
REAL PROPERTY CONVEYANCES - ILLINOIS

Village of Riverdale v. Nosmo Kings, LLC

Appellate Court of Illinois - October 5, 2023 - 2023 IL App (1st) 221380 - 2023 WL 6467934

Village brought action against purported purchasers of marina property, seeking to have marina declared abandoned and to be granted permission to demolish buildings on the property.

Purported purchaser counterclaimed and filed third-party complaint against village's former officials, as well as purported vendor's owner, seeking writ of mandamus, damages for tortious interference with prospective economic advantage and business expectancy and civil conspiracy, quiet title, and other claims.

The Circuit Court granted village and officials' motion for summary judgment. Purchasers appealed.

The Appellate Court held that provision in redevelopment agreement that prohibited transfer of marina's ownership did not void any purported conveyance of marina to purported purchasers, but was a contractual promise providing village a remedy in the event of a breach.

Provision in redevelopment agreement between village and purported vendor of marina property that prohibited transfer of marina's ownership did not void vendor's purported conveyance of marina to purported purchasers, but was a contractual promise providing village's remedy in event of a breach was to terminate agreement and pursue reimbursement of its contributions to redevelopment project; agreement did not categorically bar any sale of marina, but allowed a sale if certain conditions were met, i.e., either passage of 36 months following village's receipt of certificate of substantial completion or with village's consent, and it did not say that any attempted conveyance without satisfaction of one of two conditions was null and void, rather, it merely provided that vendor agreed to place limitations on its right to alienation.

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