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JPH: *2/6/06
PC: 2005-33P
ALLEY VACATION

Doc#: 0619331065 Fee: \$74.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 07/12/2006 12:04 PM Pg: 8

THIS ORDINANCE MAY BE CITED AS
VILLAGE ORDINANCE NUMBER
06-2-Z-3411

10/9

Acc 194 310 JL ACCOTE

AN ORDINANCE VACATING VARIOUS UNOPENED AND UNIMPROVED RESIDENTIAL NORTH-SOUTH AND EAST-WEST ALLEYS WITHIN AN AREA BOUNDED BY GOLF ROAD, KEELER AVENUE, FOSTER STREET AND KILDARE AVENUE IN A R1 SINGLE FAMILY RESIDENTIAL DISTRICT

1 **WHEREAS**, the Community Development Department is continuing the alley
2 vacation program that was implemented in 2002, in which the Village vacates unopened
3 and unimproved residential alleys that are unnecessary for Village transportation and
4 access needs; and

5 **WHEREAS**, the alleys to be vacated, were dedicated along with the original
6 subdivisions, however, they were never improved when the homes were constructed, and
7 the Village does not have any intent to open or improve them; and

8 **WHEREAS**, the alley vacation program benefits both property owners by receiving
9 increased land area that will potentially increase the value and development potential of
10 their property, and the Village by reducing maintenance costs; and

11 **WHEREAS**, an easement for sewer, water and drainage purposes will be
12 maintained in favor of the Village and utility easements will remain over the entire area to be
13 vacated; and

14 **WHEREAS**, the only structure that may be built on the vacated alleys is a fence, and
15 that any and all structures and vegetation built or maintained by the property owners are
16 done so at the property owner's risk because the Village will have the right to enter upon
17 vacated property and may damage or remove the structure, should the Village need to
18 access the area covered by the easement; and

19 **WHEREAS**, the public interest shall be subserved by the vacation of the following
20 two unimproved alleys are to be vacated:

21 Alley-1: The north-south and east-west alleys on the 9500 block between Keeler
22 Avenue and Tripp Avenue;

23 Alley-2: The north-south alley on the 9500 block between Tripp Avenue and Kildare
24 Avenue (excluding the east-west alley south of the residences on Golf Road);

25 **WHEREAS**, Alley-1, being the north-south and east-west alleys on the 9500 block
26 between Keeler Avenue and Tripp Avenue, are 16 feet wide and will be "split" down the
27 middle, thereby giving each adjacent property owner, as identified by their permanent index

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1 numbers on Exhibit "B" attached hereto, under the heading "Block 203", half of the vacated
2 alleys; and

3 **WHEREAS**, Alley-2, being the north-south alley on the 9500 block between Tripp
4 Avenue and Kildare Avenue (excluding the east-west alley south of the residences on Golf
5 Road) is approximately 19 feet in width, due to the dedication of an approximately 3-foot
6 wide strip of land on the west side of the alley, pursuant to Village Ordinance Number 06-2-
7 Z-3410; and

8 **WHEREAS**, Alley-2 will be divided with the eastern 8 feet being transferred to the
9 adjacent property owners, as identified on Exhibit "B" attached hereto, by their permanent
10 index numbers under the heading "Block 202 – East," and the western 11 feet being
11 transferred to the adjacent property owners, as identified on Exhibit "B," by their permanent
12 index numbers under the heading "Block 202 – West"; and

13 **WHEREAS**, the Village will remove any existing alley aprons and restore parkways,
14 sidewalks and any curbs, if necessary; and

15 **WHEREAS**, the title and ownership, to the vacated alleys shall vest in the abutting
16 property owners, as indicated above and whose Permanent Index Numbers are set out in
17 "Exhibit B" attached hereto; and

18 **WHEREAS**, the alleys to be vacated are depicted on the Plat of Vacation, dated
19 October 25, 2005, attached hereto as Exhibit "C"; and

20 **WHEREAS**, no compensation shall be paid by the owners of the abutting properties
21 for the value of the real estate which may accrue to them by reason of the enactment of this
22 Ordinance, since it has been determined that the vacation of alleys will benefit both
23 residents and the Village; and

24 **WHEREAS**, the abutting property owners of the Subject Property were duly notified
25 of the Plan Commission proceedings and presented no objection to the proposed vacation;
26 and

