

# UNOFFICIAL COPY



AFTER RECORDING PLEASE RETURN TO:

1107 B&B Development  
c/o JCSD LLC  
425 HUEHL ROAD, SUITE 4B  
NORTHBROOK, IL 60062

Doc#: 1433756093 Fee: \$50.00  
RHSP Fee: \$9.00 RPRF Fee: \$1.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 12/03/2014 02:54 PM Pg: 1 of 7

PIN 16-07-316-015-0000  
PIN 16-070316-016-0000  
PIN 16-07-316-017-0000  
PIN 16-07-316-018-0000  
PIN 16-07-316-019-0000

**LEGAL DESCRIPTION:**

LOT 33 AND 34 (EXCEPT THE SOUTH 20 FEET OF THE EAST 54 FEET AND EXCEPT THE SOUTH 20 FEET OF THE WEST 54 FEET AND EXCEPT THE NORTH 20 FEET OF THE EAST 54 FEET AND EXCEPT THE NORTH 20 FEET OF THE WEST 54 FEET THEREOF), IN BLOCK 1 IN CENTRAL SUBDIVISION OF PART OF THE WEST ¼ OF THE SOUTHWEST ¼ OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**ORDINANCE NUMBER 2014-O-82\_O.a\_110314**

**AN ORDINANCE AUTHORIZING THE VACATION OF A CERTAIN PORTION OF AN ALLEY ADJOINING 317 HOME AVENUE IN THE VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS**

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## LEGAL DESCRIPTION:

That part of a 20 foot wide North-South public alley lying West of and adjoining Lot 5 in Block 1 of Central Subdivision of part of the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 7, Township 39 North, Range 13 East of the Third Principal Meridian, more particularly described as follows:

Beginning at the Southwest corner of said Lot 5, thence West along the extension of the South line of said Lot 5 of a distance of 20.00 feet to the East line of Lot 33, said line also begin the West line of the North-South alley; thence North along said East line for a distance of 40.29 feet; thence North along the extension of said East line for a distance of 9.71 feet; thence East for a distance of 20.00 feet to the Northwest corner of aforesaid Lot 5; thence South along the West line of said Lot 5 a distance of 50.00 feet to the Point of Beginning, in Cook County, Illinois.

## PREPARED BY:

1107 B&B Development c/o JCSD LLC AT 425 HUELH ROAD, STE 4B, NORTHBROOK, IL 60062

Property of Cook County Clerk's Office

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ORIGINAL

2014-O-82\_O.a\_110314

## ORDINANCE

**AN ORDINANCE AUTHORIZING THE VACATION OF A CERTAIN PORTION  
OF AN ALLEY ADJOINING 317 HOME AVENUE  
IN THE VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS**

**WHEREAS**, the Village of Oak Park, Cook County, Illinois ("Village") is a duly authorized and existing home rule municipal corporation as provided by the provisions of Article VII, Section 6 of the Illinois Constitution of 1970 and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, JCSD, LLC ("Applicant"), as a property owner of properties adjacent to a certain portion of a dedicated alley located at 317 Home Avenue, as more fully described below ("Subject Property"), which the Applicant seeks to be vacated in order to be developed and maintained by the Applicant; and

**WHEREAS**, Section 11-91-1 of the Illinois Municipal Code, 65 ILCS 5/11-91-1 ("Section 11-91-1"), authorizes the Village to determine whether or not the public interest is served by vacating an alley, 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**, Section 11-91-1 further provides that upon vacation of an alley, or any part thereof, by the Village, title to the vacated property vest in the then owner or owners of land abutting thereon; and

**WHEREAS**, pursuant to the Village's "Alley and/or Street Vacation Policy and Procedures," an applicant seeking the vacation of a Village alley or street is required to pay the Village compensation in the amount of the appraised value of the alley or street to be vacated; and

**WHEREAS**, the Village has determined that the appraised value of the portion of the alley to be vacated is \$16 per square foot based upon the average of two appraisals, one by Michael Grimes setting value at \$22 per square foot and the other Jack Carpenter Organization, Inc. setting value at \$10 per square foot, and the total square feet to be vacated is 1,000 square feet, for a total of \$16,000; and

**WHEREAS**, the President and Board of Trustees have determined that the Subject Property be vacated upon the Applicant's payment of the compensation set forth herein to the Village.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, 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.

