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Doc#: 0835450011 Fee: \$48.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 12/19/2008 01:46 PM Pg: 1 of 7

ORDINANCE 97-0-98 VACATING PORTION OF RIGHT OF WAY

Per Development Agreement between Village of Wilmette, Cook County, Illinois and Bank One Illinois, N.A., a National Banking Association (Recorded as Document #97910028).

COVER SHEET FOR RECORDER OF DEEDS

Above Space for Recorder of Deeds Office

Permanent Index Numbers:

05-34-103-0001
05-34-103-0002
05-34-103-0003
05-34-103-0004
05-34-103-0005
05-34-103-0008

Common Address: 1200 Central Avenue, Wilmette, IL 60091

Return To:

Mary Beth Cyze, Assistant Corporation Counsel
Village of Wilmette
1200 Wilmette Ave.
Wilmette, IL 60091
847-853-7505

(6 pages plus cover)

7 Pgs

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ORDINANCE NO. 97-O-98

AN ORDINANCE VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY IN THE VILLAGE OF WILMETTE, COOK COUNTY, ILLINOIS

WHEREAS, the Village President and Board of Trustees of the Village of Wilmette, Cook County, Illinois, after due investigation and consideration, find by a majority of no less than three-fourths of the corporate authorities now holding office, that the portion of the public right-of-way commonly known as Washington Court, that being the southernmost 16 feet of the right-of-way of the 1200 block of Washington Court and hereinafter legally described, is adjoined by private uses, is not improved in said portion with a street, is no longer required for public use, and that the public interest will be served by vacating said parcel; and,

WHEREAS, the Village President and Board of Trustees further find that find, by a majority of no less than three-fourths of the corporate authorities now holding office, that the relief to the public from the further burden of responsibility for said street right-of-way, the payment to the Village of monetary compensation in the amount of \$40,000, and the imposition of certain agreed conditions and restrictions on future development of said street right-of-way hereinafter enumerated, would be adequate compensation for the vacation of the street right-of-way hereinafter described; and,

WHEREAS, pursuant to the terms of a certain Development Agreement between the Village of Wilmette and Bank One Illinois, N.A., a national banking corporation (hereinafter "Bank One"), as provided in Resolution No. 97-R-31 adopted by the President and Board of Trustees of the Village of Wilmette on or about September 23, 1997, only Bank One, which is the adjoining property owner south of the street right-of-way to be vacated as shown on the attached Plat of

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Ord. No. 97-O-98

Vacation, is hereby obligated to pay said \$40,000 compensation therefor to the Village of Wilmette, and pursuant to Section 11-91-1 of the Illinois Municipal Code, 65 ILCS 5/11-91-1, as amended by P.A. 90-179, the entire title to said street right-of-way to be vacated hereby, subject to such development restrictions of record or set forth on the attached Plat of Vacation, shall be acquired by Bank One;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Wilmette, Cook County, Illinois:

SECTION 1: The foregoing recitals, and each of them, are incorporated by reference as if set forth verbatim herein.

SECTION 2: The public right of-way hereinafter described is no longer required for public use and the public interests will be served by vacating said public right-of-way.

SECTION 3: The heretofore dedicated public right-of-way, legally described as:

Beginning at a point eighteen (18) feet, six (6) inches West of the Northeast corner of Lot 19 of Westerfield's Resubdivision of part of Block 27 of Village of Wilmette, recorded May 17, 1878 (Document No. 150959) in the Northwest one-quarter (¼) of Section 34, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois; Thence one-hundred and twenty (120) feet Westward along the North boundary of Lots 19, 20 and 21 of said Westerfield's Resubdivision; Thence North sixteen (16) feet; Thence Eastward one hundred and twenty (120) feet along a line parallel to and sixteen (16) feet North of the North boundary of said Lots 19, 20 and 21; Thence South sixteen (16) feet to the Point of the Beginning; the entire described parcel lying in the Southerly portion of the dedicated right-of-way of Washington Avenue, immediately West of 12th Street, all within the limits of the Village of Wilmette, Illinois, and comprising approximately one thousand, nine hundred and twenty (1920) square feet, more or less;

which said premises are shown on the attached Plat of Vacation, which Plat, for greater certainty, is made a part of this Ordinance and incorporated by reference as if set forth verbatim herein, **BE AND THE SAME IS HEREBY VACATED AND CLOSED**, as shown on said Plat of Vacation, and subject to the following conditions:

