

ORDINANCE

AN ORDINANCE AUTHORIZING THE VACATION OF A CERTAIN PORTION OF A STREET ABUTTING 508 NORTH KENILWORTH AVENUE NORTH OF CHICAGO 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 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, pursuant to this Ordinance, a certain portion of a public street as more fully described herein (“Subject Property”) abutting 508 North Kenilworth Avenue generally located north of Chicago Avenue shall be vacated for further development of the Oliver Wendell Holmes Elementary School building by the Board of Education of Oak Park Elementary School District Number 97; and

WHEREAS, upon the conditions being met as set forth in this Ordinance, the Subject Property shall be vacated and title to the Subject Property shall vest in Board of Education of Oak Park Elementary School District Number 97, whose principal office is located at 260 Madison Street, Oak Park, Illinois 60302 (“School District”); 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 a street/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 the Village’s vacation of a street, or any part thereof, title to the vacated property shall vest in the then owner or owners of land abutting the vacated property and the School District owns land abutting the Subject Property; and

WHEREAS, the Village Board approved a Memorandum of Understanding with the School District on August 7, 2017 and an Intergovernmental Agreement with the School District on November 7, 2017 regarding the Subject Property and title of the Subject Property vesting in the School District; and

WHEREAS, the President and Board of Trustees have determined that the Subject Property shall be vacated and that the ownership of the Subject Property shall vest with the School District upon the terms and conditions set forth in this Ordinance and the Plat of Vacation attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, 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, as though fully set forth.

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

THAT PART OF KENILWORTH AVENUE LYING EAST OF BLOCK 5 AND WEST OF BLOCK 6 IN AUSTIN MOREY AND SLENTZ'S RESUBDIVISION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 5; THENCE NORTH 01 DEGREES 41 MINUTES 37 SECONDS WEST ALONG THE WEST LINE OF KENILWORTH AVENUE, 157.00 FEET; THENCE NORTH 88 DEGREES 15 MINUTES 34 SECONDS EAST, 66.00 FEET TO A POINT ON THE EAST LINE OF KENILWORTH AVENUE; THENCE SOUTH 01 DEGREES 41 MINUTES 37 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 157.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 6 ALSO BEING A POINT ON THE NORTH LINE OF CHICAGO AVENUE; THENCE SOUTH 88 DEGREES 15 MINUTES 34 SECONDS WEST ALONG THE NORTH LINE OF CHICAGO AVENUE 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. Pursuant to said Plat of Vacation and this Ordinance, title to the Subject Property shall vest with the School District, subject to the terms and conditions set forth in this Ordinance.

Section 4. Vacation Subject to Existing Easements. The Subject Property is vacated subject to any existing easements of public record granted to the Village or for any public or private utility under a franchise with the Village for the maintenance, renewal, construction or reconstruction of public and private 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 respective facilities in, under, across, above and along that portion of the public alley 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 pursuant to any existing easement of public record.

Section 5. School District Liability and Indemnification. The School District shall maintain and secure the Subject Property, and any nuisances thereon, and shall be otherwise responsible and liable for the Subject Property. The School District 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 School District takes title to the Subject Property.

Section 6. 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 7. 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 8. Effective Date. This ordinance shall take effect and shall be in full force and effect after its passage and publication as required by law.

ADOPTED this 23rd day of July, 2018, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Button				
Trustee Moroney				
Trustee Taglia				
Trustee Tucker				

APPROVED this 23rd day of July, 2018.

Anan Abu-Taleb, Village President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 23rd day of July, 2018.

Vicki Scaman, Village Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

CERTIFICATE

I, Vickie Scaman, 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 18-385, "AN ORDINANCE AUTHORIZING THE PARTIAL VACATION OF A CERTAIN PORTION OF A STREET ABUTTING 508 NORTH KENILWORTH AVENUE GENERALLY LOCATED NORTH OF CHICAGO AVENUE IN THE VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS," which was adopted by the corporate authorities of the Village of Oak Park on July 23, 2018.

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 July 23, 2018.

Vickie Scaman, Village Clerk

(SEAL)