08/11/25

VILLAGE OF BARRINGTON

ORDINANCE NO. 2025- 4565

AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY AND THE EXERCISE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE EASEMENTS FOR UTILITIES INCLUDING SANITARY SEWER LIFT STATION, RELATED EQUIPMENT, ACCESS AND MAINTENANCE

ADOPTED BY THE

CORPORATE AUTHORITIES

OF THE

VILLAGE OF BARRINGTON, ILLINOIS

THIS 10 DAY OF NOVEMBER, 2025

Published in pamphlet form by authority of the Corporate Authorities of the Village of Barrington, Illinois, this 10 day of NOVEMBER, 2025

ORDINANCE 2025- 4565

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WHEREAS, the Village of Barrington ("Village") is a duly constituted and existing Home Rule municipal corporation within the meaning of Article VII, Section 1 of the 1970 Constitution of the State of Illinois ("Constitution") and the provisions of the Illinois Municipal Code, 65 ILCS 5/1-1-1 et seq., and,

WHEREAS, the Village is authorized and empowered by the Illinois Municipal Code (65 ILCS 5/11-61-1) to acquire by eminent domain property that is useful, advantageous or desirable for municipal purposes or for the public health, welfare and safety; and

WHEREAS, pursuant to the provisions of the Illinois Municipal Code, Chapter 65 ILCS 5/11-139-1, the Village is authorized to acquire by purchase or otherwise, own, construct, equip, manage, control, erect, improve, extend, maintain and operate a combined waterworks and sanitary sewer system, including but not limited to improvements and equipment to support such sanitary sewer system; and

WHEREAS, the Village has determined that a lift station which has been maintained by the Village and is located within and which serves a certain portion of the Lochshire condominium development and other property located within the corporate limits of the Village, is almost 50 years old, is deteriorating, has reached the end of its useful life, and needs to be replaced; and

WHEREAS, the Village constructed and operates water and sewer lines within the Lochshire subdivision, which water a sewer lines serve the residents of Lochshire subdivision and other properties within the Village; and

WHEREAS, said water and sewer line from time to time require maintenance and may require repair and replacement in the future; and

WHEREAS, after numerous unsuccessful attempts by the Village to negotiate a mutual agreement with the Lochshire Condominium Owners Association to allow the Village access to the existing sanitary sewer lift station site for the purpose of replacing the deteriorating lift station, the Corporate Authorities of the Village have determined that it is useful, desirable and necessary that the Village acquire for fair market value by eminent domain easement rights to a parcel of real property which includes both the site of the existing lift station as well as an adjacent site for a new lift station located within the Lochshire Condominium development in the Village for the purpose of allowing the Village to remove the existing, deteriorating lift station and construct and maintain a new replacement sanitary sewer lift station to serve the sanitary sewer needs of certain portions of the Lochshire Condominium development and other property; and

WHEREAS, since installation, the Village has used the water and sewer lines throughout the Lockshire subdivision to serve the subdivision and other properties in the Village; and

WHEREAS, the Village acquired an easement by prescription to the sanitary sewer lift station site and the other water and sewer lines, which rights are being challenged; and

WHEREAS, it is in public interest to determine with certainty the Village's rights under the easements described above; and

WHEREAS, The utility easements to be acquired are legally described in Exhibit A attached hereto and thereby made a part hereof (the "Subject Property") in order to maintain, continue, and improve the Village's combined waterworks and sanitary sewer systems; and

WHEREAS, it is useful, necessary, desirable and in the best interest of the Village to acquire the utility easement rights as legally described in Exhibit A;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington, Illinois (the "Corporate Authorities"), in exercise of the authority of this Village as a Home Rule unit, as follows:

SECTION 1. The Corporate Authorities hereby find that the facts, findings, and determinations stated in the preamble of this Ordinance are true and correct and are incorporated herein as its findings as though fully set forth herein.

SECTION 2. It is useful, necessary, desirable and in the best interest of the Village for the Village to acquire the Subject Property as the site for the installation and/or construction of a new wastewater lift station and related sanitary sewer force main and to establish Village ownership of the related easements for water and sewer lines. The acquisition of the Subject Property is necessary for the maintenance, continuance, and improvement of the Village's water and sanitary sewer system. The acquisition of the Subject Property is hereby authorized under both 65 ILCS 5/11-139-1, et seq. and 65 ILCS 5/11-61-1 of the Illinois Municipal Code.

SECTION 3. The law firm of Neal & Leroy, LLC ("Neal & Leroy") is hereby authorized and directed to negotiate with the owner(s) of the Subject Property or their authorized agents, and to extend offers, for the purchase of the Subject Property on behalf of the Village. Any offers to purchase that are accepted by an owner or owners of the Subject Property shall be subject to approval by ordinance of the Corporate Authorities.

SECTION 4. If Neal & Leroy is unable to negotiate or successfully conclude an agreement with the owner or owners of the Subject Property, Neal & Leroy may institute and prosecute condemnation proceedings in the name of and on behalf of the Village, pursuant to the Illinois Eminent Domain Act (735 ILCS 30/1-1-1, et seq.), to acquire the Subject Property under the Village's power of eminent domain.

SECTION 5. In the event that the Village elects to exercise its power of eminent domain, it shall do so in accordance with the provisions of the Illinois Eminent Domain Act (735 ILCS 30/1-1-1, et seq.):

SECTION 6. Neal & Leroy is further authorized and directed to take any other action necessary to complete acquisition of the Subject Property by the Village, by condemnation and/or eminent domain proceedings including, but not limited to, hiring a licensed surveyor to survey the

Subject Property, hiring a licensed appraiser to appraise the Subject Property, engaging a title company to determine all owners of record of the Subject Property and any other parties in interest, and engaging expert witnesses to testify on behalf of the Village in relation to said condemnation proceedings. Any agreement, settlement or judgment for the acquisition of the Subject Property shall be subject to approval by ordinance of the Corporate Authorities.

