

UNOFFICIAL COPY



JPH: *9/8/09
PC: 2009-11P

Doc#: 1015522027 Fee: \$78.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 06/04/2010 09:05 AM Pg: 1 of 7

THIS ORDINANCE MAY BE CITED AS
VILLAGE ORDINANCE NUMBER
09-9-Z-3702

AN ORDINANCE VACATING AN IMPROVED RESIDENTIAL NORTH-SOUTH ALLEY WITHIN AN AREA BOUNDED BY GREENWOOD STREET, KILPATRICK AVENUE, ENFIELD AVENUE, SKOKIE BOULEVARD AND NILES CENTER ROAD AND IN AN R1 SINGLE-FAMILY RESIDENTIAL DISTRICT AND A B3 BUSINESS DISTRICT

1 **WHEREAS**, the owner of 8845 Skokie Boulevard and 4742 Enfield Avenue (the
2 "Petitioner") petitioned the Village for the vacation of the north-south alley adjacent to 8845
3 Skokie Boulevard and 4742 Enfield Avenue, Skokie, Illinois (the "Subject Alley"), in order
4 develop both properties to establish a funeral home. The case was heard in conjunction
5 with 2009-12P, 2009-13P and 2009-14P; and

6 **WHEREAS**, the entire east property line of 8845 Skokie Boulevard abuts the west
7 side of the Subject Alley and the north and west property lines of 4742 Enfield Avenue abut
8 the east side of the Subject Alley. Currently, 4742 Enfield Avenue has a single family house
9 on the property, which is to be demolished and that property will eventually be combined
10 with 8845 Skokie Boulevard and the Subject Alley; and

11 **WHEREAS**, the vacation of the Subject Alley benefits both the property owner, by
12 increasing the land area by 5,025 square feet which will allow for the sale and development
13 of their property and the Village by reducing maintenance costs; and

14 **WHEREAS**, the Subject Alley runs generally north-south from Greenwood Street to
15 Enfield Avenue. Along the Subject Alley there are two right angles creating a section of
16 alley that runs east-west for approximately 63 feet and is approximately 17.5 feet in width in
17 this section. The portions of the Subject Alley to the north and the south from this section
18 are approximately 16 feet wide. The length of the Subject Alley is approximately 311 feet;
19 and

20 **WHEREAS**, title to the Subject Alley shall vest to the abutting property owner at
21 8845 Skokie Boulevard in accordance with Section 11-91-2 of the Illinois Municipal Code
22 (65 ILCS 5/11-91-2 (2008)) which generally states that a municipality may designate by
23 ordinance to which abutting property owner(s) shall acquire the vacated alley; and

24 **WHEREAS**, the Subject Alley is depicted on the Plat of Vacation, dated April 9,
25 2009, and subsequently revised May 22, 2009, a copy of which is attached hereto as
26 Exhibit "B"; and

27 **WHEREAS**, the title and ownership of the entire Subject Alley to be vacated shall,
28 pursuant to 65 ILCS 5/11-91-2, vest to the abutting property owner at 8845 Skokie
29 Boulevard, Skokie, Illinois, as identified by the Legal Description and Permanent Index
30 Number (hereinafter "PIN") listed in Exhibit "A" attached hereto; and

RECORDING FEE 78-
DATE 6-4-2010 COPIES 6x
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1 **WHEREAS**, the Petitioner will remove any existing alley returns on Enfield Avenue
2 and Greenwood Street, constructing curbs, extending the public sidewalks and restoring the
3 parkways with sod; and

4 **WHEREAS**, since it has been determined that the vacation of the Subject Alley will
5 benefit the Petitioner, compensation, the amount to be agreed upon by the Mayor and
6 Board of Trustees, shall be paid by the Petitioner for the value of the real estate which may
7 accrue to them by reason of the enactment of this Ordinance; and

8 **WHEREAS**, the abutting property owners of the Subject Alley were duly notified of
9 the Skokie Plan Commission proceedings and presented to the proposed vacation; and

10 **WHEREAS**, while many residents appeared and spoke on the companion cases, the
11 Skokie Plan Commission, at a public hearing duly held on June 4, 2009, heard testimony
12 from one interested party on the instant case, who inquired if electrical power to neighbors
13 would be disrupted when the utility poles and wires are moved. The Village replied that
14 protection of electrical service would be one of the conditions of the companion case
15 number 2009-13P; and

16 **WHEREAS**, having heard all testimony, the Skokie Plan Commission: (a)
17 determined proper legal notice was achieved and (b) voted to recommend to the Mayor and
18 Board of Trustees that the Subject Alley be vacated, subject to the conditions set forth in the
19 Plan Commission Report dated August 17, 2009; and

20 **WHEREAS**, the Mayor and Board of Trustees of the Village of Skokie, at a public
21 meeting duly held August 17, 2009, concurred in the recommendation of the Skokie Plan
22 Commission;

