

1-R-23

A RESOLUTION

**Authorizing the Acquisition of the Real Property at
2404 Ridge Avenue through Eminent Domain**

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, there exists real property commonly known as part of 2404 Ridge Avenue (the "Subject Property"), legally described in Exhibit A, attached hereto and incorporated herein by reference, located in the City; and

WHEREAS, the City has exercised a prescriptive easement to enter an alley portion, approximately 320 square feet, of the Subject Property in order to complete garbage and recycling pickup; and

WHEREAS, the City has tried multiple methods of acquiring this alley portion of the Subject Property, including having a survey and appraisal performed and offering to purchase this portion of the Subject Property from the property owner; and

WHEREAS, due to a conflict with the owner, continued use of the alley portion of the Subject Property by the City may no longer be feasible; and

WHEREAS, the City needs this approximately 320 square foot alley portion of the Subject Property in order to complete garbage and recycling pickup; and

WHEREAS, this approximately 320 square foot portion of the Subject Property is unimproved and causing runoff onto neighboring properties and it is necessary for the City to acquire this portion of the Subject Property in order to grade and improve it; and

WHEREAS, the acquisition of 320 square feet of vacant land on the Subject Property, as depicted in Exhibit B, attached hereto and incorporated 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.

Daniel Biss
Daniel Biss, Mayor

Attest:

Stephanie Mendoza
Stephanie Mendoza, City Clerk

Approved as to form:

Nicholas E. Cummings
Nicholas E. Cummings, Corporation Counsel

Adopted: January 23, 2023

EXHIBIT A**Legal Description**

ALL THAT PART OF THE SOUTH 8 RODS OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER LYING WEST OF RIDGE AVENUE IN SECTION 7, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE WEST 1038.5 FEET THEREOF MEASURED FROM THE WEST LINE OF SECTION 7 BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 39 IN R. CLARENCE BROWN'S EVANSTON COMMUNITY GOLF CLUB SUBDIVISION, RECORDED APRIL 7, 1922 AS DOCUMENT NO. 7455989, SAID NORTHWEST CORNER BEING ALSO ON THE SOUTH LINE OF THE SOUTH 8 RODS OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 7; THENCE SOUTH 89 DEGREES 52 MINUTES 51 SECONDS WEST (WITH THE BASIS OF BEARING BEING ASSUMED) ALONG THE SOUTH LINE OF THE SOUTH 8 RODS OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 7, SAID SOUTH LINE BEING ALSO THE NORTH LINE OF A 10 FOOT ALLEY AS ESTABLISHED BY R. CLARENCE BROWN'S EVANSTON COMMUNITY GOLF CLUB SUBDIVISION, A DISTANCE OF 53.02 FEET TO THE EAST LINE OF THE WEST 1038.5 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 7, AS MEASURED FROM THE WEST LINE OF SECTION 7; THENCE NORTH 00 DEGREES 09 MINUTES 57 SECONDS WEST, ALONG SAID EAST LINE OF THE WEST 1038.5 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 14 EAST, AS MEASURED FROM THE WEST LINE OF SECTION 7, A DISTANCE OF 6.00 FEET TO A LINE 6.00 FT NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTH 8 RODS OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 7; THENCE NORTH 89 DEGREES 52 MINUTES 51 SECONDS EAST, ALONG SAID LINE 6.00 FT NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTH 8 RODS OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 7, A DISTANCE OF 54.75 FEET TO THE NORTHEASTERLY EXTENSION OF THE WEST LINE OF LOT 39 IN SAID R. CLARENCE BROWN'S EVANSTON COMMUNITY GOLF CLUB SUBDIVISION; THENCE SOUTH 15 DEGREES 55 MINUTES 12 SECONDS WEST ALONG SAID NORTHEASTERLY EXTENSION OF THE WEST LINE OF LOT 39, A DISTANCE OF 6.24 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PART OF PIN: 11-07-108-004-0000

COMMONLY KNOWN AS: Part of 2404 Ridge Avenue, Evanston, Illinois.