27 **WHEREAS**, the Skokie Plan Commission, at a public hearing duly held on
28 November 3, 2005, after hearing testimony from one person who requested clarification of
29 the vacation processes and procedures: (a) determined proper legal notice was achieved
30 and (b) voted to recommend to the Mayor and Board of Trustees that the Subject Property
31 be vacated, subject to the conditions set forth in the Plan Commission Report dated
32 December 5, 2005; and

33 **WHEREAS**, the Mayor and Board of Trustees of the Village of Skokie, at a public
34 meeting duly held December 5, 2005, concurred in the recommendation of the Skokie Plan
35 Commission;

36 **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the
37 Village of Skokie, Cook County, Illinois:

38 **Section 1:** That the following alleys commonly described below, and legally
39 described in Exhibit "A" attached hereto, and depicted on the "Plat of Vacation," dated

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1 October 25, 2005, attached hereto as Exhibit "C", located in the Village of Skokie, be and
2 the same are hereby vacated:

- 3 i. Alley 1 – The north-south and east-west alleys on the 9500 block between
4 Keeler Avenue and Tripp Avenue, and ownership is to be divided equally
5 among the adjacent property owners, as identified by their permanent index
6 numbers on Exhibit "B" under the heading of "Block 203"; and
- 7 ii. Alley 2 - The north-south alley on the 9500 block between Tripp Avenue and
8 Kildare Avenue (not the east-west alley south of the residences on Golf
9 Road), and ownership is to be divided with the eastern 8 feet being
10 transferred to the adjacent property owners, as identified on Exhibit "B"
11 attached hereto, by their permanent index numbers under the heading "Block
12 202 – East," and the western 11 feet being transferred to the adjacent
13 property owners, as identified on Exhibit "B," by their permanent index
14 numbers under the heading "Block 202 – West";

15 and the title to the vacated alleys shall vest in the abutting property owners, as indicated
16 above, and whose Permanent Index Numbers are set out in "Exhibit B" attached hereto.

17 **Section 2:** The aforesaid vacation is subject to the conditions set forth below:

- 18 1. Easements shall be reserved for all Village and Village franchised public utilities
19 over the entire area to be vacated, as stated on the Plat of Vacation, dated
20 October 25, 2005. A permanent public drainage easement shall be maintained in
21 the vacated alley;
- 22 2. Property owners shall not alter the grade or change the drainage pattern in the
23 easement area without a permit from the Village's Engineering Division;
- 24 3. Other than a fence, no structures shall be constructed in the easement area.
25 Property owners planting vegetation or landscaping, constructing or maintaining
26 a fence, or an unauthorized structure, accept the risk that the vegetation or
27 landscaping, fence, or unauthorized structure, may be damaged or destroyed,
28 without cost or liability to the Village, in the event it is necessary to improve
29 access, maintain or enforce a sewer, water or utility easement; and
- 30 4. The vacation shall be effective upon the recording of a Plat of Vacation by the
31 Village in the Office of the Recorder of Deeds of Cook County, Illinois.

32 **Section 3:** That the aforesaid vacation, incorporating the conditions contained
33 herein, shall be effective upon the recording of a Plat of Vacation by the Village of Skokie in
34 the Office of the Recorder of Deeds of Cook County.

35 **Section 4:** That no compensation shall be paid by the owners of the abutting
36 properties for the value of the real estate which may accrue to them by reason of the
37 enactment of this ordinance and that the public interest and benefit will be subserved by the
38 vacation of the properties referenced herein.

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Section 5: It is the intention of the Village that ownership and title to the vacated alleys shall pass to and vest in the adjacent property owners, as described in Section 1.

Section 6: That this Ordinance shall be in full force and effect from and after its passage, approval, and recordation as provided by law.

ADOPTED this 6th day of February, 2006.

Ayes: 7 (Bromberg, Gelder, McCabe, Perille
Roberts, Sutker, Van Dusen)

Nays: 0

Absent: 0

Marlene Williams
Village Clerk

Attested and filed in my
office this 7th day of
February, 2006.

Approved by me this 6th day of
February, 2006.

