

AN ORDINANCE VACATING THAT PORTION OF THE CAMPBELL STREET
RIGHT-OF-WAY AT BELMONT AVENUE

WHEREAS, the Village is the record owner of that portion of the Campbell Street right-of-way located east of Belmont Avenue in Arlington Heights, Illinois, consisting of approximately 8,712 square feet, and legally described on **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("**ROW**"); and

WHEREAS, the ROW is an unimproved alleyway adjacent on three sides to the property known as Recreation Park ("**Recreation Park**") owned by the Arlington Heights Park District ("**Park District**"); and

WHEREAS, the Park District is also the record owner of a parcel of property consisting of approximately 15,668 square feet near South Dryden Place, adjacent to Dryden School, commonly known as Outlot C, and legally described on **Exhibit B** attached to and, by this reference, made a part of this Ordinance ("**Outlot C**"); and

WHEREAS, pursuant to the Illinois Local Government Property Transfer Act, 50 ILCS 605/0.01 *et seq.*, the Village and the Park District desire to participate in a property exchange whereby the Village vacates the ROW to the Park District in exchange for the Park District granting ownership of Outlot C to the Village; and

WHEREAS, the Park District and the Village agree that the ROW and Outlot C are of substantially equal value; and

WHEREAS, Section 11-91-1 of the Illinois Municipal Code, 65 ILCS 5/11-91-1, authorizes the Village Board to vacate any public street, alley, or right-of-way, or part thereof, in order to serve the public interest; and

WHEREAS, the Village has determined that the public interest will be served by vacating the ROW, as described in and depicted on the Plat of Vacation attached to, and by this reference, made a part of this Ordinance as **Exhibit C** ("**Plat of Vacation**"), subject to the terms and conditions set forth in this Ordinance; and

WHEREAS, the Village has further determined that, upon the effective date of the vacation of the ROW, the ROW is to be incorporated into and made a part of Recreation Park, and title and sole responsibility of upkeep and maintenance will vest in the Park District; and

WHEREAS, the Village Board has found that the vacation of the ROW will not inhibit any currently existing street access for any parcel or tract dependent on the ROW as its sole means of access; and

WHEREAS, the Village has further determined that it is necessary and convenient for the Village to use and occupy Outlot C for stormwater drainage and other public purposes; and

WHEREAS, the President and Board of Trustees have determined that the approval of this Ordinance is in the best interests of the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

{00128989.2}

SECTION 1. RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village Board.

SECTION 2. VACATION OF THE ROW. Subject to, and contingent upon, the condition set forth in Section 3 of this Ordinance and delivery of a quitclaim deed as provided in Section 4 of this Ordinance, and pursuant to 65 ILCS 5/11-91-1 and the home rule powers of the Village, the Village Board of Trustees hereby: (a) vacates the ROW; and (b) approves the Plat of Vacation.

SECTION 3. CONDITION. Immediately upon the recordation of this Ordinance and the Plat of Vacation, as provided in Section 5 of this Ordinance, the Park District must take all actions necessary for the assignment of a new property identification number for the vacated ROW.

SECTION 4. COMPENSATION FOR VACATED ROW. In consideration of the vacation of the ROW, as set forth in Section 2 of this Ordinance, the Park District must transfer fee simple title to Outlot C to the Village via a fully executed quitclaim deed to be delivered to the Village Clerk ("*Quitclaim Deed*").

SECTION 5. RECORDATION. Upon receipt by the Village of the Quitclaim Deed from the Park District, the Village Clerk is hereby directed to cause this Ordinance, the Plat of Vacation, and the Quitclaim Deed to be recorded in the Office of the Cook County Clerk.

SECTION 6. TITLE TO THE VACATED ROW. Upon the recordation of this Ordinance and the Plat of Vacation, as provided in Section 5 of this Ordinance, the vacated ROW is to be incorporated into and made a part of that certain parcel that is a component of Recreation Park and to which the vacated ROW is adjacent, and title will vest in the then-owners of Recreation Park. Following the recordation of this Ordinance, the vacated ROW will be and remain a part of Recreation Park, unless and until a plat of subdivision is approved by the Village in accordance with all applicable state and local statutes, ordinances, and regulations.

SECTION 7. MAINTENANCE OF THE VACATED ROW. After the recordation of the Plat of Vacation and this Ordinance, the Village will have no obligation to maintain or perform improvements on the vacated ROW.

SECTION 8. RESERVATION OF RIGHTS. The vacation of the ROW will not, and is not to, affect any easement rights the Village may have with regard to the ROW, and such vacation is hereby subject to and limited by the easements and other rights set forth on the Plat of Vacation.

