

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) _____ Waiver of First Requested

Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: March 30, 2016 (COW) (B of T) **Date:** April 7, 2016

TITLE: IL Route 53 and Madison Street Intersection Improvements
Land Acquisition Resolutions—581 W. Madison St (Parcel 002)

SUBMITTED BY: Carl S. Goldsmith, Director of Public Works *CSG*

BACKGROUND/POLICY IMPLICATIONS:

Staff recommends that the Village Board of Trustees adopt the attached resolutions, which authorize the Village to transfer a property portion at 581 W Madison St to the Illinois Department of Transportation for the purpose of the construction of an intersection improvement project.

FISCAL IMPACT/FUNDING SOURCE:

Total Amount: \$14,100.00 (revenue)
Project Number: ST-13-04 IL Route 53 and Madison Street Intersection Improvements

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X _____	Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



March 30, 2016

TO: Village President and Board of Trustees
THROUGH: Scott A. Niehaus, Village Manager
FROM: Carl Goldsmith, Director of Public Works *TLE*
RE: Transfer and Sale of a Real Property Portion – Illinois Route 53 & Madison Street Project

Since 2006, the Village has been overseeing a transportation project to enhance the intersection at IL Route 53 and Madison Street. The project consists of a widened intersection, new traffic signal, roadway reconstruction to Finley Road, and other safety enhancements. The Village has received funding through the federal Surface Transportation Program for this project and is working with the Illinois Department of Transportation (IDOT) and York Township.

As part of the project, the Village was required to obtain ROW in the name of the State of Illinois. The Board previously authorized obtaining the property located at 581 W. Madison Street from Fannie Mae for \$237,000, and the Village closed on March 23. To complete the process, the Illinois Department of Transportation will obtain a portion of the property for the project as shown below.

Village Property Transfer and Sale

Address	PIN	Portion Revenue
581 W. Madison St	06-18-100-001	\$14,100

Staff is recommending that the Village Board authorize the property transfer and sale of a portion of 581 W. Madison with a price of \$14,100. Staff previously completed the summary of costs, and this alternative remains the most feasible option to ensure project success.

Village Property Purchase Estimate

Description	Cost
Property Acquisition	\$ (\$240,000.00)
Saved ROW Cost	\$ 14,100.00
Saved STP Funding Estimate	\$ 105,000.00
Saved Project Letting Estimate	\$ 95,900.00
Saved Legal Fees (per transaction)	\$ 50,000.00
Village Incurred Costs Estimate	\$ (30,000.00)
Village Sale Estimate	\$ 125,000.00
Net Village Balance Estimate	\$120,000.00

If considered, please bring the authorizations for transfer and contract, respectively, on the "Items for Separate Action" list.

Recommendations

Based on the above findings, staff recommends that the Village President and Board of Trustees adopt the following resolutions in regard to the IL Route 53 at Madison Street Intersection Improvement Project:

- A RESOLUTION AUTHORIZING THE TRANSFER OF TITLE TO SURPLUS REAL ESTATE PURSUANT TO 65 ILCS 5/11-76-4.1 (581 West Madison Street)
- A RESOLUTION APPROVING A CONTRACT FOR THE SALE OF SURPLUS REAL ESTATE (581 West Madison Street)

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING
THE TRANSFER OF TITLE TO SURPLUS REAL ESTATE
PURSUANT TO 65 ILCS 5/11-76-4.1
(581 West Madison Street)**

WHEREAS, the Village is the owner of the following-described 51.98 foot by two hundred (200) foot improved with a single family residence parcel of real estate, currently zoned R-3 Single-Family Residential District:

LOT 35 IN SURGES FARM ESTATES, A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 7 AND OF PART OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 19, 1943 AS DOCUMENT 454869, IN DUPAGE COUNTY, ILLINOIS;

PIN: 06-18-100-001-0000;

Common Address: 581 West Madison Street, Lombard, IL 60148;

(hereinafter the "Madison Street Property"); and

WHEREAS, the President and Board of Trustees have determined that the following portions of the Madison Street Property are surplus property:

PARCEL 1

THAT PART OF LOT 35 IN SURGES FARM ESTATES SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 7 AND THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 19, 1943 AS DOCUMENT NO. 45869 IN DUPAGE COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 35; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 35 (ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF MADISON STREET) HAVING AN ILLINOIS COORDINATE SYSTEM, EAST ZONE (N.A.D. 83 WITH 2007 ADJUSTMENT) GRID BEARING OF NORTH 87 DEGREES 04 MINUTES 18 SECONDS EAST, A

DISTANCE OF 35.00 FEET; THENCE SOUTH 43 DEGREES 39 MINUTES 58 SECONDS WEST, 50.86 FEET TO A POINT ON THE WEST LINE OF SAID LOT 35 (ALSO BEING THE EAST RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 53); THENCE NORTH 00 DEGREES 15 MINUTES 38 SECONDS EAST, 35.00 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.014 ACRES, MORE OR LESS.

and

PARCEL 2

THAT PART OF LOT 35 IN SURGES FARM ESTATES SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 7 AND THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 19, 1943 AS DOCUMENT NO. 45869 IN DUPAGE COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

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(Parcel 1 and Parcel 2 are referred to herein collectively as the "Subject Property"); and

WHEREAS, the Village has determined that it is in its best interest to convey a fee simple interest in Parcel 1 of the Subject Property and a temporary easement over Parcel 2 of the Subject Property (hereinafter the "Sale"); and

WHEREAS, pursuant to 65 ILCS 5/11-76-4.1, the Village has had the Subject Property appraised by a State-certified real estate appraiser, a copy of the written certified appraisal performed by David White, dated October 20, 2014, being on file with the Village Clerk's office, and subject to public inspection, and incorporated herein by reference (hereinafter the "Appraisal"); and

WHEREAS, said Appraisal has determined that the value of the Subject Property is \$14,100.00; and

WHEREAS, in accordance with 65 ILCS 5/11-76-4.1, the President and Board of Trustees have determined that the purchase price for the Sale of the Subject Property should not be less than \$11,280.00, which is eighty percent (80%) of the appraised value of the Subject Property; and

WHEREAS, it is in the best interests of the Village to complete a Sale of the Subject Property for not less than \$11,280.00;

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Village Staff is hereby authorized to negotiate a Sale of the Subject Property, for a purchase price of not less than \$11,280.00.

SECTION 2: That a copy of this Resolution shall be published, upon its adoption and approval, in the *Lombardian*, pursuant to 65 ILCS 5/11-76-4.1.

ADOPTED this 7th day of April, 2016, pursuant to a two-thirds (2/3rds) roll call vote of the Corporate Authorities, as required by 65 ILCS 5/11-76-4.1, as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 7th day of April, 2016.

Keith T. Giagnorio
Village President

ATTEST:

Sharon Kuderna
Village Clerk

RESOLUTION NO. _____

**A RESOLUTION
APPROVING A CONTRACT FOR
THE SALE OF SURPLUS REAL ESTATE
(581 West Madison Street)**

WHEREAS, the Village is the owner of the following-described 51.98 foot by two hundred (200) foot improved with a single family residence parcel of real estate, currently zoned R-3 Single-Family Residential District:

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SAID PARCEL CONTAINING 0.126 ACRES, MORE OR LESS.

(Parcel 1 and Parcel 2 are referred to herein collectively as the "Subject Property"); and

WHEREAS, the Village has determined that it is in its best interest to convey a fee simple interest in Parcel 1 of the Subject Property to the Illinois Department of Transportation and a temporary easement over Parcel 2 of the Subject Property to the Illinois Department of Transportation (hereinafter the "Sale"); and

WHEREAS, pursuant to 65 ILCS 5/11-76-4.1, the Village has had the Subject Property appraised by a State-certified real estate appraiser, a copy of the written certified appraisal performed by David White, dated October 20, 2014, being on file with the Village Clerk's office, and subject to public inspection, and incorporated herein by reference (hereinafter the "Appraisal"); and

WHEREAS, said Appraisal has determined that the value of the Subject Property is \$14,100.00; and