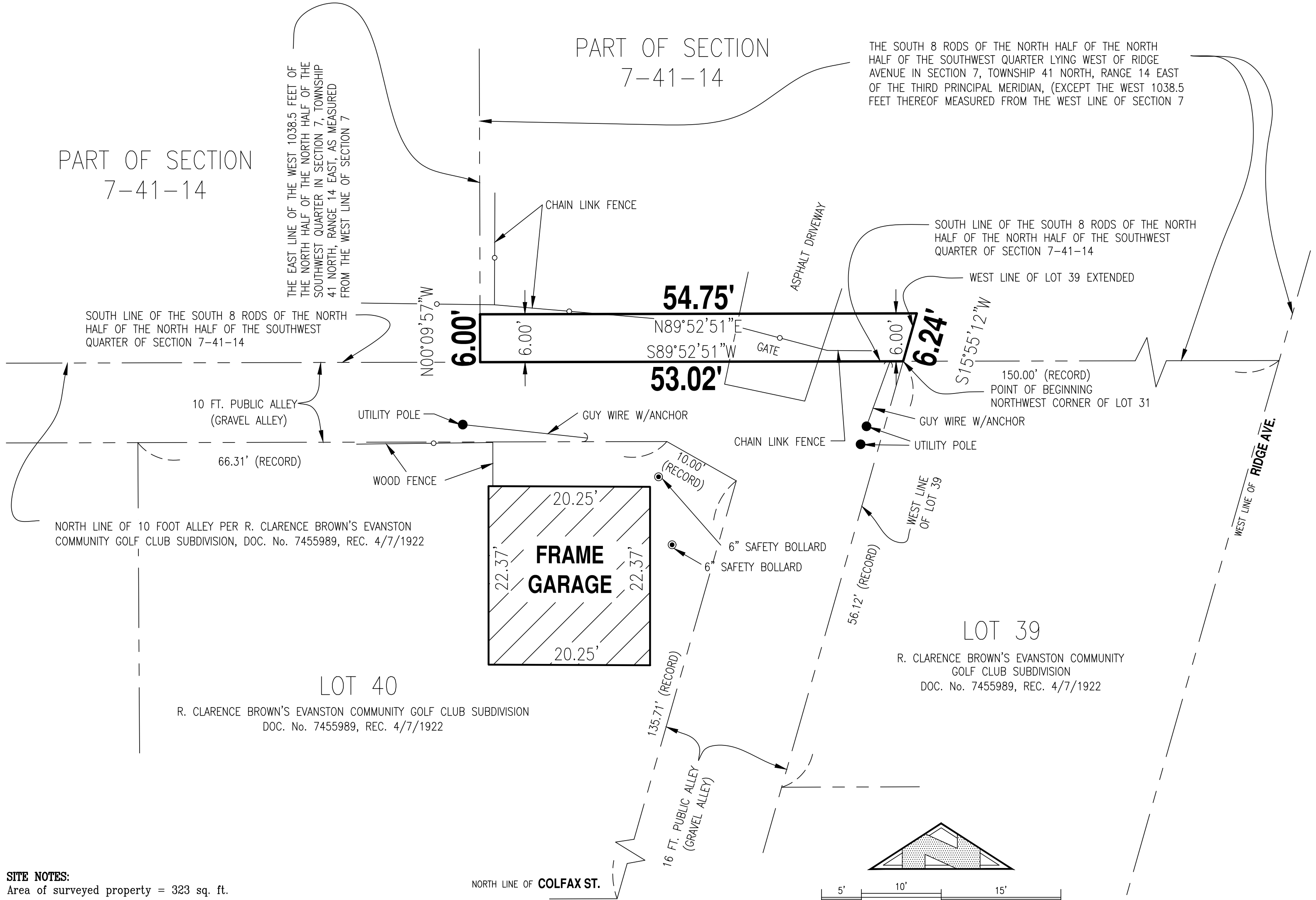
EXHIBIT B

PLAT of SURVEY

LEGAL DESCRIPTION: ALL THAT PART OF THE SOUTH 8 RODS OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER LYING WEST OF RIDGE AVENUE IN SECTION 7, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE WEST 1038.5 FEET THEREOF MEASURED FROM THE WEST LINE OF SECTION 7 BOUNDED AND DESCRIBED AS FOLLOWS:

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COMMONLY KNOWN AS: **Part of 2404 RIDGE AVENUE, EVANSTON, ILLINOIS.**



SITE NOTES:
Area of surveyed property = 323 sq. ft.

GENERAL NOTES:
All information provided to the surveyor is shown or noted hereon.
No Title Report was supplied for this survey

The legal description on this plat was prepared to us per the client's instructions and should be compared to your Deed, Abstract or Certificate of Title.
This plat and the legal description shown hereon does not determine, imply or guarantee ownership.

Underground utilities are not shown hereon.

Prior to excavation call
J.U.L.I.E. at 811 or 800-892-0123

All building restrictions, building lines and easements may or may not be shown. Check your Deed, Abstract, Title Report, and local ordinances. No responsibility is assumed by the surveyor.

Compare all points before building by same and report any discrepancy at once.

Dimensions are shown in feet and decimal parts thereof. No dimension is to be assumed by scaling.

B.H. SUHR & COMPANY, INC.	
SURVEYORS ESTABLISHED 1911	Professional Design Firm
450 SKOKIE BLVD. SUITE 105, NORTHBROOK, ILLINOIS, 60062	License No. 184.008027-0008
TEL. (847) 864-6315 / FAX (847) 864-9341	
E-MAIL: SURVEYOR@BHSUHR.COM	
LOCATION <u>2404 Ridge Ave.</u>	SURVEY DATE, <u>November 11</u> 20 <u>22</u>
ORDER No. <u>22-151</u>	ORDERED BY: <u>Neal Reeves</u>
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FIELD MEASUREMENTS COMPLETED November 11 20 22

STATE OF ILLINOIS } ss.
COUNTY OF COOK }

This professional service conforms to the current Illinois Minimum Standards for a boundary survey.

By Michael E. Farrell Dated November 23, 20 22

Michael E. Farrell
Illinois Professional Land Surveyor No. 035-002639
License Expiration Date 11/30/22

