

## **ORDINANCE**

### **AN ORDINANCE AUTHORIZING THE VACATION OF A CERTAIN PORTION OF AN ALLEY ABUTTING HARRISON STREET BETWEEN 211 AND 213 HARRISON 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 a public alley as more fully described herein ("Subject Property") between 211 and 213 Harrison Street, generally located north of Harrison Street, south of Flournoy Avenue ("Subject Property") shall be vacated due to the desire for outdoor dining in the Oak Park Arts District; 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 Harrison Street Ventures, LLC, whose principal office is located at 200 Harrison Street, Oak Park, Illinois 60304 ("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 property shall vest in the then owner or owners of land abutting the vacated 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 \$22,750.00 which is an average of two separate right-of-way appraisals prepared by Grimes Real Estate Services and Property Value Services; 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:

A 16 Foot Wide North-South Public Alley Lying Entirely In Block 1 Of Harrison Street Subdivision Of The North ½ Of The Northwest ¼ Of The Southwest ¼ Of Section 17, Township 39 North, Range 13 East Of The Third Principal Meridian, More Particularly Described As Follows: Beginning At The Northwest Corner Of Lot 1, Also Being On The South Right Of Way Of Harrison Street, Thence South Along The West Line Of Said Lot 1 For A Distance Of 33.62 Feet To The Northwest Corner Of Lot 2; Thence Continuing South Along The West Line Of Lot 2 For A Distance Of 13.38 Feet; Thence West To A Point On The East Line Of Lot 46 47.00 Feet South Of The Northeast Corner Of Said Lot 46; Thence North Along The East Line Of Said Lot 46 For A Distance Of 47.00 Feet The Northeast Corner Of Lot 46, Said Corner Also Being On The South Right Of Way Of Harrison Street, Thence West Along The Said South Right Of Way Line For A Distance Of 16.00 Feet To The Northwest Corner Of Lot 1 And The Place 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, title to the Subject Property shall vest with Harrison Street Ventures, LLC, whose principal office is located at 200 Harrison Street, Oak Park, Illinois 60304, 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 an unrestricted easement for public path/pedestrian use and an easement for public utilities, and maintenance of any public utilities affected in any way by the public alley vacation as set forth on the attached Plat of Vacation. Upon the Owner securing a specified tenant for the abutting commercial space, the Plat of Vacation shall be recorded by the Owner with the Cook County Recorder of Deeds, at the Owner's expense and title shall vest with the Owner.

**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** pursuant to roll call vote this 21<sup>st</sup> day of February, 2017.

Voting	Aye	Nay	Absent	Abstain
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Button Ott				
Trustee Lueck				
Trustee Salzman				
Trustee Tucker				

**APPROVED** this 21<sup>st</sup> day of February, 2017.

\_\_\_\_\_  
Anan Abu-Taleb, Village President

**ATTEST**

\_\_\_\_\_  
Teresa Powell, Village Clerk

Published in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
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 17-173, "AN ORDINANCE AUTHORIZING THE PARTIAL VACATION OF AN ALLEY ABUTTING 211 and 213 HARRISON STREET, GENERALLY LOCATED EAST OF LOMBARD AVENUE IN THE VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS," which was adopted by the corporate authorities of the Village of Oak Park on February 21, 2017.

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 February 21, 2017.

(SEAL)

---

Teresa Powell, Village Clerk