

AN ORDINANCE VACATING
A PORTION OF PUBLIC RIGHT-OF-WAY AND
GRANTING A PUBLIC UTILITY EASEMENT
ON A PORTION OF THE VACATED RIGHT-OF-WAY

WHEREAS, the corporate authorities of the Village of Arlington Heights have determined that the public interest would be served by vacating the southernmost 17 foot portion of Oakton Street right-of-way located between Highland Avenue and Vail Avenue, in the Village of Arlington Heights, which is hereinafter more particularly described; and

WHEREAS, the corporate authorities of the Village of Arlington Heights have determined that the nature and extent of the public use and the public interest to be served is such as to warrant the vacation of that certain portion of public right-of-way while preserving the northern 10 feet of the vacated right-of-way as a public utility easement,

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

SECTION ONE: The 17 foot wide by 264.20 foot long segment of Oakton Street located between Highland and Vail Avenues, legally described as:

The 17.00 foot strip of land lying North of the South right-of-way line of Oakton Street between the extension of the East right-of-way line of Highland Avenue and the West right-of-way line of Vail Avenue, all being a subdivision of part of the West half of the Northwest quarter of Section 29, Township 42 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

be and it is hereby vacated. The portion of the public right-of-way herein vacated is designated “hereby vacated” on the plat prepared by Land Surveying Services, Inc., Illinois registered land surveyors.

SECTION TWO: A 10 foot wide by 264.20 foot long portion of the vacated right-of-way approved in SECTION ONE, legally described as

A 10.00 foot strip of land lying South of the North 17 feet of the South right-of-

way line of Oakton Street between the extension of the East right-of-way line of Highland Avenue and the West right-of-way line of Vail Avenue, all being a subdivision of part of the West half of the Northwest quarter of Section 29, Township 42 North, Range 11 East of the Third Principal Meridian all in Cook County, Illinois.

is hereby granted as a public utility easement. The portion of the right-of-way granted as a public utility easement is designated “hereby granted” on the plat.

SECTION THREE: There is hereby reserved to the Village of Arlington Heights or to any public utility owning public service facilities in such right-of-way, all rights-of-way and easements as are necessary and desirable for the continuation of public service by means of such facilities and for the maintenance, renewal and reconstruction thereof.

SECTION FOUR: The President and Village Clerk of the Village of Arlington Heights are hereby authorized to sign and attest the plat of vacation and plat of easement.

SECTION FIVE: The Village Clerk of the Village of Arlington Heights is hereby directed to file a true and correct copy of this Ordinance, together with the plat of vacation and plat of easement, in the Office of the Recorder of Cook County, Illinois.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, by a vote of no less than three-fourths of the trustees holding office, and approved in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED this 2nd day of May, 2016.

Village President

ATTEST:

Village Clerk



Easement Provision

THIS EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF ARLINGTON HEIGHTS AND TO ITS SUCCESSORS AND ASSIGNS, OVER ALL OF THE AREAS MARKED "PUBLIC UTILITY AND DRAINAGE EASEMENT" ON THE PLAN FOR THE PERPETUAL RIGHT, PRIVILEGE, AND AUTHORITY TO SURVEY, CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN, AND OPERATE PUBLIC UTILITIES AND THE RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY MEN AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE UTILITIES. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT. NO CHANGE IN THE TOPOGRAPHY OR STORMWATER MANAGEMENT STRUCTURES WITHIN THE EASEMENT AREA SHALL BE MADE WITHOUT EXPRESS WRITTEN CONSENT OF THE DIRECTOR OF ENGINEERING, BUT SAME MAY BE USED FOR PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS.

THE OWNER OF THE PROPERTY SHALL REMAIN RESPONSIBLE FOR THE MAINTENANCE OF THE EASEMENT AREA AND APPURTENANCES. THE VILLAGE OF ARLINGTON HEIGHTS, OR ITS DESIGNEE, SHALL, UPON COMPLETION OF ANY WORK AUTHORIZED BY THIS GRANT, RESTORE THE EASEMENT PREMISES TO THE SAME OR BETTER CONDITION THAN THAT EXISTING PRIOR TO THE BEGINNING OF WORK. THE VILLAGE OF ARLINGTON HEIGHTS WILL PERFORM ONLY EMERGENCY PROCEDURES AS DEEMED NECESSARY BY THE DIRECTOR OF ENGINEERING OF THE VILLAGE OF ARLINGTON HEIGHTS.

