

ORDINANCE NO. 17-11

**AN ORDINANCE AUTHORIZING ACQUISITION OF TITLE TO, EASEMENTS OVER,  
OR OTHER PROPERTY RIGHTS OVER, CERTAIN REAL PROPERTY FOR  
THE IL-31/HUNTLEY-MAIN/LINCOLN INTERSECTION IMPROVEMENT PROJECT**

**WHEREAS**, the Village of Carpentersville, Kane County, Illinois is an Illinois home rule municipal corporation; and

**WHEREAS**, the Village has jurisdiction over: (i) that certain right-of-way located within the corporate boundaries of the Village known as Huntley Road (west of IL-31) and Main Street (east of IL-31), between Elm Avenue on the west and the Fox River on the east; and (ii) the Lincoln Avenue right-of-way within the corporate boundaries of the Village; and

**WHEREAS**, the Illinois Department of Transportation ("**IDOT**") has jurisdiction over the IL-31 right-of-way, approximately 2,385 feet of which is located within the corporate boundaries of the Village; and

**WHEREAS**, the intersection of IL-31 and Huntley Road-Main Street and the nearby intersection of Main Street and Lincoln Avenue are among the most heavily-used intersections 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 IL-31/Huntley-Main/Lincoln Avenue intersection, and to provide for safe vehicular and pedestrian use of the intersection and surrounding roadways, the Village and IDOT have determined that it is necessary to improve portions of IL-31, Huntley Road, Main Street, and Lincoln Avenue ("**IL-31/Huntley-Main/Lincoln Intersection Improvement Project**"); and

**WHEREAS**, the IL-31/Huntley-Main/Intersection Improvement Project will consist of several components, including, without limitation: (i) the reconstruction of IL-31 between a point 600 feet south of Spruce Drive to a point 1,100 feet north of Main Street, for a distance of 2,385 feet; (ii) the widening and resurfacing of Huntley Road between Elm Avenue and IL-31, for a distance of 900 feet; (iii) the reconstruction of Main Street between IL-31 and a point 300 feet east of Lincoln Avenue, for a distance of 900 feet; and (iv) the widening and resurfacing of Lincoln Avenue between a point 600 feet south of Main Street to a point 500 feet north of Main Street, for a distance of 1,100 feet; and

**WHEREAS**, the IL-31/Huntley-Main/Lincoln Intersection Improvement Project will also consist of the installation of two new traffic signals, at the intersections of IL-31 and Huntley Road and of IL-31 and Spruce Drive; and

**WHEREAS**, the Village has determined that, in order to successfully complete the IL-31/Huntley-Main/ Lincoln Intersection Improvement Project, it is necessary for IDOT and/or the Village to acquire fee simple title to, or temporary easements over, or other property rights over, certain specified portions of property located along IL-31, Huntley Road, Main Street, and Lincoln Avenue (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 Carpentersville, 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 \$4,110.00, 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: 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 5: 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 6: EFFECTIVE DATE.** This Ordinance will be in full force and effect from and after its passage by two-thirds of the members of the City Council, approval, and publication in the manner provided by law.

Motion made by Trustee Humpfer, seconded by Trustee Rehberg, that the Ordinance be passed.

**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES** of the Village of Carpentersville, Illinois at a regular meeting thereof held on the 4th day of April, 2017, pursuant to a roll call vote as follows:

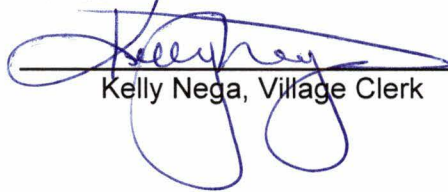
AYES:	<u>6 (Burroway, Stephens, Humpfer, Sabbe, Rehberg, and Schultz)</u>
NAYS:	<u>0</u>
ABSENT:	<u>0</u>

**APPROVED** by me this 4<sup>th</sup> day of April, 2017.



  
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Ed Ritter, Village President

ATTEST:

  
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Kelly Nega, Village Clerk