

**ORDINANCE NO. CO-2019-39**

**AN ORDINANCE VACATING A PORTION OF  
THE NORTH/SOUTH 7.00 FOOT WIDE PUBLIC ALLEY  
LOCATED WEST OF AND IMMEDIATELY ADJACENT TO  
LOTS 11 AND 12 IN BLOCK 114 OF MAYWOOD SUBDIVISION IN MAYWOOD, ILLINOIS  
(WEST OF THE 820 SOUTH 5TH AVENUE PROPERTY)**

**WHEREAS**, the Board of Trustees of the Village of Maywood, pursuant to Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1), is authorized to adopt an ordinance to vacate any street or alley, or portion thereof, within the Village of Maywood's ("Village") corporate boundaries; and

**WHEREAS**, in accordance with 65 ILCS 5/11-91-1, the Board of Trustees desires to vacate a portion of the north/south public alley that is 7.00 feet wide by 53.06 feet long, as shown as a boxed area marked "HEREBY VACATED", and legally described in the attached Plat of Vacation (Exhibit "A") (the "Vacated Parcel"), in order to complete the conveyance of title to that portion of Lots 11 and 12 in Block 114 in Maywood Subdivision (820 South 5th Avenue) to THE INTERFAITH HOUSING DEVELOPMENT CORPORATION OF CHICAGO, an Illinois not-for-profit corporation (the "Developer"), as required by Section 3 of the Redevelopment Agreement for the 800 Block of South 5th Avenue (Fifth Avenue Apartments Project) ("RDA"). The RDA was approved by the Village Board on November 21, 2017. The Vacated Parcel is located immediately west of and adjacent to Lots 11 and 12 in Block 114 in Maywood Subdivision (820 South 5th Avenue) and contains 371.42 square feet of area; and

**WHEREAS**, the RDA pertains to the redevelopment of the real properties commonly known as 800 to 820 South 5<sup>th</sup> Avenue, Maywood, Illinois, by the Developer, with five (5) story precast and/or masonry type 1 non-combustible construction building containing approximately seventy-two (72) affordable residential rental units, approximately three thousand five hundred (3,500.00) square feet of ground floor common space, centralized laundry, property management and administrative offices, and four thousand five hundred (4,500.00) square feet of first floor commercial retail space (the "Building" or the "Project"). Per the RDA, the Developer agrees to pay \$200,000.00 for the conveyance of fee simple title to the "Project Site Parcels", which consist of the 800 to 820 South 5<sup>th</sup> Avenue properties; and

**WHEREAS**, once this Ordinance is approved and filed with the Cook County Recorder of Deeds Office, by operation of 65 ILCS 5/11-91-1 and the terms of this Ordinance, ownership and title to the Vacated Parcel shall be conveyed into the adjacent and abutting Village-owned real property commonly known as 820 South 5th Avenue, Maywood, Illinois and designated as Property Index Number ("PIN") 15-11-351-012-0000; and

**WHEREAS**, a copy of a Plat of Vacation dated December 10, 2019 and prepared by Krisch Land Surveying, LLC relating to the vacation of a portion of the above-referenced public alley is attached hereto as Exhibit "A" and made a part hereof.

**WHEREAS**, if the Developer satisfies its obligations under the RDA and moves forward with the Project after completing the due diligence inspection and activities, the Vacated Parcel will be sold to the Developer with the remaining Village-owned parcels that comprise the Project Site Parcels as provided for in the RDA, which will permit the Developer to construct the Project. If the Developer does

not move forward with the Project, the Vacated Parcel and the remaining Village-owned parcels that comprise the Project Site Parcels shall not be sold to the Developer and the vacation of the Vacated Parcel under this Ordinance shall be still be valid and remain in full force and effect; and

**WHEREAS**, the Board of Trustees, in its sole discretion, may vacate the Vacated Parcel and may reserve any necessary easements within the Vacated Parcel in accordance with the provisions of 65 ILCS 5/11-91-1, and may further provide for the conveyance of title to the Vacated Parcel to itself as a home rule municipality and may later convey title to the Vacated Parcel to the Developer in exchange for adequate financial or equivalent, equitable consideration; and

**WHEREAS**, after due consideration, the Board of Trustees agrees to vacate the Vacated Parcel and convey title to the Vacated Parcel to itself in exchange for the payment by the Developer to the Village of all fees and costs incurred by the Village of Maywood in preparing this Ordinance, the attached Plat of Vacation, and the administrative costs and legal fees associated with the granting and executing of the vacation, subject to the Developer agreeing to the conditions set forth in Section 3 below; and