PLAT OF VACATION and PLAT OF EASEMENT

Oakton Street

North line of section 29

EASEMENT PROVISIONS

An easement for serving the subdivision and other property with electric and communication service is hereby reserved for and granted to

Commonwealth Edison Company and SBC Telephone Company, Grantees.

their respective licensees, successors and assigns jointly and severally, to construct, operate, repair, maintain, modify, reconstruct, replace, supplement, relocate and remove, from time to time, poles, guys, anchors, wires, cables, conduits, manholes, transformers, pedestals, equipment cabinets or other facilities used in connection with overhead and underground transmission and distribution of electricity, communications, sounds and signals in, over, under, across, along and upon the surface of the property shown within the dashed or dotted lines (or similar designations) on the plat and marked "Easement", "Utility Easement", "Public Utility Easement", "P.U.E." (or similar designation), the property designated in the Declaration of Condominium and/or on this plat as "Common Elements", and the property designated on the plat as "common area or areas", and the property designated on the plat for common area or areas to serve improvements thereon, or on adjacent lots, and common area or areas, the right to cut, trim or remove trees, bushes, roots and saplings and to clear obstructions from the surface and subsurface as may be reasonably required incident to the rights herein given, and the right to install upon the subdivided property for all such purposes. Obstructions shall not be placed over Grantee's facilities or in, upon or over the property within the dashed or dotted lines (or similar designation) marked "Easement", "Utility Easement", "Public Utility Easement", "P.U.E." (or similar designation) without the prior written consent of Grantee. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The term "Common Elements" shall have the meaning set forth for such term in the "Condominium Property Act", Chapter 765 ILCS 605/2(c), as amended from time to time.

The term "common area or areas" is defined as a lot, parcel or area of real property, the beneficial use and enjoyment of which is reserved in whole or in an apportionment to the separately owned lots, parcels or areas within the planned development, even though such be otherwise designated on the plat by terms such as "outlots", "common elements", "open space", "common ground", "parking" and "common area". The term "common area or areas" or "Common Elements" include real property surfaced with interior driveways and walkways, but excludes real property physically occupied by a building, Service Business District or structures such as a pool, retention pond or mechanical equipment.

Relocation of facilities will be done by Grantee at cost of the Grantor/Lot Owner, upon written request.

Legal Description for Vacation

A 17.00 FOOT STRIP OF LAND LYING NORTH OF THE SOUTH RIGHT OF WAY LINE OF OAKTON STREET BETWEEN THE EXTENSION OF THE EAST RIGHT OF WAY LINE OF HIGHLAND AVE AND THE WEST RIGHT OF WAY LINE OF VAIL AVE, ALL BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ALL IN COOK COUNTY, ILLINOIS.

Legal Description for Utility Easement

A 10.00 FOOT STRIP OF LAND LYING SOUTH OF THE NORTH 17 FEET OF THE SOUTH RIGHT OF WAY LINE OF OAKTON STREET BETWEEN THE EXTENSION OF THE EAST RIGHT OF WAY LINE OF HIGHLAND AVE AND THE WEST RIGHT OF WAY LINE OF VAIL AVE, ALL BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ALL IN COOK COUNTY, ILLINOIS.

