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Ordinance - Village of Alsip

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THE VILLAGE OF ALSIP COOK COUNTY, ILLINOIS

ORDINANCE NUMBER 2009-10-1

AN ORDINANCE AUTHORIZING THE VACATION OF A
CERTAIN PORTION OF ORCHARD STREET
IN THE VILLAGE OF ALSIP, COOK COUNTY, ILLINOIS

PATRICK E. KITCHING, PRESIDENT
DEBORAH VENHUIZEN, CLERK

JOHN SHAPIRO
DANIEL GODFREY
SHEILA MCGREAL
KEVIN MICHAELS
STEVEN DADDONA
JAMES QUINN
Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Alsip on October 5, 2009

Robbins, Schwartz, Nicholas, Lifton & Taylor - Village Attorney - 24 West Cass Street - Joliet, Illinois 60432

RECORDING FEE \$ 4877.48
DATE 10/16/09 COPIES 6
OK [Signature]

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ORDINANCE 2009-10-1

AN ORDINANCE AUTHORIZING THE VACATION OF A CERTAIN PORTION OF ORCHARD STREET IN THE VILLAGE OF ALSIP, COOK COUNTY, ILLINOIS

WHEREAS, the Village of Alsip, Cook County, Illinois ("Village") is a duly authorized and existing home rule municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, Chicago Title Land Trust Company as successor to Fifth Third Bank as successor to Old Kent Bank as successor to Pinnacle Bank as successor in interest to First National Bank of Cicero, as Trustee under Trust Agreement dated May 10, 1988 and known as Trust Number 9461 ("Applicant") has requested that a certain portion of Orchard Street in the Village ("Subject Property") be vacated for development purposes as more fully described below; and

WHEREAS, the portion of the Subject Property that the Applicant has requested be vacated is dedicated, but unimproved, and the Applicant owns properties abutting the Subject Property; and

WHEREAS, the Applicant has requested the vacation of the Subject Property due to the fact that the Subject Property bisects the abutting properties owned on both sides by the Applicant, and thus, has rendered the adjacent properties as a whole unmarketable; and

WHEREAS, Section 11-91-1 of the Illinois Municipal Code, 65 ILCS 5/11-91-1 (2009) ("statute"), authorizes the Village to determine whether or not the public interest is served by vacating a street, or part thereof, within its corporate boundaries, by an ordinance duly adopted by the affirmative vote of three-fourths of the trustees then holding office; and

WHEREAS, the vacation of the Subject Property will relieve the public from further burden and responsibility of maintaining that part of Orchard Street being vacated pursuant to the statute; and

WHEREAS, the statute further provides that title may pass to the Applicant upon payment of compensation by the Applicant for the Subject Property and that such compensation may consist "of the benefits which will accrue to the Village by reason of the vacation;" and

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WHEREAS, the compensation to the Village shall be the benefits that will inure to the Village via the allowance of a more unified/unitary development of the Subject Property and said payment and compensation shall be final and determined by the inurement of said benefits to the Village; and

WHEREAS, upon said vacation, title to the Subject Property shall vest with the Applicant pursuant to the Plat of Vacation, attached hereto and incorporated herein as Exhibit A, pursuant to the above.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Alsip, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals and findings are incorporated herein and made a part hereof.

Section 2. Vacation of Portion of a Portion of Orchard Street. Pursuant to the terms of this Ordinance, the Village shall vacate the following portion of Orchard Street legally described, as follows:

THAT PART OF ORCHARD STREET SOUTH OF 127TH STREET, THAT PART THEREOF LYING WEST OF AND ADJACENT TO THE WEST LINE OF LOTS 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 AND LYING EAST OF AND ADJACENT TO THE EAST LINE OF LOTS 1, 28, 27, 26, 25, AND 24 IN BLOCK 2 (EXCEPTING THEREFROM THAT PART OF THE AFORESAID LYING SOUTHWESTERLY OF THE RIGHT OF WAY TAKEN BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY COURT ORDER NO. 99L51127 DATED FEBRUARY 15, 2000) ALL IN ALSIP MANOR, BEING A SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 34 TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

Section 3. Plat of Vacation Approved. The Plat of Vacation, a copy of which is attached hereto as Exhibit A and made a part hereof, is approved. Pursuant to said Plat of Vacation, title to the Subject Property shall vest in the Applicant, Chicago Title Land Trust Company as successor to Fifth Third Bank as successor to Old Kent Bank as successor to Pinnacle Bank as successor in interest to First National Bank of Cicero, as Trustee under Trust Agreement dated May 10, 1988 and known as Trust Number 9461.

Section 4. Conditions of Vacation. The Subject Property is vacated subject to any existing easement or rights-of-way of public record for any public utility for the maintenance, renewal and construction or reconstruction of public utilities and the Village reserves unto itself as a corporate municipality and to any public utility, their successors or assigns, the right to maintain and relocate any

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respective facilities or equipment in, under, across and along those parts of the public street as herein vacated, with the right of access thereto at all times for any and all such purposes as may be reasonably required for the construction, maintenance and efficient operation of said facilities or equipment.

