UNOFFICIAL COPY



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]

Doc#: 0835450011 Fee: \$48.00

Eugene "Gene" Moore

Cook County Recorder of Deeds
Date: 12/19/2008 01:46 PM Pg: 1 of 7

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 Pm

0835450011 Page: 2 of 7

UNOFFICIAL COPY

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, Illi to's, 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 Weshington Court and hereinafter legally described, is adjoined by private uses, is not improved in sa d 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

UNOFFICIAL COPY

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 pullic right-of-way, legally described as:

Beginning at a point eighteen (18) feet, six (5) 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 (1/4) of Section 34, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois; Thence one-hundred and eventy (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 Foint 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, 3th 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:

UNOFFICIAL COPY

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 finit hed 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 unimited 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 Ordin ance.
- (c) Bank One shall pay to the Villag; 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. 97-1c-31 adopted by the President and Board of Trustees of the Village of Wilmette on or about Sept mb r 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.

0835450011 Page: 5 of 7

UNOFFICIAL COPY

Ord. No. 97-O-98

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 Wilmerte, IL

ATTEST:

Clerk of the Village of Wilmette, IL

PLAT 0835450011 Page: 6 of 7. ATION

Of. The bound is the part of drahitect Court 46, who take the cit way in the cities of filinate light word of out of chining statistic 12 in the 22 set inclusive, in wester-links and interest of ottes 27 in the college of interest, in prepriate if were ring under the court of war 11, 1 so forward 100 to, and in sout actip if land way time of firettic Place, in the Southwest quertar of Srettin 16, itemporary city of any time of Steets of Srettin 16, itemporary city of 13 feet of the liked Principal Meridian, in Cuck County, 1115.etg.

	Wested 14	чай - Би даризан ан ар	er ar Bure er	e een Vissaa			
	<u> </u>		15	1	73	. 7	
,7	30.0	44 +	101	<u> </u>	30.0		
***	WASHI						
3	Î WA⊂⊔T	NGTON					
	ž/ 11.∨⊐⊔ī	140 1014				URT	
	<u> </u>						
	1		14	(#F		./	
	3 / · · · · · · · · · · · · · · · · · ·		50-	364**		<u>-</u>	
	**************************************	3	-	"		5,5	
	<i>ii\</i>	Promount 2 grant	- no ro io as Beau	era no faces.	e bleverser, de	A SALAN SALA	
•	\	•					
	State of (illimin)						
for the Village of Village, col County, Illirate every certify that there are no delimeter.				State (* 11Linnis) _{EE} County of Cook)			
	for the Village of Wilmeto, 'a costify that there are no delin	ch County, Illirate ave	pA eccal	Tiliage of Wilmetts,	pproved by the plan	Considerate of the	
	forfaited operial sessionments of thereof that have sen appurate included to the assessment plan	denne as makers collabel.	ot	thisisy ng		7.E.	
	included in the an exact plat,	med altered the tiest of	lend	er:			
	Noted thisday of	1997					
O _A				Al Batt			
	Village Call	ector		~· • • · ·	····		
					ě		
~/^x							
S COOR	State of (llinois)			State of (llimits)			
	Country of Cook 355	by the /lilege Sogineer		County of Count 158			
(the strade of primette, Chok C	runty, (llia-im,		-and or itemtede of	pproved by the Fre he Village of Wilm	oldent and the otto. Cook	
	as chr day of	. 1997		CAMPA CITTUDIO	day of		
					— —		
	Village En	Alvest		\$ (C: 10	President		
						1	
				A. LEST 2	tilage Cleck		
	State of (t) in				ritage Creek		
	,	Vo .cm. 4 SHORE SURVEL, b se days lue to accordan	LID. do hazaba ca				
	THE BLAK harees drawn			eer coc-ten thbyfetpfe	rayed the property theseto, and that		
	and section bests the	TAL SUSSECTION OF A SEA	sare competation	- A	noted to feet		
	DATED: Movember 18, 1		ather 1	- Can	(St)		
		46		THE SHAPE INVESTIG	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	35-2232 . 24 REGISTERED	
4.	<u> 5</u>	CALE: L'inch equ. is 37 f	·	of plat to MOSTH	1*1	CUNAFION .	
	TORTH SHORE	SURVEY, LTD., \$1 5117.4	an urg Read, Even	eten, illianis-6020)	c67/676-9505 Thun	OF BLINDE	
•			TILE 10 P W	VACATER PREZI	`		
•	adialates a	Ordinance No	ipted or er she t	. 1997	, only the		
	onligated to	roorty owner(s) South of yay \$40,000 companents	the vectod perc a thereiso / a	. so shows on t to plus village of Wilmeter.	and said		
		roperty owner having now nois Hamisiasi Code, 45		at. 16, pursuant to Se	Lion 1-yi-i		

