

ALLEY AND/OR STREET VACATION POLICY AND PROCEDURES

I. Policy Statement

The President and Board of Trustees may vacate a street or alley, or part thereof, by ordinance whenever they determine that the public interest will be subserved by vacating such street or alley, or part thereof. The determination of the President and Board of Trustees in this regard is conclusive, and the passage of such an ordinance shall be sufficient evidence of that determination whether so recited in the ordinance or not. The relief to the public from further burden and responsibility of maintaining any street or alley, or part thereof, constitutes a public use or public interest authorizing the vacation.

II. Procedures

The following procedures are set forth in the chronological order in which they should normally occur and should be generally followed in the order presented when processing applications for street and/or alley vacations:

1. Upon receipt of an application (Application Form attached hereto as Attachment A) for an alley and/or street vacation, or partial vacation, from a property owner abutting the street and/or alley proposed to be vacated, said application shall be forwarded to the Chief Planner, who shall, in turn, forward same to the Police Chief, Fire Chief and Public Works Director and shall forward same to the Plan Commission for the purpose of conducting a public hearing thereon.
2. At least 15 days prior to such a hearing, the Chief Planner shall cause notice of the time, place and subject matter of the hearing to be published in a newspaper of general circulation in the Village. Property owners abutting the street or alley to be vacated shall also be given notice of such hearing by regular mail.

At the hearing, all interested persons shall be heard concerning the proposal for vacation. The Plan Commission shall obtain input from the Police, Fire and Public Works Departments concerning the feasibility of the proposed vacation at the public hearing and shall obtain guidance from the Comprehensive Plan in formulating its recommendation to the President and Board of Trustees.

3. The Plan Commission shall forward its Findings and Recommendations, including any conditions it may recommend, to the

President and Board of Trustees for Board consideration and action thereon.

4. At a regularly scheduled meeting of the President and Board of Trustees, the Village Board shall approve, reject or modify the vacation recommendation of the Commission in principle, and shall direct staff to prepare such agreements and ordinances as are necessary to effect the vacation in accordance with the direction of the President and Board of Trustees.
 - a. The agreement shall specify that the applicant shall be responsible for the cost of the appraisal, title insurance, recording costs and other Village costs, including staff time and miscellaneous expenses, which other Village costs shall in no event be less than \$500.00 per vacation.
 - b. The Village shall require compensation from the owner requesting the vacation in the amount of the appraised value of the property to be vacated. If, however, the vacation or partial vacation of the street or alley is at the request of the Village or provides an extraordinary benefit to the Village, the Village, in its discretion, can agree to deduct the cost of breaking up and removing the paved street or alley surface and restoring it to the proposed condition/use from the purchase price.
 - c. The Village shall reserve easements for existing utilities in the vacated public right-of-way and shall charge the requesting property owner for the removal or movement of Village utility lines. The requesting property owners shall likewise bear all costs for the removal or movement of all other existing utility lines and/or structures.
 - d. The Village shall include such other conditions as it believes are necessary, appropriate and/or desirable for the public health, welfare and safety of the Village and its citizens.
 - e. If, however, the Village is negotiating the vacation of certain alleys and/or streets in the context of a larger development, the President and Board of Trustees may negotiate whatever terms and conditions the Board, in its discretion, determines to be in the best interests of the Village for that particular development.
5. Village staff shall secure an appraisal of the street and/or alley proposed to be vacated, based upon the value of the alley after it has

been vacated and restored to its proposed condition. Zoning shall be an important factor in determining value. The vacated street and/or alley will assume the zoning classification of the property abutting it on either side to the midpoint of the vacated street and/or alley.

6. The Village Engineer shall cause a plat of vacation to be drawn, which plat shall contain the legal description of the street and/or alley to be vacated and which shall otherwise conform to the requirements for recording by the Cook County Recorder of Deeds.
7. In the event that only one abutting property owner out of two or more abutting property owners is seeking to acquire title to the vacated street or alley, it shall be necessary for the abutting property owner desiring to obtain title to the entire vacated street to obtain and record quit claim deeds from the other abutting property owners conveying their interest, if any, in the street and/or alley proposed to be vacated, to the property owner seeking the vacation, prior to execution of the vacation agreement with the Village.
8. The President and Board of Trustees shall authorize execution of the agreement by an ordinance adopted by no less than a majority of the President and Board of Trustees.
9. Once the execution of the agreement has been properly authorized by the President and Board of Trustees and properly executed by the property owner requesting the vacation, a majority of the President and Board of Trustees shall authorize the adoption of an ordinance vacating the subject street and/or alley, which shall have the vacation plat appended thereto as an exhibit.
10. Upon payment by the applicant of the appraised price of the vacated street and/or alley and the costs associated therewith, the Village shall record both the agreement and ordinance authorizing the agreement and the ordinance authorizing the vacation of the street or alley.

file: vacation

RESOLUTION
ADOPTING WRITTEN POLICY AND PROCEDURES
WITH REGARD TO ALLEY AND/OR STREET VACATIONS
WITHIN THE VILLAGE

BE IT RESOLVED by the President and Board of Trustees of the Village of Oak Park, County of Cook, State of Illinois that the Policy and Procedure statement attached hereto as Exhibit A, and entitled "Alley and/or Street Vacation Policy and Procedures of the Village of Oak Park," is hereby adopted as the written policy and procedure of the Village of Oak Park with regard to alley and/or street vacations within the Village of Oak Park.

THIS RESOLUTION shall be in full force and effect from and after its adoption and approval as provided by law.

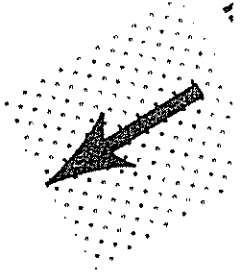
ADOPTED this 17th day of April, 2000, pursuant to a roll call vote as follows:

AYES: Trustees Ebner, Hodge-West, Kostopulos, Kuner, Trapani and Turner and President Furlong

NAYS: None

ABSENT: None

APPROVED by me this 17th day of April, 2000.



Barbara Furlong

Barbara Furlong
Village President

ATTEST:

Sandra Sokol

Sandra Sokol
Village Clerk