

ORDINANCE

AN ORDINANCE AUTHORIZING THE VACATION OF THE REMAINING THIRTY-SEVEN (37) FEET OF A PUBLIC ALLEY ABUTTING 535 WENONAH 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 as provided by the provisions of Article VII, Section 6 of the Illinois Constitution of 1970 and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, Rush Oak Park Hospital ("Applicant"), as the property owner of properties adjacent to a certain portion of a public alley, as more fully described below ("Subject Property"), which the Applicant seeks to be vacated in order to be developed and maintained by the Applicant; and

WHEREAS, the Village Board previously directed that the portion of the alley set forth herein be vacated pursuant to Ordinance Number 1999-O-52; 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 an 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 vacation of an alley, or any part thereof, by the Village, title to the vacated property vest in the then owner or owners of land abutting thereon; and

WHEREAS, pursuant to the Village's "Alley and/or Street Vacation Policy and Procedures," an applicant seeking the vacation of a Village alley or street is required to pay the Village compensation in the amount of the appraised value of the alley or street to be vacated; and

WHEREAS, the Village has determined that the appraised value of the portion of the alley to be vacated is \$16 per square foot, and the total square feet to be vacated is 592.32 square feet, for a total of \$9,477.12; and

WHEREAS, the President and Board of Trustees have determined that the Subject Property be vacated upon the Applicant's payment of the compensation set forth herein to the Village.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, 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.

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

THAT PART OF THE NORTH-SOUTH 16 FOOT WIDE PUBLIC ALLEY IN BLOCK 2 IN THE SUBDIVISION OF BLOCKS 1 TO 9, INCLUSIVE, IN WALLEN AND PROBST'S ADDITION TO OAK PARK, IN THE NORTHWEST ¼ OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: LYING WEST OF AND ADJOINING LOTS 22 AND 23; LYING EAST OF AND ADJOINING LOTS 24 AND 25; LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 3.00 FEET OF LOT 22 AFORESAID; AND LYING NORTH OF A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 23 AFORESAID TO THE SOUTHEAST CORNER OF LOT 24 AFORESAID, 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.

Section 4. Conditions of Vacation. The Subject Property is vacated subject to any existing easement of public record granted to the Village or for any public or private utility for the maintenance operating under a franchise with the Village for the renewal and 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. Payment of Consideration and Title to Vacated Property. Upon the vacation of the Subject Property, title thereto shall be acquired by and vest to the Applicant upon the payment of \$9,477.12 to the Village by the Applicant as fair market value for the Subject Property. The vacation of the Subject Property, and the recording of the Plat of Vacation and this Ordinance, shall not be effective until said payment is received pursuant to Section 11-91-1 of the Illinois Municipal Code, 65 ILCS 5/11-91-1.

Section 6. Applicant Liability and Indemnification. The Applicant shall maintain and secure the Subject Property, and be otherwise responsible and liable for the Subject Property. The Applicant 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 attorneys' fees, not directly caused by the negligent or willful conduct of the Village, which may in any way accrue against the Village, its

agents, officials and employees, with regard to the Subject Property as of the date that the Applicant takes title to the Subject Property.

Section 7. Execution of Documents. The Village Manager is 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 upon the payment of the consideration set forth in Section 5 of this Ordinance.

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 be in full force and effect from and after its passage, approval, and publication as provided by law.

ADOPTED this 2nd day of October, 2017, pursuant to a roll call vote as follows:

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

APPROVED this 2nd day of October, 2017.

Anan Abu-Taleb, Village President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 2nd day of October, 2017.

Vicki Scaman, Village Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

CERTIFICATE

I, Vicki 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 17-266, "An Ordinance Authorizing the Vacation of the Remaining Thirty-Seven (37) Feet of a Public Alley Abutting 535 Wenonah Avenue to the West in the Village of Oak Park, Cook County, Illinois," which was adopted by the corporate authorities of the Village of Oak Park on October 2, 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 October 2, 2017.

(SEAL)

Vicki Scaman, Village Clerk