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

25 **Section 1:** That the following alley commonly described below, and legally
26 described in Exhibit "A" attached hereto, and depicted on the Plat of Vacation, dated April 9,
27 2009, and subsequently revised May 22, 2009, a copy of which is attached hereto as
28 Exhibit "B", located in the Village of Skokie:

29 the generally north-south alley adjacent to 8845 Skokie Boulevard and
30 4742 Enfield Avenue, Skokie, Illinois

31 be and the same is hereby vacated and the title to the Subject Alley shall solely vest to the
32 abutting property owner at 8845 Skokie Boulevard, Skokie, Illinois, pursuant to 65 ILCS
33 5/11-91-2 (2008), as identified by the Legal Description and Permanent Index Number set
34 out in Exhibit "A" attached hereto.

35 **Section 2:** The aforesaid vacation is subject to the following condition:

36 Petitioner shall pay compensation for the Subject Alley, in an amount determined by the
37 Village Board. This ordinance shall not be recorded, and thus not effective, until such
38 compensation has been received by the Village.

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

4 **Section 4:** That compensation, the amount to be agreed upon by the Mayor and
 5 Board of Trustees, shall be paid by the owner of the abutting property at 8845 Skokie
 6 Boulevard, Skokie, Illinois for the value of the real estate which may accrue to them by
 7 reason of the enactment of this ordinance and that the public interest and benefit will be
 8 subserved by the vacation of the alley referenced herein.

9 **Section 5:** It is the intention of the Village that ownership and title to the vacated
 10 alley shall pass to and vest in the adjacent property owner at 8845 Skokie Boulevard, as
 11 listed by the Legal Description and Permanent Index Number in Exhibit "A".

12 **Section 6:** That this Ordinance shall be in full force and effect from and after its
 13 passage, approval, and recordation as provided by law.
 14

ADOPTED this 8th day of September, 2009.

Ayes: 7 (Bromberg, Lorge, Perille, Roberts,
 Shah, Sutker, Van Dusen)

Nays: 0

Absent: 0

Attested and filed in my
 office this 9th day of
 September, 2009.

 Martene Williams
 Village Clerk

 Martene Williams
 Village Clerk

Approved by me this 8th day of
 September, 2009.

 George Van Dusen
 Mayor, Village of Skokie

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Exhibit A

LEGAL DESCRIPTION OF SUBJECT ALLEY

ALL THAT PART OF THE PUBLIC ALLEY LYING EAST OF LOTS 1 THROUGH 7, NORTH OF ENFIELD AVENUE, WEST AND NORTH OF LOT 8 AND WEST OF THE EAST LINE OF LOT 8 EXTENDED NORTH TO THE CENTERLINE OF THE VACATED 16 FOOT EAST WEST ALLEY, VACATED JANUARY 21, 1965 PER DOCUMENT NUMBER 19363697, WEST OF LOT 30 AND THE WEST LINE OF LOT 30 EXTENDED SOUTH TO THE CENTERLINE OF SAID VACATED 16 FOOT EAST WEST ALLEY, AND SOUTH OF GREENWOOD STREET ALL IN BLOCK 25 IN KRENN AND DATO'S DEVONSHIRE MANOR, A SUBDIVISION IN THE SOUTH HALF OF SECTION 15, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED NOVEMBER 6, 1925 AS DOCUMENT 9089499, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER

10-15-323-035-0000 (8845 Skokie Boulevard)

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Exhibit B



PLAT OF VACATION

SAMBORSKI, MATTIS, INC.
LAND SURVEYORS

4332 OAKTON STREET, SKOKIE, IL 60076
PH: (847) 674-7373, FX: (847) 674-7385

PLAT RETURN ADDRESS:

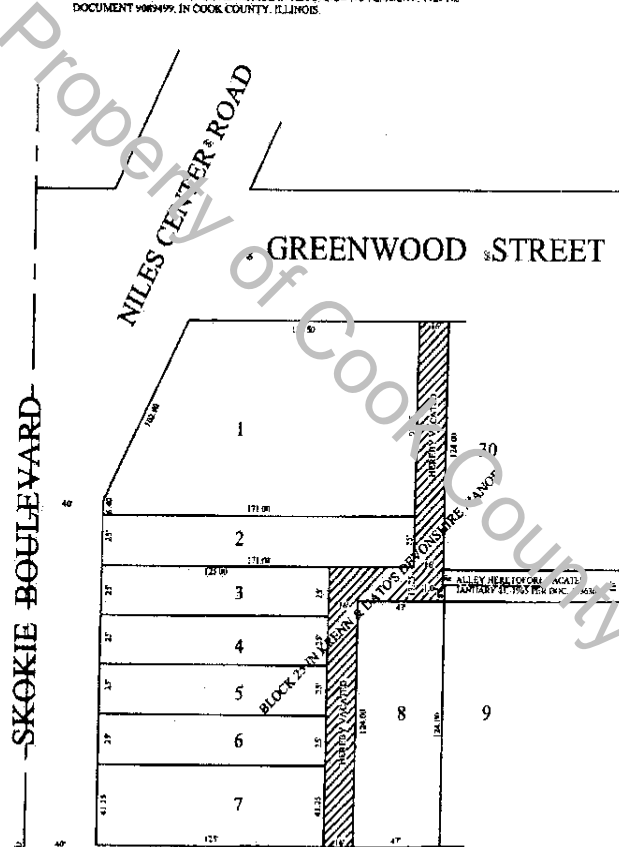
THIS PLAT IS TO BE RECORDED BY THE VILLAGE OF SKOKIE, ILLINOIS FOR THE UNDERSIGNED.