Marlene Williams
Village Clerk

George Van Dusen
Mayor, Village of Skokie

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Exhibit A

LEGAL DESCRIPTION

THE NORTH-SOUTH 8 FOOT ALLEY LYING WEST OF AND ADJACENT TO LOTS 11 THROUGH 25 IN SIMPSON-KEELER SECOND ADDITION TO THE HIGHLANDS, BEING A SUBDIVISION OF THE WEST TWO-THIRDS OF THE EAST THREE-EIGHTHS OF THE NORTH THREE-QUARTERS OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED SEPTEMBER 21, 1927 AS DOCUMENT NUMBER 9785027, ALSO,

LOT 2 (PREVIOUSLY DEDICATED TO THE PUBLIC AS AN ALLEY, RECORDED 200 AS DOCUMENT NUMBER) AND THE 8 FOOT NORTH-SOUTH ALLEY LYING EAST OF AND ADJACENT TO LOT 2 IN THE SUBDIVISION OF A STRIP OF LAND IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED NOVEMBER 16, 1927 AS DOCUMENT NUMBER 9842544, ALSO,

THE 8 FOOT NORTH-SOUTH ALLEY LYING EAST OF AND ADJACENT TO LOT 106 THROUGH 120 AND ALL OF THE 16 FOOT EAST-WEST ALLEY LYING SOUTH OF AND ADJACENT TO LOTS 1 THROUGH 5 AND NORTH OF AND ADJACENT TO LOT 120 IN AFORESAID SIMPSON-KEELER SECOND ADDITION TO THE HIGHLANDS, ALSO

THE 8 FOOT NORTH-SOUTH ALLEY LYING WEST OF AND ADJACENT TO LOTS 6 THROUGH 19, AND ALL OF THE 16 FOOT EAST-WEST ALLEY LYING SOUTH OF AND ADJACENT TO LOTS 1 THROUGH 5 AND NORTH OF AND ADJACENT TO LOT 6 IN SIMPSON-KEELER ADDITION TO THE HIGHLANDS, A SUBDIVISION OF THE EAST ONE-EIGHTH OF THE NORTH THREE-QUARTERS OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MARCH 18, 1927 AS DOCUMENT NUMBER 9584926, ALL IN COOK COUNTY, ILLINOIS.

Office

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Exhibit B

PERMANENT INDEX NUMBERS

BLOCK 202 - East

10-15-202-041-0000
10-15-202-042-0000
10-15-202-040-0000
10-15-202-044-0000
10-15-202-045-0000
10-15-202-038-0000
10-15-202-046-0000
10-15-202-026-0000
10-15-202-027-0000

BLOCK 202-West

10-15-202-034-0000
10-15-202-033-0000
10-15-202-032-0000
10-15-202-031-0000
10-15-202-030-0000
10-15-202-029-0000
10-15-202-050-0000

BLOCK 203

10-15-203-058-0000
10-15-203-055-0000
10-15-203-008-0000
10-15-203-009-0000
10-15-203-025-0000
10-15-203-026-0000
10-15-203-027-0000
10-15-203-028-0000
10-15-203-029-0000
10-15-203-054-0000
10-15-203-046-0000
10-15-203-047-0000
10-15-203-048-0000
10-15-203-049-0000
10-15-203-024-0000
10-15-203-023-0000
10-15-203-022-0000
10-15-203-043-0000
10-15-203-042-0000
10-15-203-041-0000
10-15-203-040-0000
10-15-203-053-0000
10-15-203-052-0000
10-15-203-050-0000
10-15-203-012-0000
10-15-203-039-0000
10-15-203-038-0000
10-15-203-060-0000

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STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

I, MARLENE WILLIAMS, DO HEREBY CERTIFY that I am the regularly elected and acting Clerk of the Village of Skokie, County of Cook and State of Illinois.

I DO FURTHER CERTIFY that the annexed and foregoing Ordinance is a true and correct copy of an Ordinance adopted by the Mayor and Board of Trustees of the Village of Skokie on the 6th day of February, 2006 by a vote of 7 Ayes, 0 Nays and 0 Absent; that said Ordinance adopted as aforesaid was deposited and filed in the Office of the Village Clerk on the 7th day of February, 2006. and was approved by the Mayor and Board of Trustees on the 6th day of February, 2006.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy is entrusted to my care and safekeeping and I am the Keeper of the records, journals, entries, ordinances and resolutions.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Skokie this 1st day of June, 2006.

Skokie Village Clerk
Cook County, Illinois

(seal)

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Property of Cook County Clerk's Office

PLAT

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SEE PLAT INDEX