

**Ordinance No. 09-04**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF  
CERTAIN PROPERTY AND THE INSTITUTION OF EMINENT DOMAIN  
LITIGATION IN CONNECTION THEREWITH  
(Hudgins)**

WHEREAS, the South Sangamon Water Commission (“Commission”) is in the process of developing and building a common source of water supply for its member municipalities, persons located in unincorporated Sangamon County, and other potential wholesale and retail customers;

WHEREAS, the source of water supply includes well sites for untreated water, a water treatment plant, and water mains for treated and untreated water;

WHEREAS, the Village of Chatham has acquired and intends to convey to the Commission the site for the water treatment plant, and has options to purchase or has options to purchase and intends to develop certain well sites located in properties adjacent to or nearby the Hudgins Property;

WHEREAS, the Commission has been advised by its engineers, and hereby finds, that it is necessary for it to obtain access to the planned well sites through certain land in unincorporated Sangamon County and belonging to Budd Alan Hudgins;

WHEREAS, the Hudgins Property legally described as follows:

Part of the Northwest Quarter of the Northwest Quarter of Section 7, Township 15 North, Range 3 West of the Third Principal Meridian; Described more particularly as follows: Beginning at an iron pipe marking the Southwest Corner of the Northwest Quarter of the Northwest Quarter of the aforementioned Section 7, thence North 01 degrees 06 minutes 46 seconds West along the Section line a distance of 1338.24 feet to an iron pin marking the Northwest corner of Section 7, thence North 89 degrees 37 minutes 03 seconds east along the Section line a distance of 170.00 feet, thence South 44 degrees 15 minutes 08 seconds West 210.78 feet, thence South 01 degrees 06 minutes 46 seconds East 1188.14 feet to the Quarter, Quarter Section line, thence South 89 degrees 20 minutes 22 seconds West 20.00 feet to the Point of Beginning.

Said parcel contains 0.873 acres, more or less, all in the County of Sangamon, State of Illinois.

WHEREAS, the Commission finds that acquisition of the Hudgins Property will serve a public purpose by allowing the Commission, its employees, consultants and contractors, access to the planned wells on the adjoining and nearby properties for construction and maintenance thereof;

WHEREAS, the Commission finds that access to the wells for construction and maintenance is necessary for the function and operation of the new common source of water supply for the Commission's member municipalities, persons located in unincorporated Sangamon County, and other potential wholesale and retail customers;

WHEREAS, Section 6 of Division 135 of the Illinois Municipal Code authorizes the Commission to acquire property by eminent domain, stating as follows:

Whenever such commission shall pass an ordinance for the construction or acquisition of any waterworks properties, or improvements or extension or mains, pumping stations, reservoirs or other appurtenances thereto, which such commission is authorized to make, the making of which will require that private property be taken or damaged, such commission may cause compensation therefor to be ascertained and may condemn and acquire possession thereof in the same manner as nearly as may be, as provided for the exercise of the right of eminent domain under the Eminent Domain Act. However, proceedings to ascertain the compensation to be paid for taking or damaging private property shall in all cases be instituted in the circuit court of the county where the property sought to be taken or damaged is situated.

WHEREAS, the owner of the Hudgins Property has declined fair and reasonable offers by the Commission through good faith negotiations to purchase the Hudgins Property;

*THEREFORE, BE IT ORDAINED BY THE SOUTH SANGAMON WATER COMMISSION, AS FOLLOWS:*

**SECTION 1:** The above findings in the preambles hereto are incorporated fully herein by reference as the findings of the Commission.

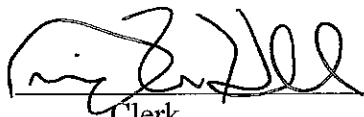
**SECTION 2:** The Commission hereby directs the acquisition of the Hudgins Property for waterworks, improvements, extensions and mains. The Attorney for the Commission is directed to acquire the property by eminent domain.

**SECTION 3:** This Ordinance is effective immediately.

PASSED this 23<sup>rd</sup> day of October, 2009.

  
CHAIRMAN

ATTEST:

  
Clerk

AYES: Hall, McLeod, Pfeiffer

NAYS: none

PASSED: 10/23/09

APPROVED: 10/23/09

ABSENT: none

**ORDINANCE CERTIFICATE**

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF SANGAMON )

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the South Sangamon Water Commission.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 09-04, adopted by the Chairman and Board of Commissioners of said Commission on the 23<sup>rd</sup> day of October, 2009, said Ordinance being entitled:

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY  
AND THE INSTITUTION OF EMINENT DOMAIN LITIGATION IN CONNECTION  
THEREWITH**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Commission where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this 23<sup>rd</sup> day of October, 2009.

  
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Clerk