



Legislation Text

File #: ORD19-1581, **Version:** 1

An Ordinance Authorizing the Execution of an Assignment and Assumption of Purchase Agreement (Duke Realty Limited Partnership, 17.23 acres North of Renwick Road)

WHEREAS, the Village of Romeoville is a home rule unit of government within the meaning of the Section 6 (a) of Article VII of the Constitution of the State of Illinois, and is authorized pursuant thereto to exercise any power and perform any function pertaining to its government and affairs, including the power to acquire real estate pursuant to contract on such terms as the Corporate Authorities shall authorize; and

WHEREAS, public purposes include those purposes which are useful, advantageous, beneficial, or utilitarian to the Village in the exercise of its corporate powers and in connection with its performance of municipal functions or rendition of municipal services, where the use of the real estate so acquired for public purposes will benefit the Village of Romeoville and the public as a whole, with such benefits being available on equal terms to all members of the public, and in accordance with the applicable ordinances of the Village of Romeoville and laws of the State of Illinois; and

WHEREAS, the Village has determined that the property legally described in the assignment and assumption of purchase agreement with Duke Realty Limited Partnership attached hereto and incorporated herein as Exhibit A is necessary for the Village to acquire for public purposes and specifically for the purpose of providing right of way for future roadway improvements; and

WHEREAS, Duke Realty Limited Partnership is presently party to a contract to purchase the above-referenced property from the record owners thereof but is willing to assign its interest in and to such purchase contract to the Village pursuant to the terms of the assignment and assumption of purchase agreement set forth in Exhibit A; and

WHEREAS, after further investigation and negotiation, the Village of Romeoville has determined that it is in the best interests of the Village to acquire the above-mentioned property from the record owners thereof by means of entering into the assignment and assumption of purchase agreement with Duke Realty Limited Partnership attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the acquisition of the above-mentioned property will promote the health, safety morals and welfare of the Village, and will facilitate the provision of necessary public services to residents and promote the future orderly growth and development of the Village.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF ROMEOVILLE, WILL COUNTY, ILLINOIS; THAT:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2: AUTHORIZATION. The Village President and the Village Clerk are hereby respectively authorized to execute and attest to the execution of the assignment and assumption of purchase agreement with Duke Realty Limited Partnership attached hereto and incorporated herein as Exhibit A, provided, however, that the final form and language thereof shall remain subject to the review and approval of the Village Manager and Village Attorney prior to its execution by the Village President.

SECTION 3: SEVERABILITY. That the various provisions of this Ordinance are to be considered severable and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 4: CONFLICTS. All prior Ordinances and Resolutions, or parts thereof in conflict or inconsistent with this Ordinance are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION 5: REPEALER. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance shall be, and the same are hereby repealed.

SECTION 6: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.