

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL MEETING**  
**OCTOBER 18, 2011 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Sale of Surplus Real Estate	✓ Resolution Ordinance Motion Discussion Only	Enza Petrarca Village Attorney

**SYNOPSIS**

Staff has prepared a resolution to authorize the sale of surplus real estate for the property located at 5237 Benton Avenue.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2011 to 2018 identified *Top Quality Infrastructure*.

**FISCAL IMPACT**

Reimbursement to the Stormwater Improvement Fund for the sale of property within St. Joseph's Creek North, Subwatershed J. Staff has set the minimum purchase price at \$260,000, which represents 80% of the appraised amount.

**RECOMMENDATION**

Approval on the October 18, 2011 Consent Agenda.

**BACKGROUND**

The real estate is located within the St. Joseph's Creek North, Subwatershed J (SJN-J), which was previously identified in the Watershed Improvement Plan as a high priority subwatershed.

Flooding of houses, yards and streets occurred repetitively along Benton Avenue between Randall Street and Summit Street within this subwatershed. The solution to this drainage problem was the creation of a new underground stormwater storage basin on the property. It has been determined that there is no longer any need for this property and staff is recommending selling the property.

The appraised value of the property is \$325,000 and per State statute, the Village cannot sell the property for less than 80% of the appraised value; therefore, the minimum purchase price has been set at \$260,000. Staff will accept proposals until December 30, 2011. In the meantime, staff will host two open houses – the first on November 5, 2011 and the second on December 3, 2011, so that prospective purchasers can view and inspect the property. Staff will publish the resolution in a local paper and will post the notice of sale and all other relevant information on our website.

**ATTACHMENTS**

Resolution  
 Notice

**RESOLUTION AUTHORIZING THE SALE OF SURPLUS REAL  
ESTATE PURSUANT TO 65 ILCS 5/11-76.4.1  
(5237 Benton Avenue)**

**WHEREAS**, the Village of Downers Grove is the owner of the following described 88 foot by 131 foot of property improved with a single family home, currently zoned R-4 Single Family Residence District:

Lot 35 in Block 8 (except that part of Lot 35 in Block 8, if any, falling within Lot 34 in Block 8 in Straub's Addition to Downers Grove, bounded and described as follows: commencing at the intersection of the north line of Summit Street and the east line of Benton Avenue and proceeding thence north along the east line of Benton Avenue 550 feet to an iron pipe at the corner of said Lot 34 for a point of beginning; thence east parallel with the north line of Summit Street, 131.4 feet to an iron pipe at the southeast corner of said Lot 34; thence north parallel with the east line of Benton Avenue 50 feet to an iron pipe at the northeast corner of said Lot 34; thence west parallel with the north line of Summit Street, 131.4 feet to an iron pipe at the northwest corner of said Lot 34 on the east line of Benton Avenue; thence south along the east line of Benton Avenue to the point of beginning, being a resubdivision of part of Lot 4 in Assessor's division of Sections 7 and 8, Township 38 North, Range 11 east of the Third Principal Meridian, according to the Plat thereof recorded November 27, 1890 as Document 44124, In DuPage County, Illinois);

Also, (except that part of Lot 35 in Block 8, if any, falling within Lot 7 of the plat of Owner's subdivision of all that part of the westerly half (in width) of Block 8 in Straube's Addition to Downers Grove, in the southeast quarter of Section 8, Township 38 North, Range 11 east of the Third Principal Meridian, lying north of a line described as commencing at a point in the west line of said block, 386.75 feet southerly from the northwesterly corner thereof, as measured along said west line, thence east 131.7 feet to a point equidistant between the east and west lines of said block, according to the plat thereof recorded October 21, 1937 as Document 384586, in DuPage County, Illinois) in Straube's addition to Downers Grove, being a resubdivision of part of Lot 4 in Assessor's division of Sections 7 and 8, Township 38 North, Range 11 east of the Third Principal Meridian, according to the plat thereof recorded November 27, 1890 as Document 44124, in DuPage County, Illinois

Commonly known as 5237 Benton Avenue, Downers Grove, Illinois PIN 09-08-409-047 (formerly - 09-08-409-007 & 008)

(hereinafter the "Subject Property"); and

**WHEREAS**, the Village Council has heard and considered the recommendations of its staff with regard to the sale of the Subject Property; and