UPON RECORDATION RETURN THIS PLAT TO:

CORPORATION COUNSEL
VILLAGE OF SKOKIE
5127 OAKTON STREET
SKOKIE, IL 60077

PROPERTY INDEX NUMBERS AFFECTED:
16-15-373-055-0000

ALL THAT PART OF THE PUBLIC ALLEY LYING EAST OF LOTS 1 THROUGH 7, NORTH OF ENFIELD AVENUE, WEST AND NORTH OF LOT 8 AND WEST OF THE EAST LINE OF LOT 8 EXTENDED NORTH TO THE CENTERLINE OF THE VACATED 16 FOOT EAST WEST ALLEY, VACATED JANUARY 21, 1965 PER DOCUMENT NUMBER 1962407, WEST OF LOT 30 AND THE WEST LINE OF LOT 26 EXTENDED SOUTH TO THE CENTERLINE OF SAID VACATED 16 FOOT EAST WEST ALLEY, AND SOUTH OF GREENWOOD STREET ALL IN BLOCK 25 IN KIRSHN AND DATO'S DEVONSHIRE MANOR, A SUBDIVISION IN THE SOUTH HALF OF SECTION 15, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN RECORDED NOVEMBER 8, 1925 AS DOCUMENT 986999, IN COOK COUNTY, ILLINOIS.



STATE OF ILLINOIS }
COUNTY OF COOK }
}

APPROVED BY THE DIRECTOR OF ENGINEERING OF THE VILLAGE OF SKOKIE, COOK COUNTY, ILLINOIS.

DATED THIS ___ DAY OF _____ A. D. 20__

DIRECTOR OF ENGINEERING

STATE OF ILLINOIS }
COUNTY OF COOK }
}

APPROVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF SKOKIE, COOK COUNTY, ILLINOIS.

DATED THIS ___ DAY OF _____ A. D. 20__

SIGNED: _____ MAYOR

ATTEST: _____ VILLAGE CLERK

STATE OF ILLINOIS }
COUNTY OF COOK }
}

I FIND NO DEFERRED OR OUTSTANDING INSTALLMENTS OF UNPAID SPECIAL ASSESSMENTS DUE AGAINST ANY OF THE LAND INCLUDED IN THE ABOVE PLAT.

DATED THIS ___ DAY OF _____ A. D. 20__

VILLAGE COLLECTOR

STATE OF ILLINOIS }
COUNTY OF COOK }
}

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF SKOKIE, COOK COUNTY, ILLINOIS.

DATED THIS ___ DAY OF _____ A. D. 20__

SIGNED: _____ CHAIRMAN

ATTEST: _____ SECRETARY

STATE OF ILLINOIS }
COUNTY OF COOK }
}

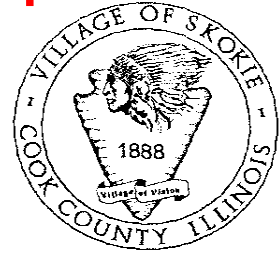
I, MICHAEL J. MATTIS JR., AN ILLINOIS PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE PREPARED THE ACCOMPANYING PLAT OF VACATION FROM OFFICIAL RECORDS FOR THE PURPOSE OF VACATING SAME AS SET FORTH BY STATUTE, AND FURTHER CERTIFY THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAME.

GIVEN UNDER MY HAND AND SEAL AT SKOKIE, ILLINOIS THIS 9TH DAY OF APRIL A. D. 2009.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3227
LICENSE EXPIRES 11/30/2010
PROFESSIONAL LAND SURVEYING FIRM NO. IHR-410128

REVISED 6-22-2009 BOUNDARY LOCATION
REVISED 4-27-2009 VILLAGE COMMENTS
PREPARED BY: 04/09/2009
CHECKED BY: 03/10/09 YAC: 50

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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 8th day of September, 2009 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 9th day of September, 2009, and was approved by the Mayor and Board of Trustees on the 8th day of September, 2009.

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 27th day of May, 2010.

Marlene Williams
Skokie Village Clerk
Cook County, Illinois

(seal)

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EXHIBIT

ATTACHED TO

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DOCUMENT

SEE PLAT INDEX