

**VILLAGE OF SOUTH CHICAGO HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 2024-ORD-24

**AN ORDINANCE OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS, COOK
COUNTY, ILLINOIS, AMENDING CHAPTER 14 ("*BUILDINGS AND BUILDING
REGULATIONS*") OF THE CODE OF ORDINANCES OF SOUTH CHICAGO HEIGHTS
ESTABLISHING THE ABANDONED PROPERTY ACQUISITION PROGRAM**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF SOUTH CHICAGO HEIGHTS
THIS 16th DAY OF SEPTEMBER 2024**

Published in pamphlet form
by the authority of the President
and Board of Trustees of the
Village of South Chicago Heights,
Cook County, Illinois this 16th day
of September 2024

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AN ORDINANCE OF THE VILLAGE OF SOUTH CHICAGO HEIGHTS, COOK COUNTY, ILLINOIS, AMENDING CHAPTER 14 (“*BUILDINGS AND BUILDING REGULATIONS*”) OF THE CODE OF ORDINANCES OF SOUTH CHICAGO HEIGHTS ESTABLISHING THE ABANDONED PROPERTY ACQUISITION PROGRAM

WHEREAS, the Village of South Chicago Heights, Cook County, Illinois (the “*Village*”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “*Home Rule Powers*”); and

WHEREAS, the Village President and Board of Trustees of the South Chicago Heights, Cook County, Illinois (the “*Corporate Authorities*”) may from time to time amend the text of the Code of Ordinances of South Chicago Heights when it is determined to be in the best interests of the residents of the Village; and

WHEREAS, the Corporate Authorities find that it is in the best interests of the Village and deem it advisable to establish an abandoned property acquisition program (“*APAP*”) within the Village of South Chicago Heights; and

WHEREAS, the Corporate Authorities find that the following amendments to Chapter 14 (“*Building and Building Regulations*”) of the South Chicago Heights Municipal Code, as set forth herein, will secure the public health, safety, morals and welfare of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of South Chicago Heights, Cook County, Illinois, by and through its Home Rule Powers, as follows:

Section 1. That the above recitals and legislative findings are found to be true and

correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. The Corporate Authorities find and determine that the adoption of this Ordinance is in the best interests of the Village as well as in the public interest.

Section 3. Chapter 14 ("*Building and Building Regulations*") of the South Chicago Heights Municipal Code is hereby amended by adding the underlined language to read, as follows:

Chapter 14 – BUILDING AND BUILDING REGULATIONS

ARTICLE IX. – ABANDONED PROPERTY ACQUISITION PROGRAM

Sec. 14-292. – Established.

There is hereby established the Village of South Chicago Heights "Abandoned Property Acquisition Program" (hereinafter the "APAP").

Sec. 14-293. – Purpose.

The purpose of the APAP is to provide the Village with a method to eliminate blighted properties from the community; to restore blighted properties to a useful state; to generate employment opportunities; to generate utility and other revenues for the Village; to return delinquent properties to the tax rolls; and to generally enhance the appearance, security, safety, and home values in the community and to promote the general health, safety and welfare of the citizens of the Village.

Sec. 14-294. – Applicability.

This article shall be applicable to any property which is vacant and/or abandoned according to the Code or the State of Illinois Compiled Statutes; or vacant and encumbered by numerous years of delinquent property taxes; or is vacant and has been unmaintained for an extended period thus resulting in it becoming encumbered by Village liens; and for which the Illinois Compiled Statutes provide a legal method of the Village prosecuting an action to acquire ownership of the subject property.

Sec. 14-295. Authorization.

The Village of South Chicago Heights Code Village Administrator is hereby authorized to enter into a "Property Acquisition and Escrow Agreement" (as set forth in Exhibit A attached hereto) for a property that meets the applicability qualifications as set forth in Section 14-294 above with an

applicant who has: made application to acquire a property under said program guidelines; has presented a satisfactory preliminary plan for the rehabilitation and intended use of said property; has posted the escrow as required within the application; and has demonstrated the financial ability to complete the rehabilitation in accordance with the Village Code within six months of acquiring the deed to the subject property.

Section 14-496. Escrow and agreement terms.

- (a) The applicant is hereby permitted to post and the Village Administrator is hereby authorized to review escrow funds from the applicant, which shall be held in escrow by the Village in its general corporate account for the purpose of paying for expenses related to the acquisition of the subject property. Escrow balance remaining after acquisition is complete shall be refunded to applicant, or if said expenses exceed said escrow balance, applicant shall pay the same to the Village upon demand.
- (b) Escrows shall be posted in the amount of five thousand dollars (\$5,000.00) (or as otherwise may be determined in the Village's sole discretion). Escrows shall be held for the benefit of both parties and for the purpose of securing and making payments incurred by the Village for acquisition expenses associated with the subject property. The Village is authorized to make payments from said escrow fund without further notice to the applicant as acquisition expense invoices come due. Such expenses shall include, but are not limited to: legal fees; filing fees; title insurance or search related fees; and, consultant fees.
- (c) The Village shall have no liability towards the applicant and the applicant shall waive any and all claims against the Village for the denial of the Village's prosecution of a civil action to acquire title. The Village shall be under no legal obligation to continue to attempt to acquire the subject property once the Village's legal attempt to acquire is denied or if the applicant ceases to fund the escrow account after demand by the Village. The Village shall determine in its sole discretion the legal method to be used to attempt to acquire title.
- (d) In the event the Village is successful in acquiring title to the subject property, the Village shall notify the applicant. The applicant shall then have seven days to advise the Village in writing that they are ready to close on the purchase of the subject property. Should the applicant advise the Village that they wish to close, the Village shall draft a purchase and sale agreement to be executed by the parties and the parties shall proceed to closing within 30 days or as otherwise may be agreed. Should the applicant fail to advise the Village of their intentions within seven days of the Village's notice, this agreement shall immediately terminate the Village shall be under no further obligation to the applicant.
- (e) The Village's sole obligation to the applicant at closing is to issue a quit-claim deed to the applicant transferring them the Village's interest in the subject property. The Village makes no representations, warranties or guarantees relative to the deed or chain of title

or title exceptions or delinquent taxes relating to the subject property. The Village shall incur no expenses in the closing. The cost of closing shall all be borne solely by the applicant, including costs customarily considered "seller's costs". The Village will NOT provide title insurance, survey or a tax proration or proration of any kind. The Village will not be required to clear title exceptions. Applicant will be responsible for scheduling and obtaining Village Code Department inspections and occupancy certificate(s). The sale of the subject property to applicant is in an "as is" and "where is" condition.

- (f) Final sale price to applicant shall be determined by agreement of the parties after acquisition of the deed by the Village and same shall be reflected in the purchase and sale agreement executed by the parties. Factors to be considered in determining the sales price shall include but are not limited to: expenses incurred by the Village, revenue unrealized by the Village caused by the abandonment of the subject property, and condition of the subject property as compared to market value of similar properties in the vicinity.

Section 14. 497. Application.

The application attached hereto as Exhibit A is incorporated herein as though specifically set forth and its terms and conditions are in full force and effect upon the adoption and approval of this article.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 5. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

(Intentionally left blank)

ADOPTED by the President and Board of Trustees of the Village of South Chicago Heights, Cook County, Illinois this 16th day of September 2024, pursuant to a roll call vote, as follows:

VOTE:

AYES: 6

NAYS: 0

ABSENT: 0

APPROVED by the President of the Village of South Chicago Heights, Cook County, Illinois on this 16th day of September 2024.


VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK