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VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1119

AN ORDINANCE VACATING A CERTAIN PORTION OF PUBLIC  
PROPERTY LOCATED GENERALLY EAST OF THE  
INTERSECTION OF AUGUSTA STREET AND 25<sup>TH</sup> AVENUE, IN  
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 13<sup>TH</sup> DAY OF NOVEMBER 2007

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

Board Of Trustees

JOHN S. CONTEDEUCA  
CATHLEEN COSSIDENT ITALIA  
THOMAS KLEIN  
ARTURO J. MOTA  
ANTHONY J. PRIGNANO  
MARY RAMIREZ TACONI

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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 14<sup>TH</sup> day of NOVEMBER 2007

**ORDINANCE NO. 1119**

**AN ORDINANCE VACATING A CERTAIN PORTION OF PUBLIC PROPERTY LOCATED GENERALLY EAST OF THE INTERSECTION OF AUGUSTA STREET AND 25TH AVENUE, IN 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 municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

**WHEREAS**, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005, and the Board of Trustees of the Village (the “Village Board”), the Honorable John S. Conteduca, Cathleen Cossident Italia, Thomas “T.K.” Klein, Arturo J. Mota, Anthony J. Prignano and Mary Ramirez Taconi, having taken office on May 14, 2007, constitute the duly elected, qualified and acting officials of the Village; and

**WHEREAS**, the Village wishes to vacate a portion of the public right-of-way that is located generally east of the intersection of Augusta Street and 25<sup>th</sup> Avenue in the Village (the “Subject Property”), as more particularly described on Exhibit A, attached hereto and made a part hereof by this reference; and

**WHEREAS**, the President and Village Board (collectively, the “Corporate Authorities”) have determined that it is necessary, advisable and in the best interests 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, excepting a reservation of necessary public and utility easements as described hereinbelow, 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.

**Sections 05-09. Reserved.**

**ARTICLE II.  
VACATION OF PUBLIC RIGHT-OF-WAY**

**Section 10.00            Vacation of Public Right-of-Way.**

Subject to the fulfillment of the other sections of this Ordinance, the Subject Property is hereby vacated with a reservation of public and utility easements as described on Exhibit B, attached hereto and made a part hereof by this reference (the "Easement").

**Section 10.01            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 property immediately adjacent to and abutting the Subject Property, as legally described on Exhibit C, attached hereto and made a part hereof by this reference (the "Legally Benefited Properties").

**Section 10.02            Vacation Contingency.**

In any event and notwithstanding anything to the contrary, the vacation of the Subject Property contemplated and authorized by this Ordinance shall not occur unless and until the owner or owners of the Legally Benefited Properties: (a) pay fair compensation to the Village for the Subject Property, in an amount to be determined by the Corporate Authorities; (b) consent to the Easement, or an easement in substantially similar form; and (c) enter into, execute, and exchange all necessary consideration for, an agreement with the Village which incorporates, at a minimum, the responsibilities, duties, and other provisions set forth in this Ordinance (the "Agreement").

**Section 10.03.            Authorization Generally.**

That the Village Board hereby authorizes and directs the President, or his designee, and the Village Attorney, to draft, enter into and approve the Agreement, and to ratify any and all previous action taken to effectuate the intent of this Ordinance. The Village Board further

authorizes and directs the President to execute the Agreement once drafted, with such insertions, omissions and changes as shall be approved by the President and the Village Attorney. The Village Clerk is hereby authorized and directed to attest to and countersign and/or record the Agreement and any such other documentation as may be necessary to carry out and effectuate the purpose of this Ordinance. The Village Clerk is also authorized and directed to affix the Seal of the Village to all such documentation as may be necessary. That the Corporate Authorities hereby authorize the officers, employees and/or agents of the Village to take all action necessary or reasonably required to carry out, give effect to and consummate the intent of this Ordinance and to take all action necessary in conformity therewith.

**Section 10.04 Authorization to Record.**

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

**Section 10.05 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 actions contemplated by this Ordinance and shall take all action(s) necessary in conformity therewith including, without limitation, the execution and delivery of any documents required to be delivered in connection with this Ordinance.

**Sections 11.00 – 15.00. Reserved.**

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

**Section 16.00     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 17.00     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 18.00     Superseder.**

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

**Section 19.00     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.

**Section 20.00 Effective Date.**

This Ordinance shall be in full force and effect following its 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 Mota, Trustee Prignano

NAY VOTES:

ABSTAIN:

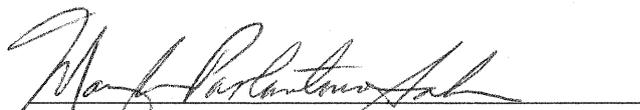
ABSENT: Trustee Taconi

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE  
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS THIRTEENTH OF  
NOVEMBER, 2007, A.D.

APPROVED:

  
RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: November 13, 2007  
Published in pamphlet form on: November 14, 2007