



Legislation Text

File #: 18-1155, **Version:** 1

TO: The Honorable Mayor and City Council

FROM: Law Department

DATE: November 1, 2019

SUBJECT:

A resolution authorizing the sale of real property owned by the City commonly known as 594-596 Fifth Ave, Aurora, Illinois to Trinidad Cervantes and Jose Carlos Saucedo.

PURPOSE:

To authorize the sale of real property owned by the City.

BACKGROUND:

In May 2018, Trinidad Cervantes approached the City with an offer to purchase real property located at 594-596 Fifth Ave for \$81,000.00. Ms. Cervantes's offer is consistent with the results of an appraisal conducted by C.A. Bruckner & Associates, LLC for the City in the fall of 2017. The property includes a single-story 1,728 sq. ft. wooden building on a 14,237 sq. ft. lot with two half baths and a small kitchenette and most recently housed an early childhood education center. The City also owns a 7,936 sq. ft. parking lot adjacent to the west side of the building, which it is not selling as part of this proposed transaction. In June 2018, the Law Department received direction to pursue the sale, which resulted in the development of the proposed contract attached to the resolution.

When this item was previously before the Committee of the Whole in January 2019, the Committee requested that the property be subdivided in advance of any sale so that it was clear that the City was not selling the parking lot adjacent to the building's west side. For this reason, the item was held at the Committee of the Whole so that the subdivision process could be completed. The subdivision was authorized by the Council in April and the City received the recorded plats of surveys reflecting the subdivision in late June. The purchaser will be acquiring what is now designated as Lot 2 in the Cervantes Subdivision while the City will remain the owner of Lot 1.

DISCUSSION:

Section 2-344 of the Code of the City of Aurora provides that the City Council may sell real property owned by the City by resolution. The price Ms. Cervantes is offering is consistent with the City's appraisal on the property performed at the time the parties entered negotiations and the building is currently vacant.

IMPACT STATEMENT:

Ms. Cervantes is the proprietor of El Patron Mercado y Carniceria intends to use the property at 594-596 Fifth Ave for commercial purposes. Sale of the property represents income to the City and returns it to the property tax rolls. Ms. Cervantes plans to operate a catering business and a

delicatessen at the site; both uses would generate sales tax revenue.

RECOMMENDATIONS:

That the resolution be adopted.



CITY OF AURORA, ILLINOIS

RESOLUTION NO. _____
DATE OF PASSAGE _____

A Resolution authorizing the sale of real property owned by the City commonly known as 594-596 Fifth Ave, Aurora, Illinois to Trinidad Cervantes and Jose Carlos Saucedo in the amount of \$81,000.00.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, Section 2-344 of the Code of the City of Aurora provides that real property of any value, shall be sold by approval of a resolution of the City Council; and

WHEREAS, that the Law Department has negotiated a contract for the sale of the real property owned by the City, commonly known as 594-596 Fifth Ave, Aurora, Illinois and consisting of Lot 2 of the Cervantes Subdivision (hereinafter "Subject Property") and said contract is attached to this resolution as Exhibit A; and

WHEREAS, the proposed sale price for the Subject Property represents the fair market value of such property; and

WHEREAS, the sale of the Subject Property is in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aurora, Illinois, as follows: that the foregoing recitals are incorporated herein and made a part hereof; and further

BE IT RESOLVED, that the sale of the Subject Property to Trinidad Cervantes and Jose Carlos Saucedo in the amount of Eighty One Thousand and no/100 Dollars (\$81,000.00) is approved; and further

BE IT RESOLVED, that the Mayor or Corporation Counsel or their respective designees shall be and

hereby are authorized and directed to execute a contract for the sale of the Subject Property that is substantially in the same form as set forth in Exhibit A, attached to and made a part of this resolution as if fully set forth herein; and further

BE IT RESOLVED, that the Corporation Counsel or his designee shall be and hereby are authorized and directed to take all actions necessary and proper to carry this resolution into effect, including, but not limited to, the closing of the sale.