Ameritech AT&T

STATE OF ILLINOIS 35 COUNTY OF COOK

APPROVED BY THE DIRECTOR OF ENGINEERING ON April 25, 2016

James F. McNeill

Northern Illinois Gas

STATE OF ILLINOIS 35 COUNTY OF COOK

APPROVED BY THE DIRECTOR OF ENGINEERING ON April 14, 2016

James F. McNeill

Commonwealth Edison

STATE OF ILLINOIS 35 COUNTY OF COOK

APPROVED BY THE DIRECTOR OF ENGINEERING ON April 14, 2016

Mark Cappi

Comcast Cable

STATE OF ILLINOIS 35 COUNTY OF COOK

APPROVED BY THE DIRECTOR OF ENGINEERING ON APRIL 07, 2016

Frank Hawley

WOW Internet Cable

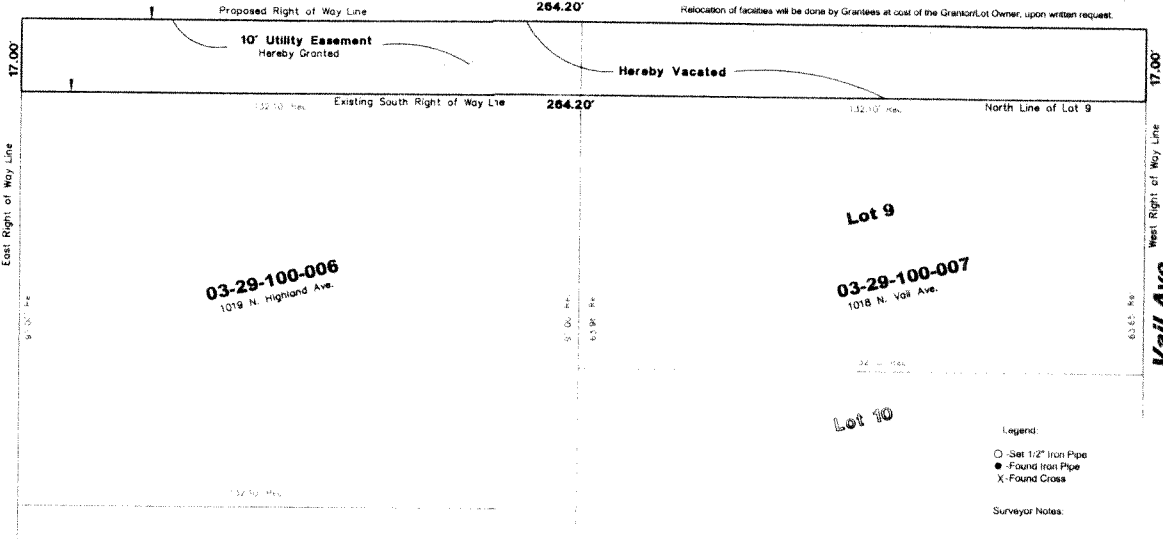
STATE OF ILLINOIS 35 COUNTY OF COOK

APPROVED BY THE DIRECTOR OF ENGINEERING ON April 25, 2016

James F. McNeill

West line of section 29

Highland Ave



Village Signatures

STATE OF ILLINOIS 35 COUNTY OF COOK

UNDER THE AUTHORITY PROVIDED BY 65 ILCS 5/1-12, AS AMENDED BY THE STATE LEGISLATURE OF THE STATE OF ILLINOIS AND ORDINANCE ADOPTED BY THE VILLAGE BOARD OF THE VILLAGE OF ARLINGTON HEIGHTS, ILLINOIS, THIS PLAT WAS GIVEN APPROVAL BY THE VILLAGE OF ARLINGTON HEIGHTS AND MUST BE RECORDED WITHIN SIX MONTHS OF THE DATE OF APPROVED BY THE VILLAGE BOARD OTHERWISE IT IS NULL AND VOID

APPROVED BY THE VILLAGE BOARD OF TRUSTEES AT A MEETING

HELD _____ 20____

BY _____ VILLAGE PRESIDENT

ATTESTED: _____ VILLAGE CLERK

APPROVED BY THE VILLAGE COLLECTOR ON _____ 20____

APPROVED BY THE DIRECTOR OF ENGINEERING ON April 27, 2016

James F. McNeill

STATE OF ILLINOIS 35 COUNTY OF COOK

I, GLORIA JEAN KOTER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY GRANT PERMISSION TO THE VILLAGE OF ARLINGTON HEIGHTS TO RECORD THIS PLAT OF EASEMENT AND VACATION AND PROVIDE THIS SURVEYOR WITH A RECORD COPY OF THE SAME.

GIVEN UNDER MY HAND AND SEAL THIS 16TH DAY OF March, A.D. 2016

Gloria Jean Koter



STATE OF ILLINOIS 35 COUNTY OF COOK

WE, LAND SURVEYING SERVICES, INC. DO HEREBY STATE THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THIS IS THE PLAT THAT REPRESENTS THE CONDITIONS FOUND AT THE TIME OF SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL THIS 16TH DAY OF March, A.D. 2016

Gloria Jean Koter



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

Revision	Date	Drawn
Added Easement Provisions/P.I.N.	9-9-2015	KD
Sent Final Mylar	1-7-2016	KD

Checked Land Surveying Services, Inc. 574 W. Dwyer Street, Chicago, Illinois 60607

Field Work Completed: 6-19-2015 Scale: 1" = 20' Date: 02-16-16

Site Address: 1019 N. Highland & 1018 N. Vail Arlington Heights, Illinois

Job Number: LS150373
Sheet Number: SURVEY

Sheet Name: PLAT OF VACATION and PLAT OF EASEMENT