

AN ORDINANCE VACATING A PORTION OF CALIFORNIA AVENUE AND SALE TO ABUTTING OWNER

WHEREAS, California Avenue was created as part of the A. T. McIntosh and Co.'s addition to Palatine Estates Unit 3 Subdivision filed on March 24, 1927 as document number 9591352 with the Cook County Recorder of Deed's Office; and

WHEREAS, a portion of California Avenue lies north of the northerly right-of-way of Fairfax Avenue, is a dedicated public right of way and has not been improved as a vehicle or pedestrian public right of way; and

WHEREAS, California Avenue is under the jurisdiction of the City; and

WHEREAS, the portion of California Avenue lying north of Fairfax Avenue is approximately 33 feet in width and 200 feet in length and contains approximately 6,600 square feet and abuts single family subdivided lots on its west boundary; and

WHEREAS, the City is a home rule unit of local government, as provided by the Illinois Constitution (Ill. Const. 1970, Article VII, Section 6) and, as such, may exercise powers and perform functions pertaining to its government and affairs; and

WHEREAS, 65 ILCS 5-11-91-1 provides that when the corporate authorities of the City determine that the public interest will be subserved by vacating any street, or part thereof, within the City's jurisdiction, it may vacate the street, or part thereof, by an ordinance passed by the affirmative vote of at least three fourths of the aldermen then holding office; and

WHEREAS, pursuant to 65 ILCS 5-11-91-1, the vacation ordinance may provide that it shall not become effective until the owners of all property or the owner or owners of a particular parcel or parcels of property abutting upon the street, or part thereof so vacated, shall pay

compensation in an amount which in the judgment of the corporate authorities shall be the fair market value of the property and the corporate authorities may also determine that less than all of the owners abutting the property to be vacated may make payment and in that case the owner of designated parcel or parcels shall acquire title to the designated part vacated; and

WHEREAS, there is a City utility facility located in part of California Avenue to be vacated and the City pursuant to statute reserves to itself a right of way and easement to continue public service for the maintenance, renewal and reconstruction thereof; and

WHEREAS, the vacation is in the public interest to relieve the public from further burden and responsibility of maintaining the portion of hereby vacated California Avenue and therefore constitutes a public use or public interest authorizing the vacation and placing the vacated property back on the real estate tax rolls; and

WHEREAS, the City Engineer Christopher B. Burke Engineering, Ltd. has prepared a plat of vacation of California Avenue; and

WHEREAS, the City Council is of the opinion that the public interest will be served by vacating that part of California Avenue as described herein as the portion of California Avenue which is hereby vacated is not needed for any public purpose or use by the public or City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLING MEADOWS, ILLINOIS as follows:

SECTION ONE: Pursuant to 65 ILCS 5/11-91-1, that part of California Avenue legally described in the Plat of Vacation, prepared by Christopher B. Burke Engineering, Ltd., attached hereto as Exhibit "A" and incorporated herein by reference is hereby vacated and the Mayor and Deputy City Clerk are hereby directed to sign and affix the City seal to the vacation plat and other documents required to accomplish the vacation.

SECTION TWO: Pursuant to 65 ILCS 5/11-9101, the City hereby reserves a public utility easement in that portion of California Avenue hereby vacated as legally described in the attached Exhibit "A" for the maintenance, renewal and reconstruction of the City's facilities therein.

SECTION THREE: The plat of vacation along with a certified copy of this ordinance shall be recorded with the Cook County Recorder of Deeds.

SECTION FOUR: The owner of the property west of and adjoining the portion of California Avenue which is hereby vacated ("Owner") has offered to pay the City Fifteen Thousand and no/100 Dollars (\$15,000.00) in consideration of the City conveying to him the portion of California Avenue which is hereby vacated. The Owner's offer to purchase the property legally described in Exhibit "A" is contingent upon the City's approval of a Plat of Subdivision of the Owner's property legally described in Exhibit "B".

SECTION FIVE: The Owner shall pay to the City, at time of conveyance, the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00). The form of purchase contract will be in a form as prepared by the City attorney. The City Manager is hereby authorized and directed to execute and deliver the contract on behalf of the City. The Mayor and Deputy City Clerk are hereby authorized and directed to execute and deliver any and all documents required to convey the property to the Owner. If all the vacated property is not purchased by the Owner within 45 days from the date hereof, the City reserves the right to repeal this ordinance and rescind the vacation.

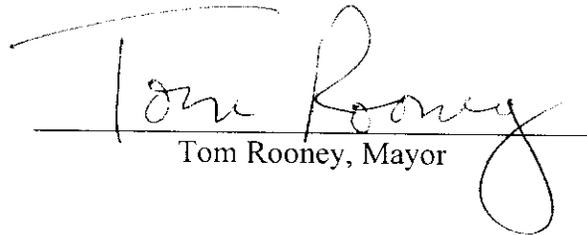
SECTION SIX: This ordinance shall be in full force and effect from and after its passage and approval as required by law.

SECTION SEVEN: This ordinance shall be printed and published in pamphlet form by order of the City Council.

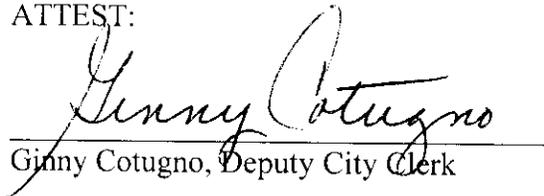
(Requires three-fourths vote of the Aldermen – 6 Yea votes)

YEAS: Cannon, Prejna, Majikes, Judd, Banger, D'Astice, Veenbaas
NAYS: 0
ABSENT: 0

Passed and approved this 26th day of May 2015.


Tom Rooney, Mayor

ATTEST:


Ginny Cotugno, Deputy City Clerk

Published this 27th day of May 2015

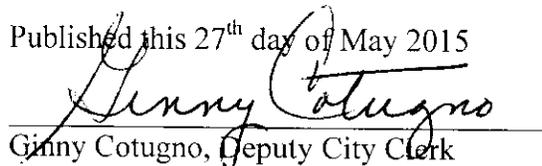

Ginny Cotugno, Deputy City Clerk

EXHIBIT B

LOTS 12 AND 13 IN BLOCK 41 IN ARTHUR T. MCINTOSH & COMPANY'S PALATINE ESTATE'S UNIT NO. 3 BEING A SUBDIVISION OF PARTS OF SECTIONS 26 AND 27 TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THAT PART OF VACATED CALIFORNIA AVENUE LYING NORTH OF THE SOUTH LYING (EXTENDED EASTERLY) OF SAID LOT 12 IN BLOCK 41 OF SAID SUBDIVISION, EXCEPT THAT PART OF VACATED CALIFORNIA AVENUE LYING EAST OF A STRAIGHT LINE DRAWN FROM A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 12 IN BLOCK 41 OF SAID SUBDIVISION, 2.99 FEET WESTERLY AS MEASURED ALONG THE NORTH LINE EXTENDED ON THE EAST LINE OF VACATED CALIFORNIA STREET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 14 IN BLOCK 41 OF SAID SUBDIVISION, 1.76 FEET WESTERLY AS MEASURED ALONG THE SOUTH LINE EXTENDED TO THE EAST LINE OF SAID VACATED CALIFORNIA STREET, IN COOK COUNTY, ILLINOIS.

P.I.N.: 02-26-302-026