

## **ORDINANCE**

### **AN ORDINANCE AUTHORIZING THE VACATION OF A CERTAIN PORTION OF SCOVILLE AVENUE LOCATED GENERALLY WEST OF 6500 ROOSEVELT ROAD AND SOUTH OF THE PUBLIC ALLEY 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 Scoville Avenue abutting located generally west of 6500 Roosevelt Road and south of the public alley ("Subject Property") shall be vacated for the development of the Turano Bakery Corporate Office Complex; 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 Berwyn Properties L.L.C., whose principal office is currently located at 6501 Roosevelt Road, Berwyn, Illinois 60402 ("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 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 Owner's property abuts the Subject Property; and

**WHEREAS**, the Village shall require compensation to be paid by the Owner for the vacation of the Subject Property in the amount of \$295,000, which is the average of two separate right-of-way appraisals prepared by Grimes Real Estate Services and Eric Sladcik; 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 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 Alley Vacated.** Pursuant to the terms of this Ordinance, the Village shall vacate the Subject Property legally described as follows:

ALL THAT PART OF SCOVILLE AVENUE LYING WEST OF AND ADJOINING LOT 52, AND LYING EAST OF AND ADJOINING LOT 137 IN SOUTH RIDGELAND, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 25, 1889 AS DOCUMENT NUMBER 1189703, 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, title to the Subject Property shall vest with the Owner, subject to the terms and conditions set forth in this Ordinance.

**Section 4. Conditions of Vacation.** The vacation of the Subject Property shall be subject to the Owner's payment of the compensation set forth herein prior to execution of the Plat of Vacation.

**Section 5. 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 6. Owner Liability and Indemnification.** The Owner shall maintain and secure the Subject Property, and any nuisances thereon, and shall be otherwise responsible and liable for the Subject Property. 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, 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 Owner takes title to the Subject Property.

**Section 7. 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 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 take effect and shall be in full force and effect after its passage and publication as required by law.

**ADOPTED** this 23<sup>rd</sup> 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 23<sup>rd</sup> day of July, 2018.

---

Anan Abu-Taleb, Village President

**ATTEST**

---

Vicki Scaman, Village Clerk

Published in pamphlet form this 23<sup>rd</sup> 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 18-384, "AN ORDINANCE AUTHORIZING THE VACATION OF A CERTAIN PORTION OF SCOVILLE AVENUE LOCATED GENERALLY WEST OF 6500 ROOSEVELT ROAD AND SOUTH OF THE PUBLIC ALLEY 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.

(SEAL)

---

Vickie Scaman, Village Clerk