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

ORDINANCE NO. 1021

**AN ORDINANCE VACATING A CERTAIN PORTION OF PUBLIC
PROPERTY LOCATED AT THE NORTHEAST CORNER OF 23RD
AVENUE AND AUGUSTA 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 22ND DAY OF JANUARY 2007

**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 23RD day of JANUARY 2007**

ORDINANCE NO. 1021

AN ORDINANCE VACATING A CERTAIN PORTION OF PUBLIC PROPERTY LOCATED AT THE NORTHEAST CORNER OF 23RD AVENUE AND AUGUSTA STREET, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

* * * * *

WHEREAS, the Village of Melrose Park, County of Cook, 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 “President”), the Village Clerk, the Honorable Mary Ann Paolantonio Salemi (the “Clerk”), and the Board of Trustees of the Village, namely, the Honorable John S. Conteduca, Cathleen Cossident Italia, Thomas Klein, Ruben Lomeli, Arturo J. Mota and Anthony J. Prignano (the “Village Board”), all having taken office on May 2, 2005, constitute the duly elected, qualified and acting officials of the Village (collectively, the President and Village Board constitute the “Corporate Authorities”); and

WHEREAS, the Village wishes to vacate a portion of the public right-of-way that is located generally in the northeast corner of the street intersection of 23rd Avenue and Augusta Street in the Village (the “Subject Property”), as legally described on Exhibit A, attached hereto and made a part hereof by this reference (“Legal Description”), and as further described on the Plat of Vacation prepared by Glen D. Krisch Land Surveyor, Inc., an Illinois Professional Land Surveyor (License No. 184-

004233) of Lombard, Illinois, a substantially similar copy of which is attached hereto and made a part hereof by this reference as Exhibit B (“Plat of Vacation”); and

WHEREAS, the Corporate Authorities have determined that it is necessary, advisable and in the best interest of the Village and its inhabitants to vacate the Subject Property in order to relieve the public from the further burden and responsibility of maintaining said right-of-way and that the public interest will be so served; and

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

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Corporate Authorities do 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 the Subject Property in order to relieve the public from the further burden and responsibility of maintaining said right-of-way and that the public interest will be so served.

Section 03. Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to the 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.
VACATION OF PUBLIC RIGHT-OF-WAY**

Section 10.00 Vacation of Public Right-of-Way.

The Subject Property is hereby vacated as depicted and described on the Plat of Vacation with all reservations of public and utility easements as described thereon.

Section 11.00 Title to the Vacated Property.

Pursuant to and in accordance with 65 ILCS 5/11-91-1, *et seq.*, title to the Subject Property, upon its vacation, shall be the same as the property immediately adjacent to, and to the north and east of, the Subject Property, which is legally described on Exhibit C, attached hereto and made a part hereof by this reference.

Section 12.00 Authorization to Execute.

The President is hereby authorized and directed to execute the Plat of Vacation and any related exhibits attached thereto, and the Clerk, if necessary, is hereby authorized and directed to attest to and countersign the Plat of Vacation and/or any such documentation 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 Clerk is hereby authorized and directed to file a true and correct copy of this Ordinance, together with all exhibits, including specifically the Plat of Vacation, in the Office of the Recorder of Deeds of Cook County, Illinois.

Section 14.00 Other Actions Authorized.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated by this Ordinance and to take all actions necessary in conformity therewith, including, without limitation, the execution and delivery of any documents required to be delivered in connection with the Plat of Vacation.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 15.00 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 16.00 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, clause, sentence, paragraph, sub-paragraph, section, or part 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 17.00 Superseder.

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

Section 18.00 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 19.00 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 Italia, Trustee Klein,
Trustee Lomeli, Trustee Mota, Trustee Prignano

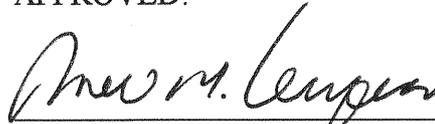
NAY VOTES:

ABSTAIN:

ABSENT:

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS
TWENTY-SECOND DAY OF JANUARY, 2007 A.D.

APPROVED:



RONALD M. SERPICO,
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: January 22, 2007
Published in pamphlet form: January 23, 2007