**WHEREAS**, the Board of Trustees has determined that it is in the best interests of the Village to vacate and convey title to the Vacated Parcel to itself in exchange for the above-stated financial consideration payable by the Developer and based on the potential benefits that will accrue to the Village as a result of the potential redevelopment of the Vacated Parcel in conjunction with the adjacent Village-owned parcels that comprise the Project Site Parcels by the Developer, including the return of the property to the real estate tax rolls as a tax producing parcel and the removal of the property from the Village's inventory of property that has to be maintained and insured at the Village's cost; and

**WHEREAS**, pursuant to 65 ILCS 5/11-91-1, the Board of Trustees of the Village of Maywood has determined that the public interests of the Village will be subserved by vacating the Vacated Parcel for the reasons stated above in the Recital paragraphs of this Ordinance, whether or not the Developer moves forward with the Project, subject to the conditions set forth in Section 3 below.

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** The Board of Trustees of the Village of Maywood have determined that the public interest will be subserved by vacating the portion of the public alley right-of-way hereinafter described, SUBJECT TO THE CONDITIONS SET FORTH IN SECTION 3 BELOW.

**SECTION 2:** The following legally-described portion of the 7.00 foot north/south public alley right-of-way is vacated:

THE WESTERLY 7.00 FEET OF LOTS 11 AND 12 IN BLOCK 114 IN MAYWOOD, A SUBDIVISION OF SECTION 2, 11 AND 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

as described in a Plat of Vacation dated December 10, 2019 and prepared by Krisch Land Surveying, LLC, a copy of which is attached hereto as **Exhibit "A"** and made a part hereof.

Upon approval of and filing with the Cook County Recorder of Deeds Office and consistent with direction of this Ordinance, and by operation of 65 ILCS 5/11-91-1, as amended, ownership and title to the Vacated Parcel shall be conveyed into the Village-owned real property legally described below and as shown on the attached Plat of Vacation (**Exhibit "A"**):

LOTS 11 AND 12 IN BLOCK 114 IN MAYWOOD, A SUBDIVISION OF SECTION 2, 11 AND 14, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Property Index Number (PIN): 15-11-351-012-0000

Commonly known as: 820 South 5th Avenue, Maywood, Illinois.

Adequate consideration for the conveyance of title and ownership to the Vacated Parcel into the adjacent and abutting Village-owned real property designated as Property Index Number (PIN) 15-11-351-012-0000 (820 South 5th Avenue, Maywood, Illinois) consists of: the potential benefits that will accrue to the Village as a result of the proposed redevelopment of the Vacated Parcel in conjunction with the adjacent Village-owned parcels that comprise the Project by the Developer, including the return of the property to the real estate tax rolls as a tax producing parcel and the removal of the property from the Village's inventory of property that has to be maintained and insured at the Village's cost; and the Developer has agreed to pay all fees and costs incurred by the Village of Maywood in preparing this Ordinance, the attached Plat, and the administrative costs and legal fees associated with granting and executing the vacation as well as the Developer's payment of the \$200,000.00 purchase price to the Village at closing for the Project Site Parcels.

The vacation of and conveyance of ownership and title to the Vacated Parcel legally described above is SUBJECT TO THE CONDITIONS SET FORTH IN SECTION 3 BELOW.

**SECTION 3:** The vacation of and conveyance of ownership and title to the Vacated Parcel described in Section 2 above is subject to the following conditions:

- A. This Ordinance does not affect or alter any other private or public easements or encumbrances of record.
- B. The Village reserves the right to dedicate and retain easements in the Vacated Parcel and in the remaining Village-owned properties that comprise the Project Site Parcels for access, utility and storm water drainage purposes as part of their conveyance to the Developer under the terms of the RDA, and the Developer agrees to the reservation and dedication of such easements, provided the easements are located in areas that do not prohibit the construction of the Project.

Upon satisfaction of the above conditions and the recording of this Ordinance and the Plat of Vacation with the Office of the Cook County Recorder of Deeds ("CCRD"), the Vacated Parcel described in Section 2 above shall be vacated and ownership and title to the Vacated Parcel shall be conveyed into the adjacent and abutting Village-owned 820 South 5th Avenue property (PIN: 15-11-351-012-0000).

**SECTION 4:** This Ordinance shall be in full force and effect from and after its adoption, approval and publication in the manner provided by law.

