
ORDINANCE NO. 2114

**AN ORDINANCE AUTHORIZING ADVERTISEMENT FOR THE SALE
OF REAL ESTATE OWNED BY THE CITY OF NOKOMIS, ILLINOIS**

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF NOKOMIS, ILLINOIS

THIS 15TH DAY OF FEBRUARY, 2024

Published in pamphlet form by the authority of the City Council of the City of
Nokomis, Montgomery County, Illinois, this _____ day of February, 2024.

CITY OF NOKOMIS, ILLINOIS

Ordinance No. 2114

AN ORDINANCE AUTHORIZING ADVERTISEMENT FOR THE SALE OF REAL ESTATE OWNED BY THE CITY OF NOKOMIS, ILLINOIS

WHEREAS, the City of Nokomis, Illinois (the “City”) an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*); and

WHEREAS, “[t]he corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities” (65 ILCS 5/1-2-1); and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-76-1, provides that the corporate authorities of a municipality may, by ordinance passed by three-fourths of the corporate authorities then holding office, authorize the sale of public real estate when, in the opinion of the corporate authorities, the real estate is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the city or village; and

WHEREAS, the City is the owner of a tract of real estate situated in the City of Nokomis, Montgomery County, Illinois, which is legally described as follows:

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14) in Block One (1) in Miller’s Division of Blocks 5, 6, 7, 18, 19, 20, 21, 22, and Part of Blocks 9 and 7 in Randall and Miller’s Subdivision in the Town of Nokomis.

P.I.N.: 08-22-403-001

(hereinafter, “Parcel 1”); and

WHEREAS, the City obtained title to Parcel 1 via Quit Claim Deed recorded at Book 170, Page 11; and

WHEREAS, the corporate authorities have determined that a portion of Parcel 1, which is more specifically described below as part of the “Real Estate”, is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the City of Nokomis; and

WHEREAS, the City is also the owner of a tract of real estate situated in the City of Nokomis, Montgomery County, Illinois, which is legally described as follows:

Block One (1) except Lot One (1), Two (2), Three (3), Four (4). Five (5), Six (6), Seven (7). Eight, (8), Nine, (9). Ten (10), Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14); and all of Block Two (2); and all of Block Three (3) except lots eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24). twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), and thirty-two (32); and all of Block Four (4); all of said lots and blocks being situated in Miller's Division of Blocks Five (5), Six (6), seven (7), eighteen (18). nineteen (19), twenty, (20). twenty-one (21), twenty-two (22), and part of Blocks nine (9) and seventeen (17) in Randall and Miller's Sub-division, in the Town of Nokomis, Montgomery County, Illinois.

P.I.N.: 08-22-454-012

(hereinafter, "Parcel 2"); and

WHEREAS, the City obtained title to Parcel 2 via Warranty Deed recorded at Book 204, Page 559; and

WHEREAS, the corporate authorities have determined that a portion of Parcel 2, which is more specifically described below as part of the "Real Estate", is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the City of Nokomis; and

WHEREAS, the corporate authorities have determined that it is in the best interest of the City of Nokomis that a portion of Parcel 1 and of Parcel 2, comprising approximately 2.17± acres, be sold together upon receipt of sealed bids, in accordance with the procedures set forth in the Illinois Municipal Code, 65 ILCS 5/11-76-2; and

WHEREAS, that portion of Parcel 1 and that portion of Parcel 2 to be sold together is legally described as follows:

Part of Blocks One (1) and Two (2) in Miller's Division to the City of Nokomis, Montgomery County, Illinois. Beginning at an iron pin set on the South Right-of-Way line of State Route 16 and Nineteen (19) feet West of the West line of Hargraves addition to the city of Nokomis; thence South 01°35'08" East on the West line of an existing alley for a distance of 395.00 feet to an iron pin set; thence South 88°49'06" West, a distance of 479.40 feet to an iron pin set on the Southerly Right of Way line of State Route 16; thence North 49°10'06" East. 619.02 feet on the said Southerly Right-of-Way line to the Point of Beginning, containing 2.17 acres more or less.

(hereinafter, the "Real Estate"); and

WHEREAS, the Real Estate is currently vacant and unimproved, and it is currently not being used by the City; and

WHEREAS, the corporate authorities have determined that the Real Estate should be sold in its “AS IS” condition, with no representation or warranties being made by the City, and sold for cash only; and

WHEREAS, the corporate authorities have further determined that the sale of the Real Estate should be sold subject to the relocation of two (2) water mains located on the Real Estate; and

WHEREAS, the form of contract to be executed is attached hereto as “**Exhibit A**”, and the successful bidder shall execute a contract in substantially that form; and

WHEREAS, the corporate authorities have further determined that it is necessary and desirable to the public interest that the City retain a perpetual nonexclusive easement over, across, upon, under, and through the Real Estate for an existing water line; and

WHEREAS, the form of easement to be retained is attached hereto as “**Exhibit B**” and shall be delivered in substantially that form; and

WHEREAS, the corporate authorities hereby find that the sale of the Real estate under the above-stated conditions to be in the best interest of the citizens of the City; and

WHEREAS, the corporate authorities have reviewed the document entitled “NOTICE OF SALE OF PROPERTY OWNED BY THE CITY OF NOKOMIS, IL AND INVITATION TO BID THEREON”, a true and complete copy of which is marked as “**Exhibit C**”, attached hereto, and incorporated by reference as if fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The above recitals are incorporated herein and made a part hereof.

