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Karen A. Yarbrough
Cook County Clerk
Date: 01/12/2022 11:21 AM Pg: 1 of 8

COVER SHEET FOR RECORDING PURPOSES

VILLAGE OF TINLEY PARK

**A RESOLUTION APPROVING THE RIGHT-OF-WAY
ENCROACHMENT AGREEMENT BETWEEN ELEVATED
ENTERPRISES, LLC., AND THE VILLAGE OF TINLEY PARK FOR
PROPERTY LOCATED AT 17344 OAK PARK AVENUE**

PIN: 28-30-313-008-0000

Prepared By &

Return To: Laura Godette

Village of Tinley Park

16250 S. Oak Park Avenue

Tinley Park, IL 60477

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THE VILLAGE OF TINLEY PARK

Cook County,
Illinois Will County,
Illinois

RESOLUTION 2020-R-098

A RESOLUTION APPROVING THE RIGHT-OF-WAY ENCROACHMENT
AGREEMENT BETWEEN ELEVATED ENTERPRISES, LLC., AND THE
VILLAGE OF TINLEY PARK FOR PROPERTY LOCATED AT 17344 OAK
PARK AVENUE

JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK

CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park
Peterson, Johnson, & Murray Chicago, LLC, Village Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

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VILLAGE OF TINLEY PARK
Cook County, Illinois
Will County, Illinois

RESOLUTION 2020-R-098

**A RESOLUTION APPROVING THE RIGHT-OF-WAY ENCROACHMENT
AGREEMENT BETWEEN ELEVATED ENTERPRISES, LLC., AND THE
VILLAGE OF TINLEY PARK FOR PROPERTY LOCATED AT 17344 OAK
PARK AVENUE**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interest of the Village of Tinley Park and its residents to enter into an agreement regulating the encroachment of certain improvements located at 17344 Oak Park Avenue on the adjacent right-of-way for Oak Park Avenue; and

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, STATE AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: The Agreement attached hereto as Exhibit 1 and made a part hereof, is hereby approved and accepted, and the Village President is hereby authorized to execute the Agreement on behalf of the Village.

SECTION 3: Effective Date. This Resolution shall be in full force and effect immediately up on its passage by the President and Board of Trustees and approval as provided by law.

That the Village Clerk is hereby ordered and directed to publish this Resolution in pamphlet form, and this Resolution shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED THIS 20th day of October, 2020.

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AYES: Berg, Brady, Brennan, Galante, Glotz, Mueller

NAYS: None

ABSENT: None

APPROVED THIS 20th day of October, 2020.

By: 
Village President

ATTEST: 
By: 
Village Clerk

Property of Cook County Clerk's Office

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STATE OF ILLINOIS)
 COUNTY OF COOK)
 COUNTY OF WILL) SS

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution 2020-P-008, "A RESOLUTION APPROVING THE RIGHT-OF-WAY ENCROACHMENT AGREEMENT BETWEEN ELEVATED ENTERPRISES, LLC., AND THE VILLAGE OF TINLEY PARK FOR PROPERTY LOCATED AT 17344 OAK PARK AVENUE.," which was adopted by the President and Board of Trustees of the Village of Tinley Park on October 20, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this 20th day of October, 2020.


 KRISTIN A. THIRION, VILLAGE CLERK

Property of Cook County Clerk's Office

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RIGHT-OF-WAY ENCROACHMENT AGREEMENT

17344 Oak Park Avenue

THIS EASEMENT ENCROACHMENT AGREEMENT is entered into this 14th day of October, 2020, between Elevated Enterprise, LLC, owner of the property commonly known 17344 Oak Park Avenue, Tinley Park, Illinois 60477, ("OWNER") and the Village of Tinley Park, an Illinois Municipal Corporation, with offices at 16250 S. Oak Park Ave., Tinley Park, Illinois 60477 ("VILLAGE").

WHEREAS, the OWNER owns certain real property legally described as:

LOT 1 BLOCK 2 IN CHRISTIAN ANDRES' SUBDIVISION OF PART OF THE SOUTH HALF OF LOT 1 LYING NORTH OF CHICAGO ROCK ISLAND AND PACIFIC RAILROAD IN THE SOUTHWEST QUARTER OF SECTION 30 TOWNSHIP 36 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 28-30-313-008-0000("SUBJECT PROPERTY")

WHEREAS, by plat of subdivision for the SUBJECT PROPERTY, the VILLAGE has previously recorded its rights to a dedicated public right-of-way adjacent to the SUBJECT PROPERTY; and

WHEREAS, there is currently a patio encroaching on the VILLAGE'S right-of-way as depicted in Exhibit A; and

WHEREAS, the OWNER desires to make improvements to the existing patio in the VILLAGE'S right-of-way; and

WHEREAS, the VILLAGE has determined to allow the OWNER to encroach on the VILLAGE'S right-of-way subject to the terms and conditions of this Agreement.