we are silmose Namisipal Code, 45 (LCS 5/11-91-1, as w moded by P.A. 90-179, the matter title of asid parcel weated hereby, and not " my by logmont reactivitions of resord or set forth on this plot, said adjoining owner() shy a squire title to the centify wested parcel.

LIMITATIONS AND CONDITIONS ON VACATION RESTRICTIONS ON DEVELOPMENT

The vacation of the parent depisted on that Plat is subject to the following limitations and conditions, which include restrictants on the development and or of the vacation people, and each of which shall be a restrictive oversized on the parent vacated, having been ensered imp with the connect of the parent vacated, having been ensered imp with the connect of the parent vacated or opening this havely to the vacated property, and each of which shall be binding upon and inset to the beautiff of the parents terms, postary and answerity, and the expension, administrators, personal representatives, been, successors, and assigns or

29788-0

- The coveration and use of the vectoral percei is subject and shall continue in purpor to be subject to existing public utility measures and the future coursies of these easterner rights by the Village and public cultilities as they shall appear from existing examines appeared.
- The consenship and use of the vacaned parent, on and other its vacanion, shall be limand restricted, now and its purposarry, so the sun, espiryment and measuremence of the
 introducements to the vacaned parend existing on the date of entention of this Agrees
 No underedopment of the vacaned parend, not any change, other than expir, measure
 or needed replacement with substantiably sainter type of the existing improvements
 the vacased parent of any sort, including but not limited to any construction of new
 improvements or structures of any sort, or specially not have been a selected parent, shall be prevented violates the supress versues occases of the corpora
 substructed of the Village of Wilvenan. Sed consents hald be grunted or desired only
 the sole, exclusive and unlimited discretion of the corporate authorists of the Village of the
 Wilments, and shall be expressed only a by Resolution adopted by the affirmative
 of a majority of all the corporate authorists then helding office, or by the adoption
 ordinance providing for the approved of a Planeat Use Development on the Bank
 Property, in the manner provided is the Village Zoneg Ordinance.

 The Rank shall now to the Village as
- (3) The Bank shall pay to the Village, as compensation for the fair marker value of the vacased percet. PORTY THOUSAND AND NOTICE DOLLARS (\$44,006.00), and the vacasion of the Village right-of-way shall not become effective until said compensation is received by the Village, and by excelsion of this Plet, the Village acknowledges that said compensation has been paid.

tate of Illihois)SS

UNOFFICIAL COPY

We, NORTH SHORE SURVEY, LTD. do hereby certify that we have surveyed the property s described in the above caption in accordance with the official records applicable thereto, and that he 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.

ATED: November 10, 1997

Registered Illinois Land Surveyor #35-2232

NORTH SHORE SURVEY, LTD., 61 Williamsburg Road, Evanston, Illinois-60203..647/676-9505

TITLE TO PROPERTY VACATED HEREIN.

Pursuant to Ardinance No. , adopted on or about ,1997, only the adjoining processy 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 properly owner having now paid said compensation, pursuant to Section 11-91-1 of the Illinois twicipal Code, 65 HCS 5/11-91-1, as ammended by P.A. 90-179, the entire title of said parcel vacated hereby, subject to such development restrictions of record or set forth 64 his plat, said adjoining owner(s) shall aquire title to the entire vacated parcel.

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 he 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 theil 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 or 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 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.
- (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.

35-22 REGISTE LAN SURVE