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**Section 2. Alley Vacation.** Pursuant to the terms of this Ordinance, the Village shall vacate the Subject Property as legally described, as follows:

That part of a 20 foot wide North-South public alley lying West of and adjoining Lot 5 in Block 1 of Central Subdivision of part of the West ½ of the Southwest ¼ of Section 7, Township 39 North, Range 13 East of the Third Principal Meridian, more particularly described as follows:

Beginning at the Southwest corner of said Lot 5, thence West along the extension of the South line of said Lot 5 for a distance of 20.00 feet to the East line of Lot 33, said line also being the West line of a North-South alley; thence North along said East line for a distance of 40.29 feet; thence North along the extension of said East line for a distance of 9.71 feet; thence East for a distance of 20.00 feet to the Northwest corner of aforesaid Lot 5; thence South along the West line of said Lot 5 a distance of 50.00 feet to the Point of Beginning, in Cook County, Illinois.

**Section 3. Plat of Vacation Approved.** The Plat of Vacation, a copy of which is attached hereto and incorporated herein by reference, is approved.

**Section 4. Conditions of Vacation.** The property vacated pursuant to the Plat of Vacation is subject to any existing easements or rights-of-way of public record in the name of the Village of Oak Park, Cook County, Illinois ("Village"), and to utility companies operating under franchise from the Village and their respective successors and assigns jointly and severally as more fully set forth in the Plat of Vacation. In addition, an easement shall be reserved for and granted to the Village and to utility companies operating under franchise from the Village and their respective successors and assigns jointly and severally, over and under the property vacated pursuant to the Plat of Vacation as more fully set forth in the Plat of Vacation.

**Section 5. Payment of Consideration and Title to Vacated Property.** Upon the vacation of the Subject Property, title thereto shall be acquired by and vest to the Applicant upon the payment of \$16,000 to the Village by the Applicant as fair market value for the Subject Property. The vacation of the Subject Property, and the recording of the Plat of Vacation and this Ordinance, shall not be effective until said payment is received pursuant to Section 11-91-1 of the Illinois Municipal Code, 65 ILCS 5/11-91-1.

**Section 6. Applicant Liability and Indemnification.** The Applicant shall maintain and secure the Subject Property, and be otherwise responsible and liable for the Subject Property. 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 attorneys' fees, not directly caused by the negligent or willful conduct of the Village, which may in any way accrue against the Village, its agents, officials and employees, with regard to the Subject Property as of the date that the Applicant takes title to the Subject Property.

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**Section 7. Execution of Documents.** The Village Manager is 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 upon the payment of the consideration set forth in Section 5 of this Ordinance.


**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 shall be in full force and effect from and after its passage, approval, and publication as provided by law.

**ADOPTED** this 3<sup>rd</sup> day of November, 2014, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb	✓			
Trustee Barber	✓			
Trustee Brewer	✓			
Trustee Lueck				✓
Trustee Ott	✓			
Trustee Salzman	✓			
Trustee Tucker	✓			

**APPROVED** this 3<sup>rd</sup> day of November, 2014.

  
 \_\_\_\_\_  
 Anan Abu-Taleb, Village President

Attest:

  
 \_\_\_\_\_  
 Teresa Powell, Village Clerk

Published in pamphlet form this 3<sup>rd</sup> day of November, 2014.

  
 \_\_\_\_\_  
 Teresa Powell, Village Clerk

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2014-O-82\_O.a\_110314

STATE OF ILLINOIS            )  
   ) ss.  
 COUNTY OF COOK             )

### CERTIFICATE

I, Teresa Powell, Village Clerk of the Village of Oak Park, County of Cook and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance Number 2014-O-82, "An Ordinance Authorizing the Vacation of a Certain Portion of an Alley Situated Adjoining 317 Home Avenue in the Village of Oak Park, Cook County, Illinois," which was adopted by the corporate authorities of the Village of Oak Park on November 3, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Oak Park, Illinois aforesaid, at the said Village, in the County of Cook and State of Illinois, on November 3, 2014.




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Teresa Powell, Village Clerk

(SEAL)

