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

ORDINANCE NO. 1163

**AN ORDINANCE APPROVING A PLAT OF VACATION
(GENERALLY 17TH AVENUE SOUTH OF LAKE STREET), 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 10TH DAY OF MARCH 2008

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

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
ARTURO J. MOTA
ANTHONY J. PRIGNANO
MARY RAMIREZ TACONI
JAIME ANGUIANO**

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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 11TH day of MARCH 2008**

ORDINANCE NO. 1163

AN ORDINANCE APPROVING A PLAT OF VACATION (GENERALLY 17TH AVENUE SOUTH OF LAKE STREET), IN THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

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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 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 (the “Village Clerk”), 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, Arturo J. Mota, Anthony J. Prignano, and Mary Ramirez Taconi, having taken office on May 14, 2007, and the Honorable Jaime Anguiano, having taken office on March 10, 2008, 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 as the three hundred feet (300’) of 17th Avenue south of Lake Street in the Village (the “Subject Property”), as depicted on the Plat of Vacation attached hereto and made a part hereof by this reference as Exhibit A (“Plat of Vacation”); and

WHEREAS, the President and Village Board have determined that it is necessary, advisable and in the best interest of the Village and its residents to vacate the Subject Property 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 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 Village Board 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 the Subject Property with a reservation of a public and utility easement.

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, (a) the Plat of Vacation

is hereby approved in substantially the same form as attached hereto, (b) the Subject Property is hereby vacated, and (c) a public and utility easement in the same or similar form as described on Exhibit B, attached hereto and made a part hereof by this reference (the "Easement"), shall be reserved on the Subject Property. The Easement shall be incorporated into the Plat of Vacation in a form as approved by the Village prior to its execution and recordation as set forth herein.

Section 10.01 Title to the Vacated Property.

Pursuant to 65 ILCS 5/11-91-1, *et seq.*, title to the Subject Property, upon its vacation, shall transfer to the owner(s) of the property immediately adjacent to and abutting the Subject Property as depicted on the Plat of Vacation (the "Legally Benefited Properties").

Section 10.02 Vacation Contingency.

In any event and notwithstanding anything to the contrary, approval of the Plat of Vacation and vacation of the Subject Property as contemplated herein shall not occur unless and until the owner(s) of the Legally Benefited Properties consent to the Easement or an easement in substantially similar form.

Section 10.03. Authorization Generally.

The Village Board further authorizes and directs the President to execute the Plat of Vacation once finalized, with such insertions, omissions and changes as shall be approved by the President or his designee and the Village Attorney. The Village Clerk is hereby authorized and directed to attest to and countersign and/or record the Plat of Vacation 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. The Village Board hereby authorizes 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, with the Plat of Vacation when so recorded.

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.
HEADINGS, 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 Village Board 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.

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Section 20.00 Effective Date.

This Ordinance shall be in effect immediately 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 Italia, Trustee Mota, Trustee Prignano,
Trustee Taconi, Trustee Anguiano

NAY VOTES:

ABSTAIN:

ABSENT: Trustee Conteduca

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TENTH DAY OF
MARCH, 2008, A.D.

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: March 10, 2008
Published in Pamphlet Form: March 11, 2008