NOW THEREFORE, in consideration for the VILLAGE allowing the encroachment and mutual promises contained herein, the OWNER declares that:

1. The foregoing recitals are substantive and are incorporated by reference in this paragraph 1 as though fully set forth.
2. The VILLAGE does hereby grant to the OWNER a right to encroach upon said right-of-way to the extent depicted on Exhibit A, attached hereto and incorporated herein so long as the proposed improvements continue unimpaired upon the right-of-way and that any improvements do not increase the encroachment of the right-of-way. This agreement and the rights granted hereunder shall terminate upon the damage or destruction of 50% or more of the replacement value of the building or other improvements which encroach upon the Village's right-of-way.
3. The encroachment herein acknowledged does not under any circumstances abrogate or nullify the VILLAGE's rights and interests in and to the dedicated public right-of-way, including the parkway.

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4. The OWNER shall retain all the risks and liabilities associated with encroaching on the VILLAGE's right-of-way, including without limitation, the risk that the VILLAGE may remove the improvements that encroach the right-of-way without any prior notice to the OWNER. The OWNER shall be solely responsible for the VILLAGE's cost to remove the encroachment to gain access to any of its public utilities in the easement for any purpose.

5. The VILLAGE shall not be responsible for any costs incurred by the OWNER to repair or replace the encroachment if it is damaged or destroyed by the VILLAGE.

6. The OWNER shall hold harmless, indemnify and defend the VILLAGE from and against any and all liability, claims, demands, and causes of action arising out of or related to any loss, injury, death, or loss or damage to property resulting from the VILLAGE's use of the right-of-way for any of its intended purposes

7. The OWNER shall hold harmless, indemnify and defend the VILLAGE from and against any and all liability, claims, demands, and causes of action arising out of or related to any loss, injury, death, or loss or damage to property resulting from the OWNER'S encroachment of the VILLAGE'S right-of-way.

8. The OWNER have read and fully understand that this Agreement is an agreement to indemnify the VILLAGE, its officials, agents, employees, and attorneys, and the OWNER fully intend to be bound by the terms of this Agreement and that it shall further bind the OWNER'S assigns, heirs, executors or administrators.

9. This Agreement shall be a covenant running with the land and shall be recorded in the office of the County Recorder in the county where the SUBJECT PROPERTY is situated.

IN WITNESS WHEREOF, the parties set their hands as seals as of the date first written above.

OWNER:

VILLAGE OF TINLEY PARK:

