

ORDINANCE

AN ORDINANCE AUTHORIZING THE VACATION OF CERTAIN PORTIONS OF TWO ALLEYS WITHIN THE OAK PARK STATION PLANNED DEVELOPMENT SITE LOCATED AT 1123-1133 LAKE STREET, 1133-1145 WESTGATE, AND 1100 NORTH BOULEVARD 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, certain portions of two public alleys as more fully described herein within the development site located at 1123-1133 Lake Street, 1133-1145 Westgate, and 1100 North Boulevard, Oak Park, Illinois, generally located south of Lake Street, north of North Boulevard, east of Harlem Avenue, and west of Marion Street ("Subject Properties") shall be vacated due to encroachment into the redevelopment site for the Oak Park Station Planned Development, in Downtown Oak Park; and

WHEREAS, upon the conditions being met as set forth in this Ordinance, the Subject Properties shall be vacated and title to the Subject Properties shall vest in Clark Street Development LLC, whose principal office is located at 980 North Michigan Avenue, Suite 1280, Chicago, IL 60611 ("Owner"); 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 an alley, or any part thereof, title to the vacated Subject Properties shall vest in the then owner or owners of land abutting the vacated property; and

WHEREAS, the Village shall not require compensation to be paid by the Owner for the vacation of the Subject Properties as the vacation is a global resolution to all outstanding items pertaining to the Planned Development Ordinance for the Oak Park Station development; and

WHEREAS, the President and Board of Trustees have determined that the Subject Properties shall be vacated and that the ownership of the Subject Properties shall vest with the Owner 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 Alleys to be Vacated. Pursuant to the terms of this Ordinance, the Village shall vacate the Subject Properties legally described as follows:

VACATION AREA NO. 1

THAT PART OF A 15 FOOT WIDE PUBLIC ALLEY LYING NORTH OF LOT 5 TO 10 INCLUSIVE, IN AND ESTABLISHED BY HOARD AND OTHERS SUBDIVISION OF LOT 1 (EXCEPT THE NORTH 100 FEET THEREOF) IN NILES SUBDIVISION OF LOTS 10 TO 16 INCLUSIVE AND THE WEST 13 FEET OF LOT 17 OF SKINNERS SUBDIVISION OF LAND IN THE SOUTHWEST CORNER OF NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN AND LYING WEST OF THE SOUTHERLY EXTENTION OF THE EAST LINE OF LOT 1 IN 1121-23 LAKE STREET BUILDING PARTNERSHIP SUBDIVISION, BEING A SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 8, 1994 AS DOCUMENT NO. 94413183, ALL IN COOK COUNTY, ILLINOIS.

VACATION AREA NO. 2

THAT PART OF A 15 FOOT WIDE PUBLIC ALLEY LYING SOUTH OF LOTS 11 TO 16 INCLUSIVE, NORTH OF LOTS 22 TO 27 INCLUSIVE AND WEST OF THE SOUTHERLY EXTENTION OF THE EAST LINE OF LOT 13, ALL IN AND ESTABLISHED BY HOARD AND OTHERS SUBDIVISION OF LOT 1 (EXCEPT THE NORTH 100 FEET THEREOF) IN NILES SUBDIVISION OF LOTS 10 TO 18 INCLUSIVE AND THE WEST 13 FEET OF LOT 17 OF SKINNERS SUBDIVISION OF LAND IN THE SOUTHWEST CORNER OF NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, 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, title to the Subject Properties shall vest with the Owner, subject to the terms and conditions set forth in this Ordinance.

Section 4. Owner Liability and Indemnification. The Owner shall maintain and secure the Subject Properties, and any nuisances thereon, and shall be otherwise responsible and liable for the Subject Properties. The Owner 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, which may in any way accrue against the Village with regard to the Subject Properties as of the date that the Owner takes title to the Subject Properties.

Section 5. 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 6. 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 7. 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 3rd day of August, 2015, 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 3rd day of August, 2015.

Anan Abu-Taleb, Village President

ATTEST

Teresa Powell, Village Clerk

Published in pamphlet form this 3rd day of August, 2015.

Teresa Powell, Village Clerk

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 15-136, "An Ordinance Authorizing the Vacation of Certain Portions of Two Alleys within the Oak Park Station Planned Development Site Located at 1123-1133 Lake Street, 1133-1145 Westgate and 1100 North Boulevard in the Village of Oak Park, Cook County, Illinois," which was adopted by the corporate authorities of the Village of Oak Park on August 3, 2015.

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 August 3, 2015.

Teresa Powell, Village Clerk

(SEAL)