Section 5. Development of the Subject Property. If the Subject Property is part of any development and/or subdivision, and a private street(s) is to be constructed and installed as part of the development and/or subdivision, said private street(s) shall be constructed and installed in accordance with the provisions of the Village's Municipal Code and ordinances and regulations then in effect for public streets, subject to the terms and provisions of a development agreement, if any, entered into between the Applicant, or the Applicant's successor, and the Village, in which case the terms and provisions of any such development agreement shall govern. For purposes of this section, a private street is defined as a street owned by the Applicant, or the Applicant's successor, that would serve more than one parcel in a development and/or subdivision that includes the Subject Property.

Section 6. Applicant Liability and Indemnification. The Applicant shall maintain and secure the Subject Property, and any nuisances on the Subject Property, and be otherwise responsible and liable for the Subject Property, as shown on Exhibit A. The Applicant shall indemnify, hold harmless and defend the Village its agents, officials, and employees, against all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, including reasonable attorney's fees, not directly caused by the negligent or willful action of the Village, which may in any way accrue against the Village with regard to the Subject Property as of the date that the Applicant takes title to the Subject Property.

Section 7. Execution of Documents. The Village President, Village Clerk and all other officials are hereby authorized to take any and all action and execute any and all documents required to implement said vacation and record this Ordinance and the Plat of Vacation with the Cook County Recorder of Deeds.

Section 8. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Effective Date. This ordinance take effect shall be in full force and effect after its passage and publication as required by law.

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ADOPTED by the President and Board of Trustees of the Village of Alsip, Cook County, Illinois, on October 5, 2009 by the following roll call vote:

	YES	NO	ABSENT	ABSTAIN
Shapiro	X			
Godfrey	X			
McGreal	X			
Michaels	X			
Daddona	X			
Quinn	X			
President Kitching				
TOTAL	6	0	0	0


 Patrick E. Kitching
 PRESIDENT

ATTEST:


 Deborah Venhuizen
 VILLAGE CLERK

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EXHIBIT A

PLAT OF VACATION

of

THAT PART OF ORCHARD STREET LYING SOUTH OF 127TH STREET, THAT PART THEREOF LYING WEST OF AND ADJACENT TO THE WEST LINE OF LOTS 2, 3, 4, 5, 6, 7, AND 8 IN BLOCK 1 AND LYING EAST OF AND ADJACENT TO THE EAST LINE OF LOTS 1, 28, 27, 26, 25, AND 24 IN BLOCK 2 (EXCEPTING THEREFROM THAT PART OF THE FORESAID LYING SOUTHWESTERLY OF THE RIGHT OF WAY TAKEN BY THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY COURT ORDER NO. 99LB1127 DATED FEBRUARY 15, 2000) ALL IN ALSP, IN MAJOR, BEING A SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 34 TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

SCALE 1" = 60'

THE PROPERTY VACATED PURSUANT TO THIS PLAT OF VACATION IS SUBJECT TO ANY EXISTING EASEMENT OR RIGHTS-OF-WAY OF PUBLIC RECORD FOR THE MAINTENANCE, RENEWAL AND CONSTRUCTION OR RECONSTRUCTION OF PUBLIC UTILITIES AND THE VILLAGE OF ALSIP RESERVES UNTO ITSELF AS A CORPORATE ENTITY AND TO ANY PUBLIC UTILITY, THEIR SUCCESSORS OR ASSIGNS, THE RIGHT TO MAINTAIN AND RELOCATE ANY RESPECTIVE FACILITIES OR EQUIPMENT IN, UNDER, ACROSS AND ALONG THE PARTS OF THE PUBLIC STREET AS HEREIN VACATED, WITH THE RIGHT OF ACCESS THERETO AT ALL TIMES FOR ANY AND ALL SUCH PURPOSES AS MAY BE REASONABLY REQUIRED FOR THE CONSTRUCTION, MAINTENANCE, AND EFFICIENT OPERATION OF SAID FACILITIES OR EQUIPMENT.

SEND FUTURE TAX BILLS TO:
JASPER REALTY-ALSP
6316 NORTHWEST HIGHWAY
CHICAGO, ILLINOIS 60631-1696

AFTER RECORDING, RETURN TO:
DEBORAH VENHAUZEN,
VILLAGE CLERK
VILLAGE OF ALSIP
4000 WEST 128RD STREET
ALSIP, ILLINOIS 60803

TITLE TO THE PROPERTY VACATED PURSUANT TO THIS PLAT OF VACATION SHALL REST IN CHICAGO TITLE LAND TRUST COMPANY AS SUCCESSOR TO FIFTH THIRD BANK AS SUCCESSOR TO OLD KENT BANK AS SUCCESSOR TO PINNACLE BANK AS SUCCESSOR IN INTEREST TO FIRST NATIONAL BANK OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED MAY 10, 1988 AND KNOWN AS TRUST NUMBER 3941, AS OF THE DATE UPON WHICH THE TERMS AND CONDITIONS OF VILLAGE OF ALSIP ORDINANCE NO. 2009- PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ALSIP ON THE _____ DAY OF _____ 2009 HAVE BEEN COMPLIED WITH COMPLIANCE SHALL BE EVIDENCED BY THE RECORDATION OF THIS PLAT OF VACATION WITH THE RECORD OF DEEDS OF COOK COUNTY.