SECTION 7. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

SECTION 8. This Ordinance shall be in full force and effect immediately upon its passage, approval and publication as provided by law.

SECTION 9: The Village Clerk is directed to immediately publish this Ordinance in pamphlet form.

PASSED THIS 10 DAY OF NOVEMBER 2025, BY ROLL CALL VOTE AS FOLLOWS:

AYES: Trustees Lohmeyer, Sholeen, Wondrasek, Duncan, Prigge, Klaver and President Moran

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RECUSE: NONE

APPROVED THIS 10 OF NOVEMBER, 2025

Michael Moran, Village President

ATTESTED AND FILED THIS
10 DAY OF NOVEMBER, 2025:

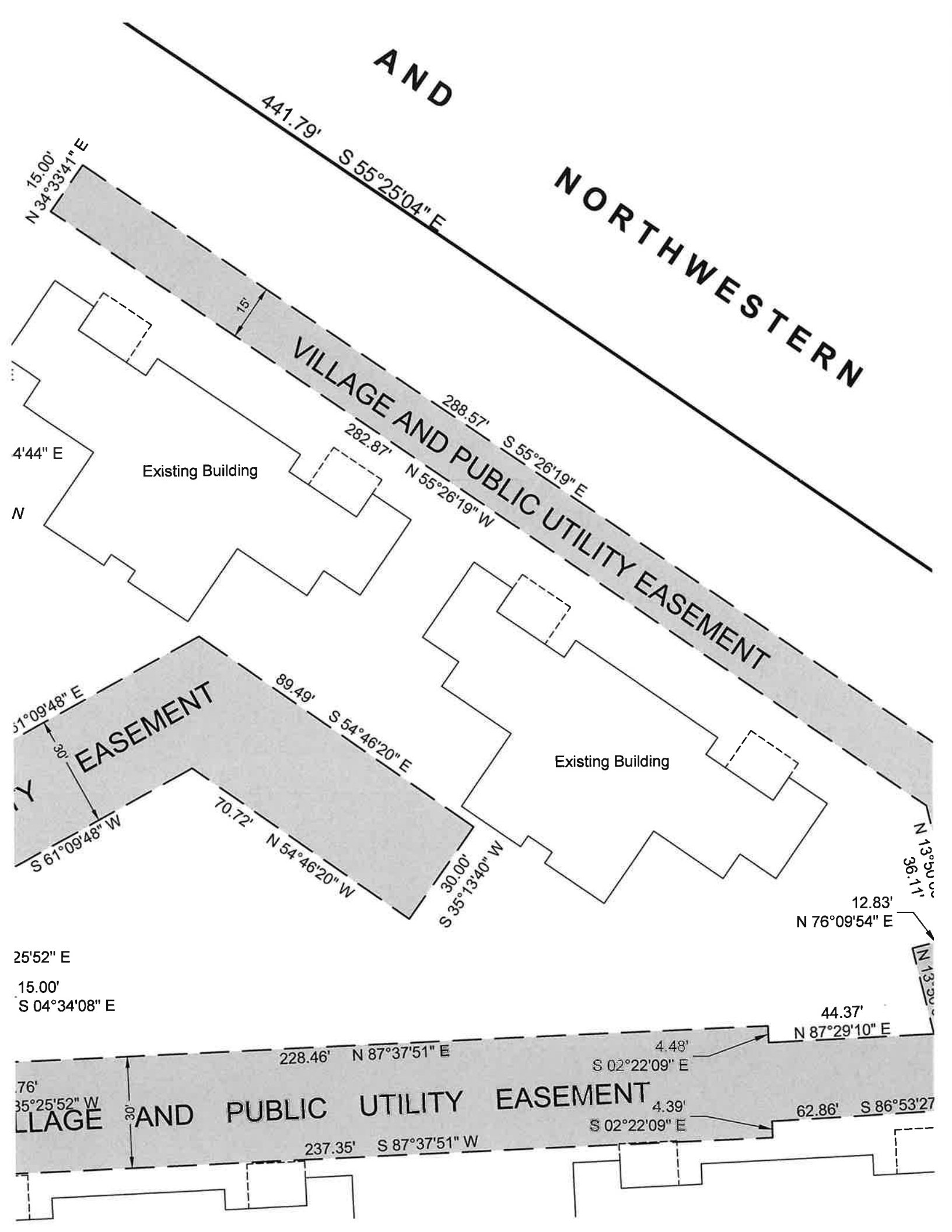
James P. Dillon, Village Clerk

PUBLISHED IN PAMPHLET FORM THIS 10 DAY OF NOVEMBER, 2025.

Village of Barrington CORPORATE SEAL Cook & Lake Counties, IL

EXHIBIT "A" – Legal Description

See Survey attached


AND
NORTHWESTERN
441.79' S 55°25'04" E
15.00'
N 34°33'41" E
15'
VILLAGE AND PUBLIC UTILITY EASEMENT
288.57' S 55°26'19" E
282.87' N 55°26'19" W
4'44" E
Existing Building
N
EASEMENT
89.49' S 54°46'20" E
Existing Building
30'
S 61°09'48" W
70.72' N 54°46'20" W
30.00'
S 35°13'40" W
N 13°50'
36.11'
12.83'
N 76°09'54" E
25'52" E
15.00'
S 04°34'08" E
44.37'
N 87°29'10" E
228.46' N 87°37'51" E
4.48'
S 02°22'09" E
.76'
35°25'52" W
LLAGE AND PUBLIC UTILITY EASEMENT
30'
4.39'
S 02°22'09" E
62.86' S 86°53'27
237.35' S 87°37'51" W