in Resubdivision of Lot 1 – Hill Subdivision Unit No. 2, being a subdivision of part of the West half of the Northeast quarter of Section 21, Township 42 North, Range 8, East of the Third Principal Meridian, in Kane County, Illinois, according to the plat thereof recorded July 11, 2003 as Document 2003k114043, described as follows:

Commencing at the Northwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83 (2011) East Zone bearing of South 25 degrees 14 minutes 25 seconds West along the West line of said Lot 1, 15.02 feet to the point of beginning; thence along an arc, concave to the Northeast, having a radius of 874.02 feet, an arc length of 140.85 and a chord bearing South 72 degrees 36 minutes 05 seconds East, 140.69 feet; thence South 12 degrees 46 minutes 55 seconds West, 5.00 feet; thence along an arc, concave to the Northeast, having a radius of 879.02 feet, an arc length of 141.93 feet and a chord bearing North 72 degrees 35 minutes 32 seconds West, 141.78 feet to a point on the West line of said Lot 1; thence North 25 degrees 14 minutes 25 seconds East along the West line of said Lot 1, 5.01 feet to the point of beginning, in Kane County, Illinois.

Said parcel containing 0.016 Acres, (707 sq.ft.), more or less.

Common Address: 1925-1997 Huntley Road, West Dundee, Illinois

P.I.N.: 03-21-251-012

Purchase Price: \$27,700.00

Parcel 0012 &TE

Acquisition of Title

That part of Lot 2 in Resubdivision of Lot 1 – Hill Subdivision Unit No. 2, being a subdivision of part of the West half of the Northeast quarter of Section 21, Township 42 North, Range 8, East of the Third Principal Meridian, in Kane County, Illinois, according to the plat thereof recorded July 11, 2003 as Document 2003k114043, described as follows:

Beginning at the Northeast corner of said Lot 2; thence on an Illinois Coordinate System NAD 83 (2011) East Zone bearing of South 00 degrees 40 minutes 24 seconds West along the East line of said Lot 2, 81.67 feet; thence North 88 degrees 34 minutes 34 seconds West, 899.79 feet; thence North 01 degrees 22 minutes 19 seconds East, 45.00 feet; thence North 89 degrees 00 minutes 03 seconds West, 166.51 feet to a point on the West line of said Lot 2; thence North 03 degrees 58 minutes 38 seconds East along the West line of said Lot 2, 31.09 feet to the northwest corner of said Lot 2; thence along an arc, said arc being the North line of said Lot 2, concave to the north, having a radius of 859.02 feet, an arc length of 37.14 feet and a chord bearing South 87 degrees 23 minutes 26 seconds East, 37.14 feet; thence South 89 degrees 00 minutes 03 seconds East along the North line of said Lot 2, 1,026.81 feet to the point of beginning, in Kane County, Illinois.

Said parcel containing 1.732 Acres, more or less.

Commonly Known as: N/A

P.I.N.: 03-21-251-013

Acquisition of Temporary Easement

That part of Lot 2 in Resubdivision of Lot 1 – Hill Subdivision Unit No. 2, being a subdivision of part of the West half of the Northeast quarter of Section 21, Township 42 North, Range 8, East of the Third Principal Meridian, in Kane County, Illinois, according to the plat thereof recorded July 11, 2003 as Document 2003k114043, described as follows:

Commencing at the Northwest corner of said Lot 2; thence on an Illinois Coordinate System NAD 83 (2011) East Zone bearing of South 03 degrees 58 minutes 38 seconds West along the West line of said Lot 2, 31.09 feet; thence South 89 degrees 00 minutes 03 seconds East, 26.81 feet to the point of beginning; thence continuing South 89 degrees 00 minutes 03 seconds East, 50.00 feet; thence South 01 degrees 22 minutes 19 seconds West, 7.00 feet; thence North 89 degrees 00 minutes 03 seconds West, 50.00 feet; thence North 01 degrees 22 minutes 19 seconds East, 7.00 feet to the point of beginning, in Kane County, Illinois.

Said parcel containing 0.008 Acres, (350 sq.ft.), more or less.

Commonly Known as: N/A

P.I.N.: 03-21-251-013

Purchase Price: \$267,525.00