**WHEREAS**, the Village Council has determined that it is in the best interest of the Village to sell the Subject Property pursuant to the provisions of Section 11-76.4.1 of the *Illinois Municipal Code* (65 ILCS 5/11-76.4.1);

**WHEREAS**, pursuant to Section 11-76.4.1, the Village has had the Subject Property appraised by a State certified and licensed MAI real estate appraiser, a copy of the written appraisal performed by Polach Appraisal Group, Inc., dated June 21, 2011, is on file with the Village Clerk's office and subject to public inspection;

**NOW, THEREFORE, BE IT RESOLVED** by the Village Council of the Village Of Downers Grove, DuPage County, Illinois, as follows:

**Section 1.** That the preambles to this Resolution are hereby determined to be accurate and correct, and are incorporated herein by this reference.

**Section 2.** That the Village Council hereby finds and determines that the Subject Property is no longer necessary, appropriate or required for the uses of the Village.

**Section 3.** That in light of the foregoing findings, it is in the best interest of the Village that the Subject Property be sold at public sale.

**Section 4.** That the Village Council hereby directs staff to sell the Subject Property pursuant to sealed proposal and hereby sets the minimum proposal price at no less than TWO HUNDRED SIXTY THOUSAND and 00/100DOLLARS (\$260,000.00).

**Section 5.** That the Village Council hereby directs staff to draft a Notice of Sale detailing the terms and conditions of the sale and to post said Notice of Sale on the Village Website at [www.downers.us](http://www.downers.us) and to otherwise make it available to prospective purchasers.

**Section 6.** That the Village Council hereby authorizes and directs staff to cause a Contract for Sale to be drafted in accordance with the Notice of Sale, and to be made available to prospective purchasers.

**Section 7.** That the Village Council hereby authorizes and directs staff to cause a copy of this Resolution to be published, upon its adoption and approval in accordance with 65 ILCS 5/11-76-4.1.

**Section 8.** That the Village Council hereby authorizes and directs its Village Manager or designee to take any and all other actions necessary to effectuate the sale of the Property.

**Section 9.** That this Resolution shall be in full force and effect upon adoption.

\_\_\_\_\_  
Mayor

Passed:

Attest: \_\_\_\_\_  
Village Clerk

## NOTICE OF SALE

Notice is hereby given that the Village of Downers Grove, DuPage County, Illinois, will sell at public sale, by taking sealed proposals, which proposals shall be accepted until 5:00 p.m. on the 30<sup>th</sup> day of December, 2011, at the Village Hall 801 Burlington Avenue, Downers Grove, IL 60515, addressed to Attention: Enza Petrarca, Village Attorney, the following described property:

Lot 35 in Block 8 (except that part of Lot 35 in Block 8, if any, falling within Lot 34 in Block 8 in Straub's Addition to Downers Grove, bounded and described as follows: commencing at the intersection of the north line of Summit Street and the east line of Benton Avenue and proceeding thence north along the east line of Benton Avenue 550 feet to an iron pipe at the corner of said Lot 34 for a point of beginning; thence east parallel with the north line of Summit Street, 131.4 feet to an iron pipe at the southeast corner of said Lot 34; thence north parallel with the east line of Benton Avenue 50 feet to an iron pipe at the northeast corner of said Lot 34; thence west parallel with the north line of Summit Street, 131.4 feet to an iron pipe at the northwest corner of said Lot 34 on the east line of Benton Avenue; thence south along the east line of Benton Avenue to the point of beginning, being a resubdivision of part of Lot 4 in Assessor's division of Sections 7 and 8, Township 38 North, Range 11 east of the Third Principal Meridian, according to the Plat thereof recorded November 27, 1890 as Document 44124, In DuPage County, Illinois);

Also, (except that part of Lot 35 in Block 8, if any, falling within Lot 7 of the plat of Owner's subdivision of all that part of the westerly half (in width) of Block 8 in Straube's Addition to Downers Grove, in the southeast quarter of Section 8, Township 38 North, Range 11 east of the Third Principal Meridian, lying north of a line described as commencing at a point in the west line of said block, 386.75 feet southerly from the northwesterly corner thereof, as measured along said west line, thence east 131.7 feet to a point equidistant between the east and west lines of said block, according to the plat thereof recorded October 21, 1937 as Document 384586, in DuPage County, Illinois) in Straube's addition to Downers Grove, being a resubdivision of part of Lot 4 in Assessor's division of Sections 7 and 8, Township 38 North, Range 11 east of the Third Principal Meridian, according to the plat thereof recorded November 27, 1890 as Document 44124, in DuPage County, Illinois

