

ORDINANCE

AN ORDINANCE AUTHORIZING THE VACATION OF A CERTAIN PORTION OF EUCLID AVENUE LOCATED BETWEEN AND ABUTTING 711 AND 725 MADISON 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 Euclid Avenue, a public street as more fully described herein ("Subject Property"), between and abutting 711 and 725 Madison Street and generally located north of the public alley, shall be vacated for the development of the property at 711-725 Madison Street by AH Oak Park LLC for a senior living community as set forth in the Redevelopment Agreement between the Village and Jupiter Realty Company, LLC, Oak Park Madison Street LLC and 711 Madison Senior Living, LLC dated December 10, 2018; 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 AH Oak Park, LLC, whose principal office is currently located at One Towne Square, Suite 1660, Southfield, Michigan 48076 ("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, the Redevelopment Agreement 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:

THAT PORTION OF THE EXISTING 66 FOOT RIGHT-OF-WAY OF EUCLID AVENUE LYING SOUTH OF THE EXISTING SOUTH RIGHT-OF-WAY LINE OF MADISON STREET (SAID LINE BEING 60 FEET SOUTH OF THE EAST-WEST NORTH LINE OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN) AND NORTH OF A LINE EXTENDING FROM THE SOUTHEAST CORNER OF LOT 1 IN BLOCK 2 IN THE SUBDIVISION OF BLOCKS 2, 3, 6 AND 7 IN HUTCHINSON AND ROTHERMEL'S SUBDIVISION OF PORTION OF SAID SECTION 18 TO THE SOUTHWEST CORNER OF LOT 11 IN THE SUBDIVISION OF BLOCK 1 IN SAID HUTCHINSON AND ROTHERMEL'S SUBDIVISION, 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 shall be subject to the Owner granting easements for existing utilities.

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 3rd day of February, 2020.

Voting	Aye	Nay	Absent	Abstain
President Abu-Taleb				
Trustee Andrews				
Trustee Boutet				
Trustee Buchanan				
Trustee Moroney				
Trustee Taglia				
Trustee Walker-Peddakotla				

APPROVED this 3rd day of February, 2020.

Anan Abu-Taleb, Village President

ATTEST

Vicki Scaman, Village Clerk

Published in pamphlet form this 3rd day of February, 2020.

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 20-011, "AN ORDINANCE AUTHORIZING THE PARTIAL VACATION OF EUCLID AVENUE - A PUBLIC STREET ABUTTING 711 AND 725 MADISON STREET, GENERALLY LOCATED NORTH OF THE ALLEY IN THE VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS," which was adopted by the corporate authorities of the Village of Oak Park on February 3, 2020.

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 3, 2020.

(SEAL)

Vicki Scaman, Village Clerk