

ORDINANCE

AN ORDINANCE AUTHORIZING THE VACATION OF A CERTAIN PORTION OF VAN BUREN STREET LOCATED BETWEEN AUSTIN BOULEVARD AND NORTH-SOUTH ALLEY WEST OF 7 VAN BUREN STREET 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 Van Buren Street, a public street as more fully described herein, between and abutting 7 Van Buren Street and generally located east of the public alley, and a certain portion for a length of 122.52 feet along Van Buren Street between Austin Boulevard and the north-south alley to the west of 7 Van Buren Street ("Subject Property") shall be vacated for the development of the property at 7 Van Buren Street by Oak Park Residence Corporation for a residential planned development; 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 Oak Park Residence Corporation, whose principal office is currently located at 21 South Boulevard, Oak Park, IL 60302 ("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

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.

WHEREAS, two independent land appraisals were conducted, one for the Village by Michael Grimes Real Estate which set the value of the Subject Property at \$64,000 and one for e Applicant which is set the value of the Subject Property at \$50,000, and the average of the two appraisals being \$57,000, which amount is determined by the President and Board of Trustees as being reasonable compensation for the vacation of the Subject Property.

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 Van Buren Street Vacated. Pursuant to the terms of this Ordinance, the Village shall vacate the Subject Property legally described as follows:

PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 IN H.W. AUSTIN'S SUBDIVISION, THENCE SOUTH 88 DEGREES 24 MINUTES 45 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 1, 122.52 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 01 DEGREES 57 MINUTES 46 SECONDS WEST ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 1, 15.00 FEET TO A LINE PARALLEL WITH AND 15.00 FEET PERPENDICULARLY DISTANT NORTHERLY OF SAID NORTH LINE; THENCE NORTH 88 DEGREES 24 MINUTES 45 SECONDS EAST ALONG SAID PARALLEL LINE, 122.52 FEET TO THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 1; THENCE SOUTH 01 DEGREES 58 MINUTES 13 SECONDS EAST ALONG SAID NORTHERLY EXTENSION, 15.00 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 in substantially the form attached. 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 granting easements for existing utilities in accordance with the Plat of Vacation and the payment of \$57,000 to the Village by the Owner as reasonable compensation for the vacation of the Subject Property.

Section 5. 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 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 pursuant to roll call vote this 18th day of January, 2022.

Voting	Aye	Nay	Absent	Abstain
President Scaman				
Trustee Buchanan				
Trustee Enya				
Trustee Parakkat				
Trustee Robinson				
Trustee Taglia				
Trustee Walker-Peddakotla				

APPROVED this 18th day of January, 2022.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 18th day of January, 2022.

Christina M. Waters, Village Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

CERTIFICATE

I, Christina M. Waters, 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 22-4, "AN ORDINANCE AUTHORIZING THE VACATION OF A CERTAIN PORTION OF VAN BUREN STREET LOCATED BETWEEN AUSTIN BOULEVARD AND NORTH-SOUTY ALLEY WEST OF SUBJECT PROPERTY IN THE VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS," which was adopted by the corporate authorities of the Village of Oak Park on January 18, 2022.

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 January 18, 2022.

(SEAL)

Christina M. Waters, Village Clerk