STATE OF ILLINOIS)
) ss)
COUNTY OF COOK)

THE VILLAGE PRESIDENT OF THE VILLAGE OF ALSIP, COUNTY OF COOK, STATE OF ILLINOIS, HEREBY CERTIFIES THAT THE BOARD OF TRUSTEES OF THE VILLAGE OF ALSIP HAS DULY APPROVED THE PLAT OF VACATION AT A PUBLIC MEETING HELD ON THE _____ DAY OF _____ 2009 PURSUANT TO VILLAGE OF ALSIP ORDINANCE NO. 2009- _____.

PATRICK E. KITCHING, VILLAGE PRESIDENT

THIS PLAT WAS REVISED 9-11-2009

PLAT PREPARED BY:
HOEFFERLE-BUTLER ENGINEERING, INC.
CONSULTING ENGINEERS
874 SOUTH ROBERTS ROAD
HOCKESSY HILLS, ILLINOIS 60867
(708) 899-4000

ATTEST:
DEBORAH VENHAUZEN, VILLAGE CLERK


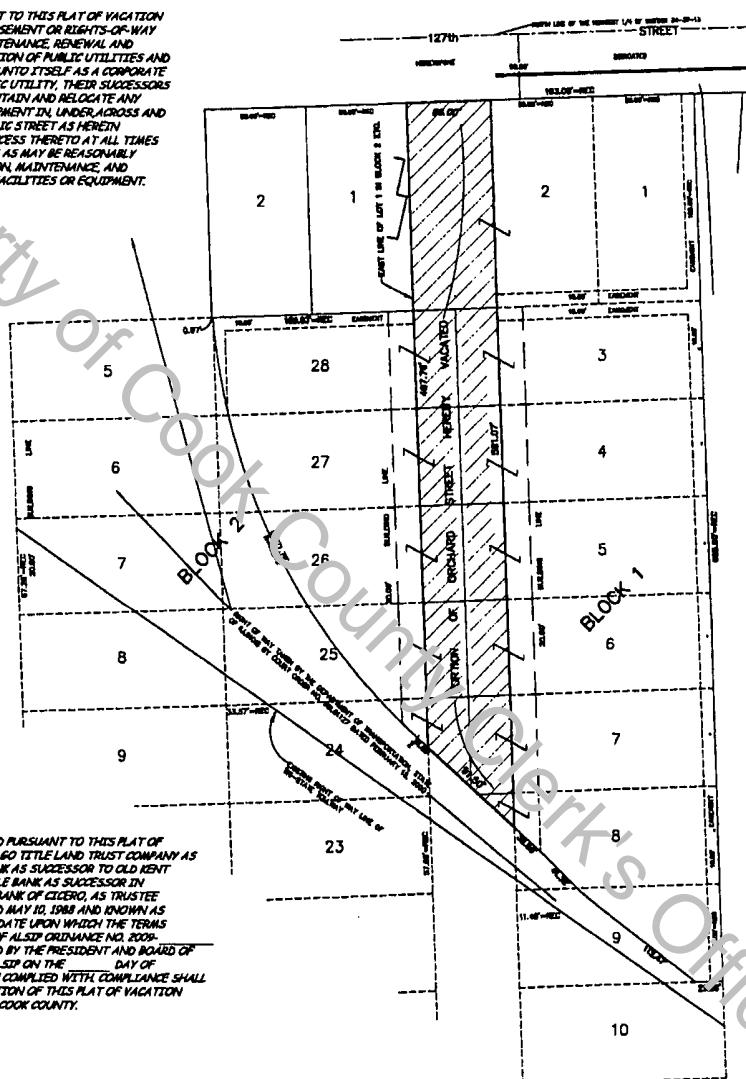
EXPIRES 11-30-10

STATE OF ILLINOIS)
) ss)
COUNTY OF COOK)

I, JAMES A. BOEREMA, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE PREPARED FROM THE PUBLIC RECORD THIS PLAT OF VACATION, VACATING A PORTION OF ORCHARD STREET AS SHOWN HEREON. I HEREBY AUTHORIZE THE VILLAGE OF ALSIP, ILLINOIS, TO ACT AS MY AGENT IN THE RECORDING OF THIS DOCUMENT.

DATED THIS 11TH DAY OF SEPTEMBER, 2009.

JAMES A. BOEREMA
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3084

ORDER NO. 07-140

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**EXHIBIT
FORWARD
TO PLAT COUNTER
FOR SCANNING**

10/16/09
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6 PAGE
1 EXHIBIT