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PLAT OF VACATION

VILLAGE BOARD CERTIFICATE

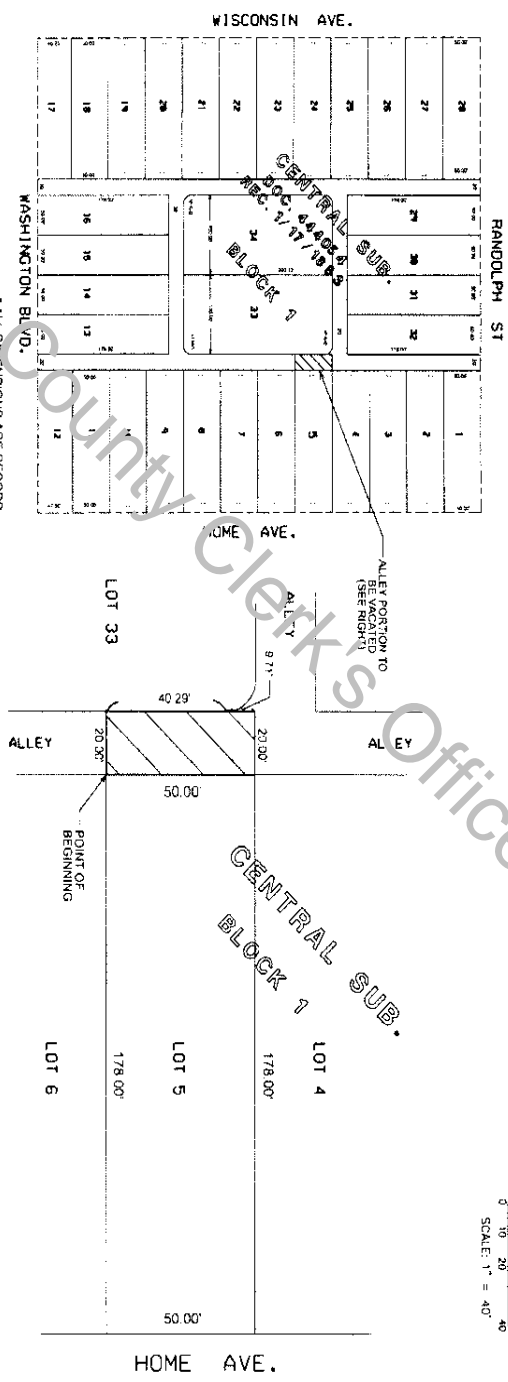
STATE OF ILLINOIS )
COUNTY OF COOK )
VILLAGE BOARD CERTIFICATE
Approved by the President and Village Board of the Village of Oak Park, Illinois, at a meeting held on the \_\_\_ day of \_\_\_ 2014.

COOK COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF COOK )
COOK COUNTY CLERK'S CERTIFICATE
I, the undersigned, as Cook County Clerk, Cook County, Illinois, do hereby certify that there are no delinquent taxes, no unpaid or delinquent taxes, and no redeemable tax sales against any of the lands depicted hereon...

COOK COUNTY RECORDER OF DEEDS CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF COOK )
COOK COUNTY RECORDER OF DEEDS CERTIFICATE
I, the undersigned, as Recorder of Deeds for Cook County, Illinois, do hereby certify that instrument No. \_\_\_ was recorded by the Cook County Recorder of Deeds, Cook County, Illinois, on the \_\_\_ day of \_\_\_ 2014.



EXISTING EASEMENTS OR RIGHTS OF EASE AND RESERVATION OF EASEMENT

The property vacated pursuant to this Plat of Vacation is subject to any existing easements or rights-of-way of public record in the records of the Village of Oak Park, Cook County, Illinois ('Village'), and to utility companies operating under franchise from the Village and their respective successors and assigns, jointly and severally, granting the right to maintain, repair, construct, reconstruct, and relocate any respective facilities or equipment in, under, across and along those parts of the public alley as herein vacated, with the right of access thereto at all times for any and all purposes as may be reasonably required for the maintenance, repair, construction, reconstruction and relocation of such facilities or equipment.

An easement is hereby reserved for and granted to the Village and to utility companies operating under franchise from the Village and their respective successors and assigns jointly and severally, together and under the property vacated pursuant to this Plat of Vacation for the purpose of maintaining, repairing, reconstructing, reconstructing, repairing, inspecting, maintaining and operating various utility transmission and distribution systems and community antenna television systems, and all necessary connections, appliances and other structures and appurtenances thereon, and for all purposes necessary for said Village and for any and all municipal purposes, over, upon, under, across and along the property vacated pursuant to this Plat of Vacation.

LEGAL DESCRIPTION

That part of a 20 foot wide North-South public alley lying West of and adjoining Lot 5 in Block 1 of Central Subdivision of part of the West 1/2 of the Southwest 1/4 of Section 7, Township 39 North, Range 13 East of the Third Principal Meridian, more particularly described as follows: Beginning at the Southwest corner of said Lot 5, thence West along the extension of the South line of said Lot 5 for a distance of 20.00 feet to the East line of Lot 33, said line also being the West line of a North-South alley, thence North along said East line for a distance of 49.71 feet, thence East along the extension of said East line for a distance of 9.71 feet, thence East for a distance of 20.00 feet to the Northwest corner of address 330 North 1st Street along the West line of said Lot 5 a distance of 50.00 feet to the Point of Beginning, in Cook County, Illinois.

Daniel R. Donnelly, an Illinois Professional Land Surveyor, hereby certifies that I have prepared this PLAT OF VACATION and it is a true and correct copy of the original and that the original plat and records are given in fee and deposited thereon.



VILLAGE OF OAK PARK
ENGINEERING DIVISION

Drawn by: DSO
DATE: JULY 14, 2014
REVISION DATE:
DECEMBER 29, 2014

VACATION OF PART OF ALLEY