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**VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 893**

**AN ORDINANCE VACATING A CERTAIN PORTION OF AN  
ALLEYWAY LOCATED AT THE REAR OF 901 WEST LAKE  
STREET, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF  
COOK, STATE OF ILLINOIS.**

**ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MELROSE PARK**

**THIS 14<sup>TH</sup> DAY OF FEBRUARY 2005**

**RONALD M. SERPICO, Village President  
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

**Board Of Trustees**

**JOHN S. CONTEDEUCA  
CATHLEEN COSSIDENT ITALIA  
THOMAS KLEIN  
RUBEN LOMELI  
ARTURO J. MOTA  
ANTHONY J. PRIGNANO**

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**Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 15<sup>TH</sup> day of FEBRUARY 2005**

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**AN ORDINANCE VACATING A CERTAIN PORTION OF AN ALLEYWAY LOCATED AT THE REAR OF 901 WEST LAKE STREET, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.**

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WHEREAS, the Village of Melrose Park, Cook County, State of Illinois (the "Village"), is a duly organized and existing village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village President, the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 1, 2001 and the Village Board of Trustees, the Honorable John S. Conteduca, Cathleen Cossident Italia, Tom "T.K." Klein, Ruben Lomeli, Arturo J. Mota and Anthony J. Prignano, having taken office on May 1, 2003, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the President and Board of Trustees of the Village have determined that vacating a portion of the alleyway located at the rear of 901 West Lake Street, as further described in attached Exhibit A, will serve to relieve the public from the further burden and responsibility of maintaining that portion of said alleyway; and

WHEREAS, the President and the Board of Trustees of the Village have determined that the public interest will be served by vacating a portion of the alleyway located at the rear of 901 West Lake Street in the Village;

NOW THEREFORE, BE IT ORDAINED by the Village President and the Board of Trustees of the Village of Melrose Park, Cook County, Illinois, as follows:

**ARTICLE I  
IN GENERAL**

**Section 01. Incorporation Clause.**

The President and Board of Trustees of the Village (the "Village Board") hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**Section 02. Purpose.**

The purpose of this Ordinance is to vacate that that portion of an alleyway located at the rear of 901 West Lake Street, with approximate lot dimensions of 132' x 14' and 39' x 7', as more fully set forth and described on the Plat of Vacation, attached hereto and incorporated herein, by this reference.

**Section 03. Invocation of Authority.**

This Ordinance is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

**Section 04. State Law Adopted.**

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

**Section 05.-09. Reserved.**

**ARTICLE II  
LEGAL DESCRIPTION**

**Section 10.00. Vacation of Street.**

The right-of-way being legally described as:

ALL OF THE 7 FOOT ALLEY ADJOINING LOT 12 AND LOT 13 AND ALL OF THE 14 FOOT ALLEY ADJOINING LOTS 13 AND 14, ALL IN BLOCK 4 OF A. J. STONE'S ADDITION TO MAYWOOD, A SUBDIVISION OF LOT 1 (EXCEPT THE NORTH 15 ACRES THEREOF) IN SUPERIOR COURT PARTITION OF THE

SOUTH HALF OF SECTION 3 AND ALL OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CHICAGO AND NORTHWESTERN RAILROAD, RECORDED AS DOCUMENT NO. 1310023 ON JULY 26, 1890, IN COOK COUNTY, ILLINOIS.

is hereby vacated. The portion of the public alleyway herein vacated is designated "hereby vacated" on the Plat of Vacation prepared by Douglas R. McClintic, an Illinois Professional Land Surveyor, of Glen Ellyn, Illinois, and dated December 15, 1999.

### **ARTICLE III EASEMENTS**

#### **Section 11.00. Grant of Easement to Village.**

A permanent easement is hereby reserved for and granted to the Village of Melrose Park, Cook County, Illinois, its successors and assigns, and to those public utility companies ("Utilities") operating under franchise from the Village of Melrose Park, their successors and assigns, in, upon, across, over, under, and through the area designated "hereby vacated" on the Plat of Vacation, said easement to be for, without limitation, constructing, installing, maintaining, operating, relocating, renewing, inspecting, replacing, repairing, enlarging, and cleaning electrical, gas, water, telephone, cable, and/or all other utility lines or appurtenances, sanitary sewers, storm sewers, water mains, and any and all manholes, hydrants, pipes, connections, catch basins, buffalo boxes, and, without limitation, such other installations as may be required to furnish any public utility, and such appurtenances and additions thereto as the Village of Melrose Park and Utilities may deem necessary, together with the right of access across the vacated area for the necessary workmen and equipment to do any or all of the above work. The right is also hereby granted to said Village and Utilities to cut down, trim, or remove any trees, shrubs, or other plants that interfere with the operation of or access to said sewers, or, without limitation, utility installations, in, on, across, under, above, or through said Easement.

**ARTICLE IV  
AUTHORITY**

**Section 12.00. Authorization to Execute.**

The Village President is hereby authorized and directed to execute the Plat of Vacation and any related exhibits attached thereto and the Village Clerk, if necessary, is hereby authorized and directed to attest and countersign the Plat of Vacation and/or any such document that may be required to effectuate the purpose of this Ordinance and to affix the seal of the Village to such document(s).

**Section 13.00. Authorization to Record.**

The Village Clerk of the Village of Melrose Park is hereby authorized and directed to file a true and correct copy of this Ordinance, together with the Plat of Vacation, in the Office of the Recorder of Deeds of Cook County, Illinois.

**ARTICLE V  
SAVINGS CLAUSES,  
PUBLICATION, EFFECTIVE DATE**

**Section 14.00. Headings.**

The headings for the articles, sections, paragraphs, and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

**Section 15.00. Severability.**

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section or part of this Ordinance be determined to be in conflict with any law, statute, or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired,

valid and in full force and effect. It is hereby declared to be the legislative intent of the Corporate Authorities that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

**Section 16.00. Superseder.**

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

**Section 17.00. Publication.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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**Section 18.00. Effective Date.**

This Ordinance shall be in full force and effect upon passage, approval and publication, as provided by law.

**On the Individual Poll And Voice Vote Of The Board Of Trustees:**

**AYE VOTES:** Trustee Conteduca, Trustee Klein, Trustee Mota,  
Trustee Prignano

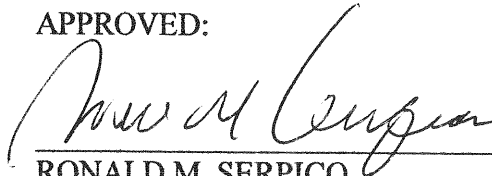
**NAY VOTES:**

**ABSTAIN:**

**ABSENT:** Trustee Italia, Trustee Lomeli


SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS FOURTEENTH DAY OF FEBRUARY, 2005 A.D.

APPROVED:



RONALD M. SERPICO,  
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi  
Village Clerk

Recorded in the Municipal Records: February 14, 2005

Published in pamphlet form: February 15, 2005