By: *Thomas Ryan PARTNER*
Kevin Ryan PARTNER

By: *[Signature]*

Attest: _____

Attest: *[Signature]*

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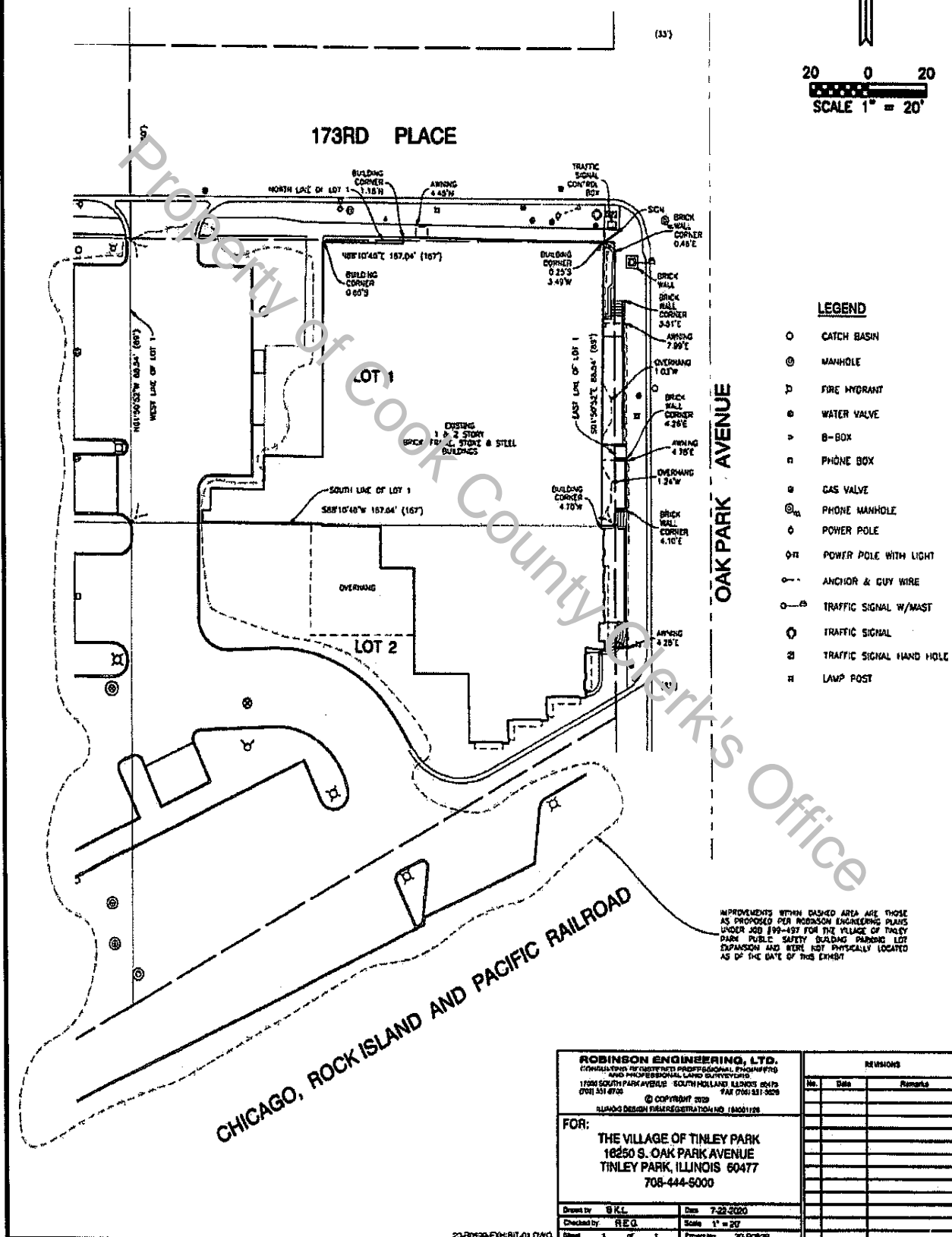
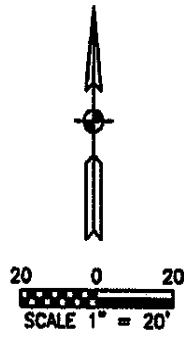
EXHIBIT

of

LOT 1 BLOCK 2 IN CHRISTIAN ANDRES' SUBDIVISION OF PART OF THE SOUTH HALF OF LOT 1 LING NORTH OF CHICAGO ROCK ISLAND AND PACIFIC RAILROAD IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 35 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PRJ: 26-30-313-008-0000
 KNOWN AS: 173RD OAK PARK AVENUE
 TINLEY PARK, ILLINOIS

N



LEGEND

- CATCH BASIN
- ⊙ MANHOLE
- ⊕ FIRE HYDRANT
- ⊖ WATER VALVE
- ⊘ B-BOX
- ⊙ PHONE BOX
- ⊙ GAS VALVE
- ⊙ PHONE MANHOLE
- ⊙ POWER POLE
- ⊙ POWER POLE WITH LIGHT
- ⊙ ANCHOR & GUY WIRE
- ⊙ TRAFFIC SIGNAL W/MAST
- ⊙ TRAFFIC SIGNAL
- ⊙ TRAFFIC SIGNAL HAND HOLE
- ⊙ LAMP POST

IMPROVEMENTS WITHIN DASHED AREA ARE THOSE AS PROPOSED FOR ROBINSON ENGINEERING PLANS UNDER JOB #99-457 FOR THE VILLAGE OF TINLEY PARK PUBLIC SAFETY BUILDING PARKING LOT EXPANSION AND WERE NOT PHYSICALLY LOCATED AS OF THE DATE OF THIS EXHIBIT

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD

ROBINSON ENGINEERING, LTD.
 CONSULTANTS IN CIVIL, ELECTRICAL, MECHANICAL, PLUMBING
 AND PROFESSIONAL LAND SURVEYING
 1700 SOUTH PARK AVENUE SOUTH HOLLAND ILLINOIS 60470
 (708) 551-8700 FAX (708) 551-3028
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 ILLINOIS DESIGN REGISTRATION NO. 184001128

FOR:
THE VILLAGE OF TINLEY PARK
 16250 S. OAK PARK AVENUE
 TINLEY PARK, ILLINOIS 60477
 708-444-5000

Drawn by: B.K.L. Date: 7-22-2020
 Checked by: R.E.G. Scale: 1" = 20'
 Sheet: 1 of 1 Project No: 20-02028

REVISIONS		
No.	Date	Remarks