SECTION 9. EFFECTIVE DATE. This Ordinance will be effective only upon the occurrence of all of the following events:

- A. Passage by the Village Board by a majority vote in the manner required by law;
- B. Publication in pamphlet form in the manner required by law; and
- C. Recordation of this Ordinance, together with such exhibits as the Village Clerk deems appropriate for recordation, with the Office of the Cook County Clerk.

[SIGNATURE PAGE FOLLOWS]

AYES:

NAYS:

PASSED AND APPROVED THIS 5th day of December, 2022.

Village President

ATTEST:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE ROW

That part of Campbell Street lying between the East line of Belmont Avenue and a line 132 feet East of and parallel with the East line of Belmont Avenue, in Krause's Subdivision, a subdivision of that part of the West 627 feet of the East 992.45 feet of the South 824.1 feet of the East half of the Southwest Quarter of Section 29, Township 42 North, Range 11 East of the Third Principal Meridian, lying North of the center line of Chicago Road in the Village of Arlington Heights and including also Lot 1 of Block 5 of George W. Dunton's Addition to Arlington Heights No. 2 in the East half of the Southwest Quarter of Section 29, Township 42 North, Range 11 East of the Third Principal Meridian; all in Cook County, Illinois.

Portion of unimproved Campbell Street right-of-way adjacent to PINs 03-29-338-003 & 03-29-351-012

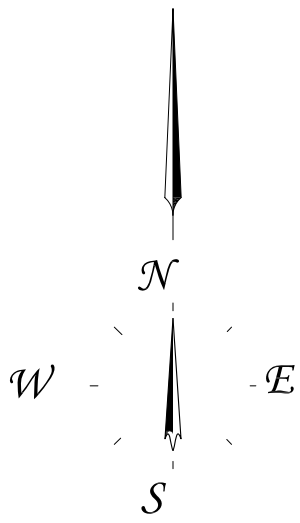
EXHIBIT B

LEGAL DESCRIPTION OF OUTLOT C

Outlot C in Scarsdale Woods, being a Resubdivision of Trapani Resubdivision and part of the West ½ of the Southeast Quarter of Section 32, Township 42 North, Range 11 East of the Third Principal Meridian, in the Village of Arlington Heights, all in Cook County, Illinois.

EXHIBIT C
PLAT OF VACATION

Plat of Vacation of Public Street Village of Arlington Heights



0 100' 200'
Scale: 1"=100'

November 22nd, 2022 A.D.

That part of Campbell Street lying between the East line of Belmont Avenue and a line 132 feet East of and parallel with the East line of Belmont Avenue, in Krause's Subdivision, a subdivision of that part of the West 627 feet of the East 992.45 feet of the South 824.1 feet of the East half of the Southwest Quarter of Section 29, Township 42 North, Range 11 East of the Third Principal Meridian, lying North of the center line of Chicago Road in the Village of Arlington Heights and including also Lot 1 of Block 5 of George W. Dunton's Addition to Arlington Heights No. 2 in the East half of the Southwest Quarter of Section 29, Township 42 North, Range 11 East of the Third Principal Meridian; all in Cook County, Illinois.

Commonwealth Edison Company

State of Illinois) SS
County of Cook)

Right-of-Way / Easement Vacation as shown hereon. approved & accepted
this _____ day of _____, a.d., 20__.

Commonwealth Edison Company

By: _____

Title: _____

Nicor Gas

State of Illinois) SS
County of Cook)

Right-of-Way / Easement Vacation as shown hereon. approved & accepted
this _____ day of _____, A.D., 20__.

Nicor Gas

By: _____

Title: _____

Ameritech

State of Illinois) SS
County of Cook)

Right-of-Way / Easement Vacation as shown hereon. approved & accepted
this _____ day of _____, a.d., 20__.

Ameritech

By: _____

Title: _____

Comcast Cable Communications, Inc.

State of Illinois) SS
County of Cook)

Right-of-Way / Easement Vacation as shown hereon. approved & accepted
this _____ day of _____, A.D., 20__.

Comcast Cable Communications, Inc.

By: _____

Title: _____

Astound Broadband

State of Illinois) SS
County of Cook)

Right-of-Way / Easement Vacation as shown hereon. approved & accepted
this _____ day of _____, A.D., 20__.

Astound Broadband

By: _____

Title: _____



Area of Vacation = 8,712.0 Sq. Ft.

APPROVED by the Village Board of Trustees at a meeting held
_____, 20__

By: _____
Village President

Attest: _____
Village Clerk

APPROVED by the Village Collector on _____, 20__

APPROVED by the Village Engineer on _____, 20__