

7/14/97

80-0-97

AN ORDINANCE

Authorizing the City Manager to Negotiate
a Sale of Certain Residential Real Estate at
1419 Fowler Avenue and Authorizing Publication
of a Notice to Sell Said Real Estate

WHEREAS, the parcel of land at 1419 Fowler Avenue in the City of Evanston ("subject parcel") is improved with a single-family dwelling; and

WHEREAS, said dwelling has been occupied over forty years by Allie Akridge;
and

WHEREAS, Allie Akridge has paid the taxes on the subject property during her occupancy and the property is on the tax rolls; and

WHEREAS, Allie Akridge is desirous of selling the subject property to a private citizen; and

WHEREAS, Allie Akridge quitclaimed her interest in the subject property to James Donegan by deed ("Donegan deed") dated May 28, 1965 and recorded as document no. 19484240;

WHEREAS, the City is the owner of record, warranty deed dated August 25, 1969 from James Donegan to the City recorded on September 26, 1969 as document no. 20970288; and

WHEREAS, the Donegan deed contains the legal description of the subject property and the legal description of 1043 Sherman Avenue, but shows the common address of only 1043 Sherman Avenue; and

WHEREAS, City records for the relevant period fail to disclose title in the City;
and

WHEREAS, the legal doctrine of adverse possession, codified in 735 ILCS 5/13-101, et seq., provides for a method of acquisition of title to real property by possession for twenty years; and

WHEREAS, a claim of adverse possession is established by proof that the possession was concurrent for twenty years, and that it was continuous, hostile or adverse, actual, open, notorious and exclusive, and that it was under claim of title inconsistent with that of the true owner; and

WHEREAS, Allie Akridge's possession of the subject property has been in excess of twenty years concurrently, and has been continuous, hostile or adverse, actual, open, notorious and excessive, and that it has been under claim of the title inconsistent with that of the City owner; and

WHEREAS, in the opinion of the City Council of the City of Evanston, use of the property is not necessary, appropriate, required for use of, profitable to, or in the best interests of the said City; and

WHEREAS, the City Council has determined that the best interests of the City would be served by the sale of the property to Allie Akridge;

WHEREAS, the City Council has determined that the sale of the property is to take place as the result of negotiation,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the City Manager be and is hereby authorized and directed to negotiate the sale of the real estate legally described in Exhibit A attached hereto, and made a part hereof and commonly known as 1419 Fowler.

Pursuant to Section 1-17-4-2(B), of the City Code, an affirmative vote of two-thirds (2/3) of the elected Aldermen is required to accept the recommendation of the City Manager on the negotiation authorized herein. The City reserves the right to reject any and all negotiations.

SECTION 2: The City Manager is hereby authorized and directed to give notice of intent to sell the aforementioned real estate. Such Notice of Sale must be published at least once in a daily or weekly newspaper in general circulation in the City. The publication must not be less than 15 nor more than 30 days before the date on which the City Council shall consider the adoption of the ordinance approving the sale of the property.

SECTION 3: That the Notice of Intent to sell the Property shall be in substantially the following form:

NOTICE OF INTENT TO SELL

Public notice is hereby given that the City of Evanston proposes to sell the real estate legally described in Exhibit A and commonly known as 1419 Fowler Avenue, Evanston, Illinois. The property proposed to be sold is a single-family residence.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: July 28, 1997

Adopted: August 18, 1997

Approved: August 19, 1997

Lorraine A. Morton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

Kathleen T. Brennan
Corporation Counsel