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Ord. No. 97-O-98

- (a) The ownership and use of the right-of-way vacated hereby is subject and shall continue in perpetuity to be subject to, existing public utility easements and the future exercise of these easement rights by the Village and public utilities as they shall appear from existing easement agreements.
- (b) The ownership and use of the right-of-way vacated hereby, on and after its vacation, shall be limited and restricted, now and in perpetuity, to the use, enjoyment and maintenance of the improvements to the right-of-way vacated hereby existing on the date of execution of this Agreement. No redevelopment of the right-of-way vacated hereby, nor any change, other than repair, maintenance or needed replacement with substantially similar type of the existing improvements to the right-of-way vacated hereby of any sort, including but not limited to any construction of new improvements or structures of any sort, or any change in the finished grade of the right-of-way vacated hereby, shall be permitted without the express written consent of the Village. Said consent shall be granted or denied only in the sole, exclusive and unlimited discretion of the corporate authorities of the Village, and shall be expressed only a by Resolution adopted by the affirmative votes of a majority of all the corporate authorities then holding office, or by the adoption of an ordinance providing for the approval of a Planned Unit Development on the Bank Property, in the manner provided in the Village Zoning Ordinance.
- (c) Bank One shall pay to the Village, as compensation for the fair market the value of right-of-way vacated hereby, **FORTY THOUSAND AND NO/100 DOLLARS (\$40,000.00)**, and the vacation of the right-of-way vacated hereby shall not become effective until said compensation is received by the Village.
- (d) The Plat of Vacation approved pursuant hereto shall recite each of the foregoing conditions and limitations.

SECTION 4: Pursuant to the terms of the Development Agreement aforesaid between the Village of Wilmette and Bank One, as provided in Resolution No. 97-R-31 adopted by the President and Board of Trustees of the Village of Wilmette on or about September 23, 1997, only Bank One, which is the adjoining property owner south of the street right-of-way to be vacated as shown on the attached Plat of Vacation, is hereby obligated to pay said \$40,000 compensation therefor, as provided in section 3(c) of this Ordinance, to the Village of Wilmette, and pursuant to Section 11-91-1 of the Illinois Municipal Code, 65 ILCS 5/11-91-1, as amended by P.A. 90-179, the entire title to said street right-of-way to be vacated hereby, subject to such development restrictions of record or set forth in section 3 hereof and on the attached Plat of Vacation, shall be acquired by Bank One.

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SECTION 5: A certified copy of this ordinance shall be filed by the Village Clerk of the Village of Wilmette, Illinois, for recording in the office of the Recorder of Deeds in Cook County, Illinois, within sixty days after the passage of this ordinance.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

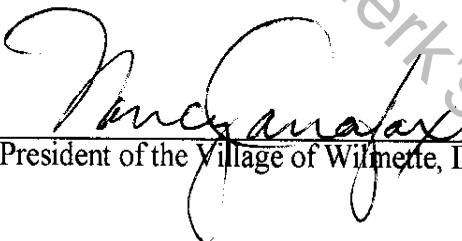
PASSED by the President and Board of Trustees of the Village of Wilmette, Illinois, on the **24th day of November** 1997.

AYE: 7


NAY: 0


Clerk of the Village of Wilmette, IL

APPROVED by the President of the Village of Wilmette, Illinois, this **24th day of November** 1997.