SECTION 2: The purpose of this Ordinance is to authorize and direct the sale and disposition of the Real Estate and to authorize and direct the Mayor, the City Clerk, and the City’s attorneys to do all things and take all actions necessary and appropriate to sell the Real Estate and effectuate the intent of this Ordinance.

SECTION 3: The Mayor or his designee is hereby authorized and directed to publish notice of the City’s proposal to sell and to advertise for bids for the purchase of the Real Estate, in accordance with the procedures set forth in the Illinois Municipal Code, 65 ILCS 5/11-76-2.

SECTION 4: The City shall sell the Real Estate by receipt of sealed bids for the same, subject to the bidder’s or bidders’ strict compliance with the conditions stated in this Ordinance. Sealed bids will be received by the City until 12:00 Noon on Monday, April 8, 2024. Any and all bids received after said date and time will be rejected. Sealed bids will be opened and read aloud at the regularly scheduled City Council meeting at 7:00 p.m. on Monday, April 8, 2024, at City Hall, located at 22 South Cedar Street, Nokomis, Montgomery County, Illinois.

SECTION 5: The City Clerk is hereby directed to cause to be published in The Journal-News, at the first opportunity following the passage of this Ordinance, and at least once per week for 3 successive weeks, the “NOTICE OF SALE OF PROPERTY OWNED BY THE CITY OF NOKOMIS, IL AND INVITATION TO BID THEREON”, substantially in the form attached hereto and marked as “**Exhibit C**”.

SECTION 6: The City Council may accept the high bid or any other bid determined to be in the best interests of the City by vote of three-fourths of the corporate authorities then holding office, and may reject any and all bids by a majority vote of those holding office. The City Council further reserves the right to review and study any and all bids and to make a contract award within forty-five (45) days after the bids have been publicly read.

SECTION 7: The form of contract to be executed by the successful bidder is attached hereto as “**Exhibit A**”. The Mayor shall be authorized to negotiate the final form of contract to be executed. The Mayor or his designee, and the City’s attorneys as may be required, are hereby further authorized and directed to draft, execute, and complete any and all documents deemed necessary to effectuate the intent of this Ordinance. The City Clerk is hereby authorized and directed to attest to, countersign, and affix the seal of the City to all such documents.

SECTION 8: The officers and employees of the City shall take all actions reasonably necessary or required to carry out and give effect to the intent of this Ordinance and shall otherwise consummate the sale of the Real Estate and shall take all actions necessary in conformity therewith, including, but not limited to, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein and approving the expenditure of all necessary funds to consummate the sale of the Real Estate.

SECTION 9: All past, present, and future acts and doings of the officials of the City that are in conformity with the purpose and intent of this Ordinance are hereby, in all respects, ratified, approved, authorized, and confirmed.

SECTION 10: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance, which are hereby declared to be separable.

SECTION 11: All ordinances, resolutions, motions, or parts thereof in conflict with this Ordinance are hereby superseded.

SECTION 12: A full, true, and complete copy of this Ordinance shall be published in pamphlet form.

SECTION 13: This Ordinance shall be in full force and effect from and after its passage *by a vote of at least three-fourths of the corporate authorities now holding office*, approval, and publication as provided by law.

PASSED this 15th day of February, 2024, by roll call votes as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Present</u>
Commissioner Arkebauer				
Commissioner Morris				
Commissioner Glenn				
Commissioner Stauder				
Mayor Goldsmith				

APPROVED by the Mayor of the City of Nokomis, Illinois this ____ day of February, 2024.

ATTEST:

MAYOR

CITY CLERK

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) SS.
CITY OF NOKOMIS)

CERTIFICATE

I certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2114 of said City; that said Ordinance, which is

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was passed by the City Council of the City of Nokomis, Montgomery County, Illinois, by yea and nay vote on the 15th day of February, 2024; that said Ordinance was passed ***by a vote of at least three-fourths of the corporate authorities now holding office***; that said Ordinance was approved by the Mayor on the ___ day of February, 2024; and that said Ordinance was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify said Ordinance provided by its terms that it should be published in pamphlet form; that the pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the ___ day of February, 2024, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this ___ day of February, 2024.

(SEAL)

City Clerk