WHEREAS, in accordance with 65 ILCS 5/11-76-4.1, the President and Board of Trustees have determined that the purchase price for the Sale of the Subject Property should not be less than \$11,280.00, which is eighty percent (80%) of the appraised value of the Subject Property; and

WHEREAS, the Illinois Department of Transportation has offered to complete the Sale of the Subject Property for \$14,100.00, pursuant to the terms and conditions of the Offer to Purchase attached hereto as Exhibit A and made part hereof (hereinafter the "Offer to Purchase"); and

WHEREAS, it is in the best interests of the Village to complete the Sale of the Subject Property to the Illinois Department of Transportation, for \$14,100.00, pursuant to the Offer to Purchase;

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of

the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That the Sale of the Subject Property to the Illinois Department of Transportation, for \$14,100.00, pursuant to the terms and conditions of the Offer to Purchase, is hereby approved.

SECTION 2: That Village Staff is hereby directed to prepare the necessary documents to transfer title to Parcel 1 of the Subject Property to the Illinois Department of Transportation and to grant a temporary easement over Parcel 2 of the Subject Property to the Illinois Department of Transportation, pursuant to the terms and conditions of the Offer to Purchase and the Illinois Department of Transportation's normal procedures for said transfers.

SECTION 3: That the Village President, Village Clerk, Village Manager and/or Village Finance Director are hereby authorized and directed to execute any and all necessary documents to complete the transaction contemplated by Section 2 above.

ADOPTED this 7th day of April, 2016, pursuant to a two-thirds (2/3rds) roll call vote of the Corporate Authorities, as required by 65 ILCS 5/11-76-4.1, as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 7th day of April, 2016.

Keith T. Giagnorio
Village President

ATTEST:

Sharon Kuderna
Village Clerk

Exhibit A

Offer to Purchase

(attached)



Route: IL 53 (Columbine Ave)
Section: @ Madison Street
County: DuPage

Project: 11-00155-00-CH
Job No. R-91-007-14
Parcel 1KZ0002 & TE

Owner(s) of Real Property: The Village of Lombard

Location of Property: 581 W. Madison St., Lombard, IL 60148

Pursuant to 735 ILCS 30/10-5-15, the following has been prepared in order to fully inform you of the details of the acquisition of a portion of your property as right of way for the proposed improvement of the intersection of IL 53 and Madison Street in DuPage County, IL. The legal descriptions of the parcel to be acquired are found in the attached instrument of conveyance.

The amounts shown below are the full amounts of the approved values and are based on fair market value of the property. The fair market value of the part to be acquired is estimated without regard for any decrease or increase in the fair market value caused by the project for which the property is being acquired; however, the damage to the remaining property, if any, is estimated with full consideration of the effect of the proposed improvement.

1. Existing Property:

Total area 0.468 acres, more or less

Highest and best use: Residential

2. Land to be Acquired in Fee Simple:

New right of way 0.014 acres

Existing right of way (when applicable) _____ acres

Total right of way 0.014 acres

3. Improvements and/or Fixtures to be Acquired:

Lawn, trees, wild growth. Asphalt drive to be replaced. Two decorative lights, brick planter, and chain link fence to be relocated.

On behalf of the Illinois Department of Transportation, Division of Highways, and as outlined in the above summary, I hereby offer you the sum of \$14,100.00 for the property described on the attached instruments free and clear of all claims of other parties, liens, taxes and encumbrances.

If the above offer is over \$250,000.00, it is contingent on the Illinois Department of Transportation adhering to 30 ILCS 105/9.02 which requires specific contracting authority for all procurement contracts in the amount of \$250,000.00 or more.



Realty Specialist

JDA

MAR 25 2016

Date

RESOLUTION NO. _____

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THE TRANSFER OF TITLE TO SURPLUS REAL ESTATE
PURSUANT TO 65 ILCS 5/11-76-4.1
(581 West Madison Street)**

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AYES: _____

NAYS: _____

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APPROVED by me this 7th day of April, 2016.