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Which sale shall be made on the following terms to wit:

**Site Data:**

1. The property is approximately 88ft. X 131 ft. and approximately 11,533 sq. ft.

2. The property is zoned R-4 Single Family Residence District.
3. There is an underground stormwater tank beneath the south thirty-three (33) feet of the property which is encumbered by an easement prohibiting the construction of any structures on the property and requiring the owner to maintain the property – except for the stormwater facilities.
4. The property is improved with an approximately 2,000 sq. ft. single family home. The home has a living room, dining room, kitchen, family room, three bedrooms, laundry room, two bathrooms and a full unfinished basement. A two car detached garage is also on the property.

**Terms and Conditions of Sale:**

5. Prospective purchasers shall submit a statement, along with the proposal, certified by a principal or authorized officer of the prospective purchaser, setting forth the following information:

- a) The legal name, address and contact person for the prospective purchaser.
- b) If a corporation, the state and date of incorporation, the names and addresses of the principal officers thereof – if a partnership, the date of organization, type of partnership and names and addresses of the general partners thereof – if a sole proprietor, the date of the organization of the business and the name or names and address or addresses of the owners.
- c) Information demonstrating prospective purchaser's financial capability of funding the payments required either by guarantees of a financial institution or other proof of assurance.

6. The Village has established a minimum purchase price of **TWO HUNDRED SIXTY THOUSAND AND NO/100 DOLLARS (\$260,000.00)**.

7. A security deposit in the amount of \$5,000.00 submitted with the proposal as earnest money in the form of a cashier's or certified check made payable to the "Village of Downers Grove", must accompany the proposal.

8. The Village shall hold all the uncashed security deposits. The Village will select the proposal that it deems to be in best interest of the Village. All security deposits of the unsuccessful proposals shall be returned.

9. Closing shall take place within sixty (60) days of acceptance of the proposal. A finalized Contract for Sale shall be completed between the parties no later than 30 days after acceptance of the proposal. A copy of the Contract for Sale to be entered into by the Village and the prospective purchaser shall be available for inspection at the Village Clerk's Office and on the Village website at [www.downers.us](http://www.downers.us). The contract is not subject to modification.

10. All information about the property included in this Notice of Sale is believed to be reliable, but is not guaranteed and no express or implied representations or warranties are made with regard to the property or matters relating thereto, or terms contained herein.

The property will be sold and conveyed to the successful prospective purchaser on an "AS IS" basis without any representations or warranties of any kind, express or implied, either oral or written, made by the Village with respect to the physical, environmental, zoning or structural condition of the property or with respect to the existence or absence of underground fuel storage tanks, toxic or hazardous materials, substances or wastes in, on, under or affecting the property, including but not limited to, asbestos about or on the property, and subject to existing zoning, flood plain and any other restrictions on the use or development of the property. **All warranties with respect to the property are hereby expressly disclaimed. Except as provided below regarding the scope of prospective purchaser's indemnity commitment, any risk and all responsibility relating to any condition of the property, including, but not limited to any of the above-described conditions, are assumed by prospective purchaser and disclaimed by the Village.**

All prospective purchasers are urged to examine the property and conduct their own inspection and investigation of the property (including, without limitation, environmental inspections and investigations). The prospective purchaser shall take all necessary action and bear all expenses and liability associated with making the property suitable for the prospective purchaser's intended use and complying with all applicable laws.

The Village shall conduct two open houses for purpose of allowing prospective purchasers to view and inspect the property. The open houses shall be on Saturday, November 5, 2011 from 12 noon to 4PM and Saturday, December 3, 2011 from 12 Noon to 4PM.

11. A proposal may be withdrawn at any time prior to the time stated for receipt of proposals. No proposal shall be withdrawn or cancelled for a period of 120 calendar days after the time stated for receipt of proposals has passed. No proposal shall be withdrawn, cancelled or modified after notification of acceptance by the Village.

12. The Village reserves the right to waive irregularities, to continue the sale from time to time, to reject any and all proposals, whether or not they meet the minimum bid prices, and to adjourn the sale.

13. Prospective purchasers may secure information pertaining to the Subject Property at the Village Website [www.downers.us](http://www.downers.us) or by contacting the Village Attorney, Enza Petrarca at (630) 434-5541.