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

ORDINANCE NO. 1336

**AN ORDINANCE AMENDING THE VACATION OF A RIGHT OF
WAY (GENERALLY 22ND 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 23RD DAY OF NOVEMBER 2009

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

Board Of Trustees

**CATHLEEN COSSIDENT ITALIA
ANTHONY J. PRIGNANO
ARTURO J. MOTA
MARY RAMIREZ TACONI
JAIME ANGUIANO
ANTHONY N. ABRUZZO**

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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 24TH day of NOVEMBER 2009**

ORDINANCE NO. 1336

AN ORDINANCE CORRECTING A CERTAIN SCRIVENER'S ERROR IN ORDINANCE NO. 1214 REGARDING A STREET VACATION, 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, and the Board of Trustees of the Village (the "Village Board"), the Honorable Cathleen Cossident Italia, Anthony J. Prignano, Arturo J. Mota, Mary Ramirez Taconi, Jaime Anguiano and Anthony N. Abruzzo, having taken office on April 30, 2009, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, on September 8, 2008, the Village Board passed and adopted Ordinance No. 1214 titled, "AN ORDINANCE APPROVING OF THE VACATION OF A RIGHT OF WAY (GENERALLY 22ND STREET SOUTH OF MAIN STREET), IN THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS," attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, it is necessary and desirable to correct a certain error contained within Ordinance No. 1214 because Ordinance No. 1214 contains a certain scrivener's error; and

WHEREAS, the correction of said scrivener's error will not alter the purpose and intent

of Ordinance No. 1214 adopted by the Village Board; and

WHEREAS, the Village desired to vacate certain real property located within the Village; and

WHEREAS, due to a scrivener's error, the legal description did not set forth the entire property to be vacated; and

WHEREAS, the Village wishes to include a portion of the public right-of-way that is commonly known as the south portion of 22nd Street south of Main Street abutting the train tracks in the Village (the "Subject Property"), legally described on Exhibit "B," attached hereto and incorporated herein; and

WHEREAS, the President and the Village Board have determined that it is necessary, advisable and in the best interests of the Village and its residents to correct Ordinance No. 1214 to ensure the vacation of 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 correct a certain scrivener's error contained in Ordinance No. 1214 to ensure the vacation of the Subject Property.

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.
CORRECTION OF SCRIVENER'S ERROR/VACATION OF PUBLIC RIGHT-OF WAY**

Section 10.00. Correction of Legal Description.

The aforesaid scrivener's error is hereby corrected by adding the following legal description of the Subject Property vacated in Ordinance No. 1214, but this addition in no way alters the previously affixed legal description to Ordinance No. 1214:

THAT PART OF VACATED 22ND AVENUE LYING BETWEEN LOTS 5 AND 6 IN WILLIAM GARNETT JR.'S RESUBDIVISION OF PART OF MELROSE, IN SECTIONS 3 AND 10, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND LYING SOUTH OF THE SOUTH LINE OF MAIN STREET AND NORTH OF THE NORTH RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, IN COOK COUNTY, ILLINOIS.

The insertion is required to eliminate the scrivener's error and to conform Ordinance No. 1214 to how it was intended to be drafted but not properly written due to the omission.

Section 10.01. Vacation of Public Right-of-Way.

Subject to the fulfillment of the other sections of this Ordinance, the Subject Property is hereby vacated.

Section 10.02. Title to the Vacated Property.

Pursuant to Section 11-91-1 of the Illinois Municipal Code (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 (the “Legally Benefited Properties”).

Section 10.03. Authorization Generally.

The Village Board authorizes and directs the President to execute a plat of vacation (the “Plat of Vacation”, which is incorporated herein by this reference) 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 subparagraphs 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, subparagraph, 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, subparagraph, 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, subparagraph, 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 Prignano, Trustee Mota,
Trustee Taconi, Trustee Abruzzo

NAY VOTES:

ABSTAIN:

ABSENT: Trustee Anguiano

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-THIRD
DAY OF NOVEMBER, 2009, A.D.

APPROVED:



RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:



Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: November 23, 2009
Published in Pamphlet Form: November 24, 2009