Keith T. Giagnorio
Village President

ATTEST:

Sharon Kuderna
Village Clerk

RESOLUTION NO. _____

**A RESOLUTION
APPROVING A CONTRACT FOR
THE SALE OF SURPLUS REAL ESTATE
(581 West Madison Street)**

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PARCEL 2

THAT PART OF LOT 35 IN SURGES FARM ESTATES SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 7 AND THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 19, 1943 AS DOCUMENT NO. 45869 IN DUPAGE COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 35; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 35 (ALSO BEING THE EAST RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 53) HAVING AN ILLINOIS COORDINATE SYSTEM, EAST ZONE (N.A.D. 83 WITH 2007 ADJUSTMENT) GRID BEARING OF NORTH 00 DEGREES 15 MINUTES 38 SECONDS EAST, A DISTANCE OF 67.17 FEET; THENCE NORTH 43 DEGREES 39 MINUTES 58 SECONDS EAST, 50.86 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 35 (ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF MADISON STREET); THENCE NORTH 87 DEGREES 04 MINUTES 18 SECONDS EAST, 165.00 FEET ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF SAID LOT 35; THENCE SOUTH 00 DEGREES 15 MINUTES 36 SECONDS WEST, 5.01 FEET ALONG THE EAST LINE OF SAID LOT 35; THENCE SOUTH 87 DEGREES 04 MINUTES 18 SECONDS WEST, 10.00 FEET; THENCE SOUTH 02 DEGREES 55 MINUTES 42 SECONDS EAST, 35.00 FEET; THENCE SOUTH 87 DEGREES 04 MINUTES 18 SECONDS WEST, 38.41 FEET; THENCE NORTH 02 DEGREES 55 MINUTES 42 SECONDS WEST, 20.00 FEET; THENCE SOUTH 87 DEGREES 04 MINUTES 18 SECONDS WEST, 99.00 FEET; THENCE SOUTH 69 DEGREES 50 MINUTES 21 SECONDS WEST, 40.92 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 38 SECONDS WEST, 70.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 35; THENCE SOUTH 87 DEGREES 04 MINUTES 49 SECONDS WEST, 15.02 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.126 ACRES, MORE OR LESS.

(Parcel 1 and Parcel 2 are referred to herein collectively as the "Subject Property"); and

WHEREAS, the Village has determined that it is in its best interest to convey a fee simple interest in Parcel 1 of the Subject Property to the Illinois Department of Transportation and a temporary easement over Parcel 2 of the Subject Property to the Illinois Department of Transportation (hereinafter the "Sale"); and

WHEREAS, pursuant to 65 ILCS 5/11-76-4.1, the Village has had the Subject Property appraised by a State-certified real estate appraiser, a copy of the written certified appraisal performed by David White, dated October 20, 2014, being on file with the Village Clerk's office, and subject to public inspection, and incorporated herein by reference (hereinafter the "Appraisal"); and

WHEREAS, said Appraisal has determined that the value of the Subject Property is \$14,100.00; and

WHEREAS, in accordance with 65 ILCS 5/11-76-4.1, the President and Board of Trustees have determined that the purchase price for the Sale of the Subject Property should not be less than \$11,280.00, which is eighty percent (80%) of the appraised value of the Subject Property; and

WHEREAS, the Illinois Department of Transportation has offered to complete the Sale of the Subject Property for \$14,100.00, pursuant to the terms and conditions of the Offer to Purchase attached hereto as Exhibit A and made part hereof (hereinafter the "Offer to Purchase"); and

WHEREAS, it is in the best interests of the Village to complete the Sale of the Subject Property to the Illinois Department of Transportation, for \$14,100.00, pursuant to the Offer to Purchase;

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of

the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That the Sale of the Subject Property to the Illinois Department of Transportation, for \$14,100.00, pursuant to the terms and conditions of the Offer to Purchase, is hereby approved.

SECTION 2: That Village Staff is hereby directed to prepare the necessary documents to transfer title to Parcel 1 of the Subject Property to the Illinois Department of Transportation and to grant a temporary easement over Parcel 2 of the Subject Property to the Illinois Department of Transportation, pursuant to the terms and conditions of the Offer to Purchase and the Illinois Department of Transportation's normal procedures for said transfers.

