

ORDINANCE NUMBER 08 - 43

AN ORDINANCE VACATING A PORTION OF THE RIGHT-OF-WAY COMMONLY KNOWN AS MAIDEN LANE IN THE VILLAGE OF EAST DUNDEE, ILLINOIS

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Village Board of Trustees of the Village of East Dundee, pursuant to notice and pursuant to the laws of the State of Illinois, held a hearing on March 17, 2008, to consider the vacation of a portion of the right-of-way commonly known as Maiden Lane, in the Village of East Dundee, Illinois; and

WHEREAS, pursuant to said hearing, the Village Board of Trustees approved the vacation of a portion of the right-of-way commonly known as Maiden Lane, by a vote of 7 ayes, 0 nays and 0 absent; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that a portion of the right-of-way commonly known as Maiden Lane in the Village of East Dundee, Illinois, herein described, be vacated.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That the following described portion of the right-of-way commonly known as Maiden Lane in the Village of East Dundee, Illinois, is hereby vacated:

PLAT OF VACATION OF PROPERTY DESCRIBED AS:

THAT PART OF THE MAIDEN LANE PUBLIC RIGHT OF WAY LYING ADJACENT TO LOTS 8 AND 9 IN BLOCK 12 AND LOTS 2 AND 3 IN BLOCK 13 OF THE ORIGINAL TOWN OF EAST DUNDEE IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

PLAT OF INGRESS, EGRESS AND VILLAGE UTILITY EASEMENT OF PROPERTY DESCRIBED AS:

A 15.0 FEET INGRESS, EGRESS AND VILLAGE UTILITY EASEMENT OVER, UNDER AND UPON THE PROPERTY WITH A CENTERLINE DESCRIBED AS THE CENTERLINE OF THAT PART OF THE HEREBY VACATED MAIDEN LANE PUBLIC RIGHT OF WAY LYING ADJACENT TO LOTS 8 AND 9 IN BLOCK 12 AND LOTS 2 AND 3 IN BLOCK 13 OF THE ORIGINAL TOWN OF EAST DUNDEE IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

Section Two. That the Plat of Vacation and Plat of Easement provided for in this Ordinance is subject to the following conditions and requirements:

A. The adjacent property owner shall pay to the Village the sum of _____, which represents the fair market value of that portion of Maiden Lane, which is vacated pursuant to the provisions of this Ordinance.

B. The adjacent property owner shall provide letters from all franchised utility companies, including Commonwealth Edison, Northern Illinois Gas, SBC/Ameritech and Comcast Cable, indicating they have no interest or objection to the proposed right-of-way vacation or easement.

Section Three. That it shall be a condition precedent to the effectiveness of this Ordinance and the recording and filing for the Plat of Vacation and Plat of Easement as provided herein that the conditions contained in this Ordinance be satisfied.

Section Four. That the Village President is hereby authorized and directed to execute the Plat of Vacation and Plat of Easement, dated 7/8/2008, prepared by Gerald Heinz, and the Village Clerk is hereby authorized and directed to attest to the signature of the Village President. The Plat of Vacation and Plat of Easement shall be recorded in the Office of the Recorder of Deeds,

Kane County, Illinois, along with a certified copy of this Ordinance and shall also be filed in the Office of the Kane County Clerk, Kane County, Illinois.

Section Five. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Six. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Seven. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 21st day of July, 2008, pursuant to a roll call vote as follows:
AYES: Ruffalo, Gorman, Carlini, Lynam,
Cichowski, Mahony, Pres. O'Leary
NAYES: _____
ABSENT: _____

Approved by me this 21st day of July, 2008.

Daniel O'Leary
DANIEL O'LEARY, President

Published in pamphlet form this 25th day of July, 2008, under the authority of the President and Board of Trustees.

ATTEST:
Susan Norton
SUSAN NORTON, Village Clerk

Recorded in the Village Records on July 25, 2008.

