

VILLAGE OF GILBERTS

ORDINANCE 04-2025

AN ORDINANCE DECLARING CERTAIN REAL PROPERTY TO BE SURPLUS AND AUTHORIZING THE SALE OF THE REAL PROPERTY LOCATED AT 73 INDUSTRIAL DRIVE, GILBERTS, ILLINOIS

WHEREAS, the Village of Gilberts (“*Village*”) is an Illinois municipal corporation organized and operating under the Illinois Municipal Code (“*Code*”); and

WHEREAS, the Code (65 ILCS 5/11-76-4.1) authorizes the Village to sell surplus real estate, subject to certain procedures and conditions; and

WHEREAS, the Village owns the property located at 73 Industrial Drive, Gilberts, Illinois, bearing PIN number: 02-23-427-003 (“*Property*”); and

WHEREAS, the Property contains +/- 1.03 acres, is located in the I-1 General Industrial Zoning District, and is currently improved with a commercial structure, garage, parking lot, and related appurtenances; and

WHEREAS, the Village obtained a written appraisal report dated December 17, 2024, prepared by an Illinois state-certified appraiser, MaRous & Company, establishing the Property’s fair market value of the Property (“*Appraisal*”); and

WHEREAS, the Village has retained Brown Commercial Group, Inc. (“*Agent*”), a local licensed real estate agency, as the Village’s agent for the sale of the Property subject to a commission of 5% of the purchase price; and

WHEREAS, the Village Board has determined that the Property is no longer necessary, appropriate, required for the use of, profitable to, or in the best interests of the Village; and

WHEREAS, the Village Board finds that it is in the best interests of the Village to designate the Property as surplus and pursue selling the Property in accordance with this Ordinance’s terms, and that doing so will promote the public health, safety, and welfare of the Village and its residents;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois as follows:

Section 1. **Recitals and Exhibits.** The above recitals and all exhibits are incorporated into this Section 1 as though fully set forth herein.

Section 2. **Surplus Declaration.** The Village hereby declares the Property to be surplus property.

Section 3. **Appraisal Available.** On and after this Ordinance’s effective date, the Village Clerk is authorized and directed to make the Appraisal of the Property publicly available for inspection at the Office of the Village Clerk, 87 Galligan Road, Gilberts, Illinois 60136.

Section 4. Publication. The Village Clerk is authorized and directed to publish this Ordinance in the *Daily Herald*, a newspaper published in Kane County, Illinois, as soon as is practicable after this Ordinance's effective date.

Section 5. Sale Authorized. The sale of the Property shall be conducted by Agent, subject to (a) the Village Board's approval of a purchase and sale agreement in a form acceptable to the Village Board; and (b) the Property's sale price equaling no less than 80% of the Property's fair market value, as established by the Appraisal.

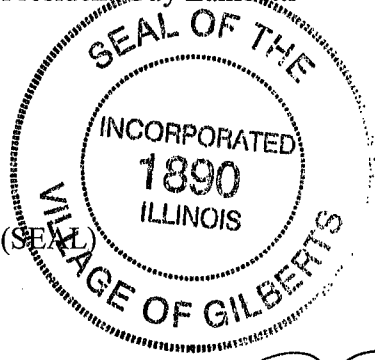
Section 6. Severability. In the event a court of competent jurisdiction finds this Ordinance, or any provision hereof, to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 7. Repeal and Savings Clause. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which has accrued to the Village of Gilberts prior to the effective date of this Ordinance.

Section 8. Effective Date. Upon its passage and approval according to law, this Ordinance shall, by authority of the Board of Trustees, be published in pamphlet form, in accordance with law.

PASSED BY VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this 11th day of March, 2025.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Robert Vanni	X	_____	_____	_____
Trustee Frank Marino	X	_____	_____	_____
Trustee Brandon Coats	X	_____	_____	_____
Trustee Jeanne Allen	X	_____	_____	_____
Trustee Robert Chapman	_____	_____	X	_____
Trustee Justin Redfield	X	_____	_____	_____
President, Guy Zambetti	_____	_____	_____	_____



APPROVED THIS 11th DAY OF MARCH, 2025.

Guy Zambetti

Village President, Guy Zambetti

ATTEST: *Lynda Lange*

Lynda Lange, Village Clerk