SECTION 3: That the Village President, Village Clerk, Village Manager and/or Village Finance Director are hereby authorized and directed to execute any and all necessary documents to complete the transaction contemplated by Section 2 above.

ADOPTED this 7th day of April, 2016, pursuant to a two-thirds (2/3rds) roll call vote of the Corporate Authorities, as required by 65 ILCS 5/11-76-4.1, as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 7th day of April, 2016.

Keith T. Giagnorio
Village President

ATTEST:

Sharon Kuderna
Village Clerk

Exhibit A

Offer to Purchase

(attached)



**Basis for Computing
Total Approved Compensation
and Offer to Purchase**

Route: IL 53 (Columbine Ave)
Section @ Madison Street
County: DuPage

Project: 11-00155-00-CH
Job No. R-91-007-14
Parcel 1KZ0002 & TE

Owner(s) of Real Property: The Village of Lombard

Location of Property: 581 W. Madison St., Lombard, IL 60148

Pursuant to 735 ILCS 30/10-5-15, the following has been prepared in order to fully inform you of the details of the acquisition of a portion of your property as right of way for the proposed improvement of the intersection of IL 53 and Madison Street in DuPage County, IL. The legal descriptions of the parcel to be acquired are found in the attached instrument of conveyance.

The amounts shown below are the full amounts of the approved values and are based on fair market value of the property. The fair market value of the part to be acquired is estimated without regard for any decrease or increase in the fair market value caused by the project for which the property is being acquired; however, the damage to the remaining property, if any, is estimated with full consideration of the effect of the proposed improvement.

1. Existing Property:

Total area 0.468 acres, more or less

Highest and best use: Residential

2. Land to be Acquired in Fee Simple:

New right of way 0.014 acres

Existing right of way (when applicable) _____ acres

Total right of way 0.014 acres

3. Improvements and/or Fixtures to be Acquired:

Lawn, trees, wild growth. Asphalt drive to be replaced. Two decorative lights, brick planter, and chain link fence to be relocated.

4. Compensation for Land Acquired in Fee Simple:

Fair market value of the 0.014 acres to be acquired including all improvements as part of the whole property, based on an analysis of market data in the vicinity of the acquisition.

\$3,100.00

Damage to the remaining property as a result of the acquisition (if any).

Total compensation for permanent right of way acquired in fee simple.

\$3,100.00

Less cost of construction to be offset against total compensation.

\$0.00

Net compensation

\$3,100.00

Benefits in the amount of N/A have been estimated to the remaining property. These benefits have been offset against any possible damages but have not been offset against any part of the compensation of the part acquired.

5. Compensation for Easements Including Any Damages or Benefits:

Permanent Easements- _____ for _____
acres (state purpose)

Temporary Easements- 0.126 for 3 years
acres (state purpose)

\$11,000.00

Total compensation for easements (when applicable)

6. Total Compensation for Entire Acquisition, which includes all interests in the land required for the highway improvement and damages to the remainder property, if any. (sum of 4+5)

\$14,100.00

7. Personal Property (Not Being Acquired) located on the Proposed Right of Way:

None.

You may want to retain and remove from the right of way some, or all, of the improvements included in the acquisition. If so, the following owner-retention values have been established for the improvements listed above in Item 3, and the total of the owner-retention values for the improvements retained will be deducted from the total compensation.

Improvement	Owner-Retention Value
_____	\$ _____
_____	\$ _____

Any agreement to retain such improvements does not convey with it a permit to move the improvements on, or over, any state highway. Mr. J. Steve Santacruz will be happy to furnish information for your use in applying for a permit if one is needed.

John Fortmann, P.E.

John Fortmann, P.E.
Region One Engineer

On behalf of the Illinois Department of Transportation, Division of Highways, and as outlined in the above summary, I hereby offer you the sum of \$14,100.00 for the property described on the attached instruments free and clear of all claims of other parties, liens, taxes and encumbrances.

If the above offer is over \$250,000.00, it is contingent on the Illinois Department of Transportation adhering to 30 ILCS 105/9.02 which requires specific contracting authority for all procurement contracts in the amount of \$250,000.00 or more.

JSS

Realty Specialist

JDA

MAR 25 2016

Date