**SECTION 5:** Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 6:** A certified copy of this Ordinance and the Plat of Vacation and Easement Dedication shall be recorded by the Village, at the Developer's cost, with the CCRD. The Village shall provide the Developer with a CCRD-filed stamped copy of this Ordinance and the attached Plat.

**ADOPTED** this 17th day of December, 2019, pursuant to a roll call vote as follows:

**AYES:** Mayor Perkins, Trustee(s) I. Brandon, M. Jones, A. Sanchez, K. Wellington, M.

Lightford and N. Booker

**NAYS:** None

**ABSENT:** None

**APPROVED** by me, and attested by the Village Clerk, this 17<sup>th</sup> day of December, 2019.

\_\_\_\_\_  
Edwenna Perkins, Village President

**ATTEST:**

\_\_\_\_\_  
Viola Mims, Village Clerk

This Ordinance was published by me in pamphlet form on the 18<sup>th</sup> day of December, 2019.

\_\_\_\_\_  
Viola Mims, Village Clerk

**ACKNOWLEDGMENT AND CONSENT  
TO ACQUIRE TITLE TO THE PORTION OF VACATED PUBLIC ALLEY  
SUBJECT TO THE CONDITIONS SET FORTH ABOVE IN SECTION 3 OF THE VACATION ORDINANCE.**

I, Perry B. Vietti, have read and understand each of the above obligations and provisions contained in this Public Alley Vacation Ordinance, including the conditions set forth at Section 3 above, and agree to be bound by the same.

**INTERFAITH HOUSING DEVELOPMENT CORPORATION**

By: \_\_\_\_\_

Name: Perry B. Vietti

Title: President

Date: \_\_\_\_\_, 2019.

**Exhibit "A"**

**Plat of Vacation  
dated December 10, 2019 and  
prepared by Krisch Land Surveying, LLC**

(attached)

# PLAT of VACATION

- OF -

THE WESTERLY 7.0 FEET OF LOTS 11 AND 12 IN  
BLOCK 114 IN MAYWOOD, A SUBDIVISION OF  
SECTIONS 2, 11 AND 14, TOWNSHIP 38 NORTH,  
RANGE 12 EAST OF THE THIRD PRINCIPAL  
MERIDIAN, IN COOK COUNTY, ILLINOIS.  
P.M. NO. 15-11-351-012-0000

for official use

WARREN AVENUE

PUBLIC RIGHT-OF-WAY

VILLAGE BOARD  
STATE OF ILLINOIS ) S.S.  
COUNTY OF COOK )

THIS IS TO CERTIFY THAT THIS PLAT OF VACATION WAS  
SUBMITTED FOR APPROVAL TO THE PRESIDENT AND BOARD  
OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK  
COUNTY, ILLINOIS, AND WAS REVIEWED AND WAS DULY  
APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES AT  
A SPECIAL MEETING HELD ON \_\_\_\_\_ 20\_\_

DATED AT: \_\_\_\_\_

BY: \_\_\_\_\_  
VILLAGE PRESIDENT

ATTEST: \_\_\_\_\_  
VILLAGE CLERK

SURVEYOR  
STATE OF ILLINOIS ) S.S.  
COUNTY OF DUPAGE )

