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VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS

ORDINANCE NO. 1214

AN ORDINANCE APPROVING OF THE VACATION OF A RIGHT  
OF WAY (GENERALLY 22<sup>ND</sup> STREET SOUTH OF MAIN  
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 8<sup>TH</sup> DAY OF SEPTEMBER 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 9<sup>TH</sup> day of SEPTEMBER 2008

**ORDINANCE NO. 1214**

**AN ORDINANCE APPROVING OF THE VACATION OF A RIGHT OF WAY (GENERALLY 22<sup>nd</sup> STREET SOUTH OF MAIN 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 commonly known as the south portion of 22<sup>nd</sup> Street south of Main Street abutting the train tracks 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 (the “Plat”); 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, while reserving certain easements thereunder, 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 utility easement and an ingress and egress 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 Subject Property

is hereby vacated, and (b) a public utility easement and (c) an ingress and egress 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 any Plat of Vacation (so prepared) 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 legally on Exhibit C, attached hereto and incorporated herein (the "Legally Benefited Properties").

**Section 10.02. Vacation Contingency.**

In any event and notwithstanding anything to the contrary, approval of the Plat 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 a Plat of Vacation (once finalized) that reflects the vacation contemplated herein, 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 Village Clerk is hereby authorized and directed to file a true and correct copy of this Ordinance, together with all exhibits including the Plat of Vacation when so completed and if so required, with 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.  
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 Conteduca, Trustee Italia, Trustee Mota,  
Trustee Prignano, Trustee Taconi, Trustee Anguiano

NAY VOTES:

ABSTAIN:

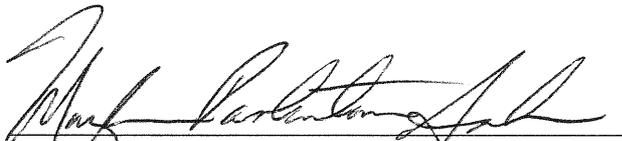
ABSENT:

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

APPROVED:

  
RONALD M. SERPICO  
VILLAGE PRESIDENT

ATTEST:

  
Mary Ann Paolantonio Salemi  
Village Clerk

(SEAL)

Recorded in the Municipal Records: September 8, 2008  
Published in Pamphlet Form: September 9, 2008