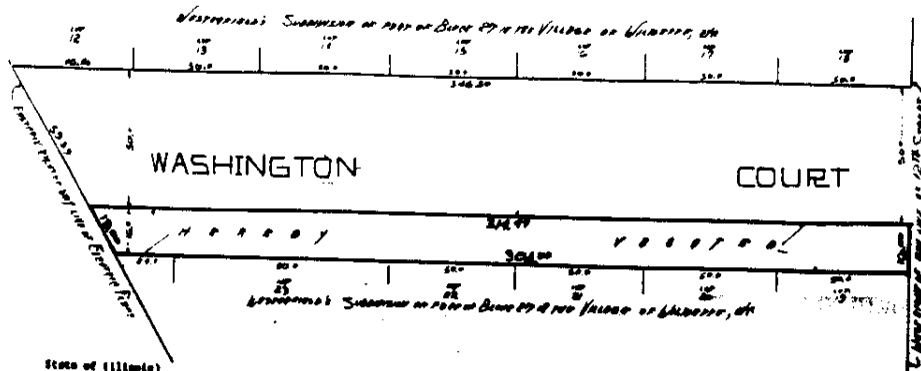

President of the Village of Wilmette, IL

ATTEST:


Clerk of the Village of Wilmette, IL

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The South 16 20 feet of the part of Section 36, Township 22 N., Range 13 East of the Third Principal Meridian, in Cook County, Illinois.



State of Illinois)
County of Cook) ss
I, _____, as Collector
for the Village of Wilmette, Cook County, Illinois, certify that there are no delinquent or unpaid current or
forfeited special assessments or any deferred installments
thereof that have been appraised against the tract of land
included in the annexed plat.

State of Illinois) ss
County of Cook)
Approved by the Plan Commission of the
Village of Wilmette, Cook County, Illinois,
this ___ day of _____, 1997
BY: _____
Village Collector

State of Illinois) ss
County of Cook)
Approved by the Village Engineer of
the Village of Wilmette, Cook County, Illinois,
on this ___ day of _____, 1997
Village Engineer

State of Illinois) ss
County of Cook)
Approved by the President and the
Board of Trustees of the Village of Wilmette, Cook
County, Illinois,
this ___ day of _____, 1997
SIGNED _____ President
Attest: _____ Village Clerk

State of Illinois) ss
County of Cook)
We, NORTH SHORE SURVEY, LTD., do hereby certify that we have surveyed the property
as described in the above caption in accordance with the official records applicable thereto, and that
the plat herein drawn is a correct representation of said survey, with all dimensions noted in feet
and decimal parts thereof rounded to a standard temperature.

DATED: November 10, 1997
Arthur P. Ochs
Registered Illinois Land Surveyor 733-2332



SCALE: 1" inch equals 30' feet. Top of plat is NORTH
NORTH SHORE SURVEY, LTD., 81 Wilmette Burg Road, Evanston, Illinois 60203...67/676-9305

TITLE TO PROPERTY VACATED - EARLY
Pursuant to Ordinance No. _____ adopted on or about _____, 1997, only the
adjoining property owner(s) South of the vacated parcel, as shown on this plat was thereby
obligated to pay \$40,000 compensation therefor to the Village of Wilmette, and said
adjoining property owner having now paid said compensation, pursuant to Section 11-11-1
of the Illinois Municipal Code, 65 (LCS 5/11-91-1), as amended by P.A. 90-177, the
entire title of said parcel vacated hereby, and subject to any easement restrictions of
record or set forth on this plat, said adjoining owner(s) shall acquire title to the
entire vacated parcel.

LIMITATIONS AND CONDITIONS ON VACATION
RESTRICTIONS ON DEVELOPMENT

The vacation of the parcel depicted on this Plat is subject to the following
limitations and conditions, which include restrictions on the development and use
of the vacated parcel, and each of which shall be a restrictive covenant on the
parcel vacated, having been entered into with the consent of the owner(s)
acquiring title hereby to the vacated property, and each of which shall be binding
upon and inure to the benefit of the parties herein, jointly and severally, and the
communities, administrators, personal representatives, heirs, successors, and assigns or
such:

- (1) The ownership and use of the vacated parcel is subject and shall continue in perpetuity
to be subject to existing public utility easements and the future exercise of these
easement rights by the Village and public utilities as they shall appear from existing
easement agreements.
(2) The ownership and use of the vacated parcel, on and after its vacation, shall be limited
and restricted, now and in perpetuity, to the use, enjoyment and maintenance of the
improvements to the vacated parcel existing on the date of execution of this Agreement.
No redevelopment of the vacated parcel, nor any change, other than repair, maintenance
or needed replacement with substantially similar type of the existing improvements to
the vacated parcel of any sort, including but not limited to any construction of new
improvements or structures of any sort, or any change in the finished grade of the
vacated parcel, shall be permitted without the express written consent of the corporate
authorities of the Village of Wilmette. Said consent shall be granted or denied only in
the sole, exclusive and unlimited discretion of the corporate authorities of the Village of
Wilmette, and shall be expressed only by a Resolution adopted by the affirmative vote
of a majority of all the corporate authorities then holding office, or by the adoption of an
ordinance providing for the approval of a Planned Unit Development on the Bank
Property, in the manner provided in the Village Zoning Ordinance.
(3) The Bank shall pay to the Village, as compensation for the fair market value of the
vacated parcel, FORTY THOUSAND AND NO/100 DOLLARS (\$40,000.00), and
the vacation of the Village right-of-way shall not become effective until said
compensation is received by the Village, and by execution of this Plat, the Village
acknowledges that said compensation has been paid.

Property of Cook County, Illinois

29788-J

State of Illinois) SS
County of Cook)

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We, NORTH SHORE SURVEY, LTD. do hereby certify that we have surveyed the property as described in the above caption in accordance with the official records applicable thereto, and that the plat hereon drawn is a correct representation of said survey, with all dimensions noted in feet and decimal parts thereof, corrected to a standard temperature.

DATED: November 10, 1997


Registered Illinois Land Surveyor #35-2232



SCALE: 1" inch equals 30' feet.....Top of plat is NORTH

NORTH SHORE SURVEY, LTD., 61 Williamsburg Road, Evanston, Illinois-60203..847/676-9505

TITLE TO PROPERTY VACATED HEREIN

Pursuant to Ordinance No. _____, adopted on or about _____, 1997, only the adjoining property owner(s) South of the vacated parcel as shown on this plat was thereby obligated to pay \$40,000 compensation therefor to the Village of Wilmette, and said adjoining property owner having now paid said compensation, pursuant to Section 11-91-1 of the Illinois Municipal Code, 65 ILCS 5/11-91-1, as amended by P.A. 90-179, the entire title of said parcel vacated hereby, subject to such development restrictions of record or set forth on this plat, said adjoining owner(s) shall acquire title to the entire vacated parcel.

LIMITATIONS AND CONDITIONS ON VACATION RESTRICTIONS ON DEVELOPMENT

The vacation of the parcel depicted on this Plat is subject to the following limitations and conditions, which include restrictions on the development and use of the vacated parcel, and each of which shall be a restrictive covenant on the parcel vacated, having been entered into with the consent of the owner(s) acquiring title hereby to the vacated property, and each of which shall be binding upon and inure to the benefit of the parties hereto, jointly and severally, and the executors, administrators, personal representatives, heirs, successors, and assigns or each:

- (1) The ownership and use of the vacated parcel is subject and shall continue in perpetuity to be subject to existing public utility easements and the future exercise of these easement rights by the Village and public utilities as they shall appear from existing easement agreements.
- (2) The ownership and use of the vacated parcel, on and after its vacation, shall be limited and restricted, now and in perpetuity, to the use, enjoyment and maintenance of the improvements to the vacated parcel existing on the date of execution of this Agreement. No redevelopment of the vacated parcel, nor any change, other than repair, maintenance or needed replacement with substantially similar type of the existing improvements to the vacated parcel of any sort, including but not limited to any construction of new improvements or structures of any sort, or any change in the finished grade of the vacated parcel, shall be permitted without the express written consent of the corporate authorities of the Village of Wilmette. Said consent shall be granted or denied only in the sole, exclusive and unlimited discretion of the corporate authorities of the Village of Wilmette, and shall be expressed only by Resolution adopted by the affirmative votes of a majority of all the corporate authorities then holding office, or by the adoption of an ordinance providing for the approval of a Planned Unit Development on the Bank Property, in the manner provided in the Village Zoning Ordinance.
- (3) The Bank shall pay to the Village, as compensation for the fair market value of the vacated parcel, FORTY THOUSAND AND NO/100 DOLLARS (\$40,000.00), and the vacation of the Village right-of-way shall not become effective until said compensation is received by the Village, and by execution of this Plat, the Village acknowledges that said compensation has been paid.