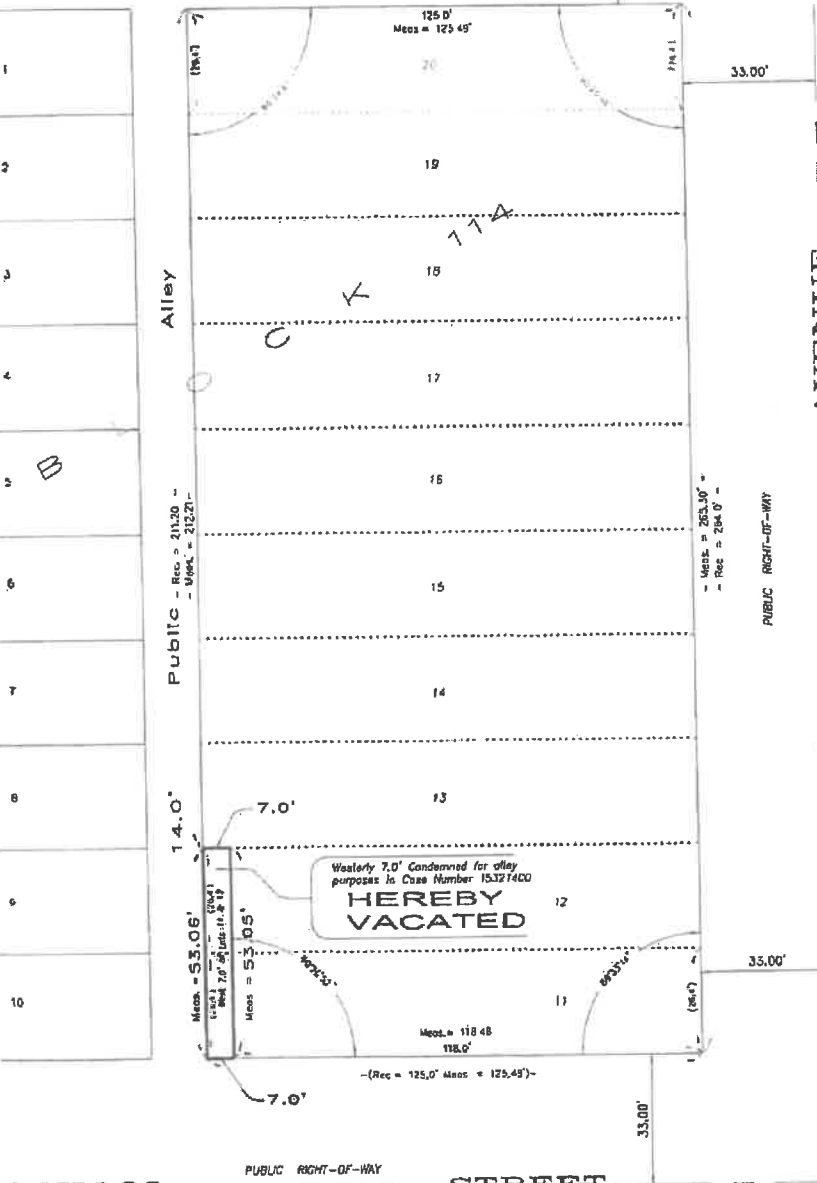
THIS IS TO CERTIFY THAT I, MICHAEL L. KRISCH, AN ILLINOIS  
PROFESSIONAL LAND SURVEYOR, HAVE PLATTED FOR VACATION  
PURPOSES THE PROPERTY DESCRIBED IN THE ABOVE CAPTION  
AND AS SHOWN ON THIS PLAT, WHICH IS A REPRESENTATION OF  
THE PROPERTY SO DESCRIBED. THE AREA TO BE VACATED IS THAT  
SHOWN WITHIN THE MATCHED AREA ON THIS PLAT SCALE OF THIS  
PLAT IS 20 FEET TO ONE INCH

GIVEN UNDER MY HAND AND SEAL THIS 10TH DAY OF DECEMBER A.D. 2019

*Michael L. Krusch*  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2501  
LICENSE EXPIRES 11/30/2020



GRAPHIC SCALE



SCHOOL STREET

PUBLIC RIGHT-OF-WAY

PUBLIC RIGHT-OF-WAY

Prepared for: 5TH AVENUE APARTMENTS, LLC



No.	Date	Revision/Description	By:

**KRISCH LAND SURVEYING, LLC**

PROFESSIONAL DESIGN FIRM LICENSE No. 164-006860  
P.O. Box 929 • Plainfield, IL, 60544 • Phone: 630.627.5580  
Fax: 630.627.5564

SURVEYING - CONSULTING - CONSTRUCTION LAYOUT  
Scale: 1" = 20' Drawn: MLK, Chd's, GOK File# CAD File: 12-062-Vacation

STATE OF ILLINOIS     )  
                                          ) SS  
COUNTY OF COOK     )

**CLERK'S CERTIFICATE  
ORDINANCE NO. CO-2019-39**

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

**AN ORDINANCE VACATING A PORTION OF  
THE NORTH/SOUTH 7.00 FOOT WIDE PUBLIC ALLEY  
LOCATED WEST OF AND IMMEDIATELY ADJACENT TO  
LOTS 11 AND 12 IN BLOCK 114 OF MAYWOOD SUBDIVISION IN MAYWOOD, ILLINOIS  
(WEST OF THE 820 SOUTH 5TH AVENUE PROPERTY)**

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 17th day of December, 2019, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 17th day of December, 2019.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

**AYES:** Mayor Perkins, Trustee(s) I. Brandon, M. Jones, A. Sanchez, K. Wellington, M. Lightford and N. Booker

**NAYS:** None

**ABSENT:** None

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 18th day of December, 2019.

\_\_\_\_\_  
Viola Mims, Village Clerk

[SEAL]