

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CERTIFICATION

I. LUS E. CHAVEZ, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Burnham, Cook County, Illinois, and as such Village Clerk, I am the keeper of the official journal, records, papers, entries, documents, Resolutions and Ordinances of the Village of Burnham and of the Village President and Board of Trustees of the Village of Burnham (the "Corporate Authorities") and that attached is a full, true, and correct copy of Ordinance No. 2019-O-001 now on file in my office entitled:

AN ORDINANCE VACATING PORTIONS OF DEDICATED RIGHT-OF-WAYS, STREETS, AND ALLEYS WITHIN MR. BULT'S BUSINESS PROPERTY LOCATED IN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS


I further certify that said Resolution No. 2019-O-001 was duly passed on roll call vote by the Board of Trustees of the Village of Burnham, Cook County, Illinois, on the 12th day of March, 2019 and approved by the Village President (Mayor) on the 12th day of March, 2019, and that said Resolution attached is now in full force and effect and has not been rescinded.

I do further certify that the deliberations of the Corporate Authorities on the passage of said Resolution was taken openly, that the vote on the passage of said Resolution was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; and that said meeting was called and held in strict compliance with the provisions of "AN ACT in relation to meeting", approved July 11, 1957, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied will all of the provisions of said Act and said Codes and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I have hereunto set my hand as Village Clerk of the Village of Burnham and have hereunto affixed the seal of said Village of Burnham this 12th day of March, 2019.



(SEAL)



LUS E. CHAVEZ
Village Clerk

**THE VILLAGE OF BURNHAM
COOK COUNTY, ILLINOIS**

MR. BULT'S RIGHT-OF-WAY, STREET, AND ALLEY VACATION

ORDINANCE NO. 2019 – O – 001

**AN ORDINANCE VACATING PORTIONS OF DEDICATED RIGHT-
OF-WAYS, STREETS, AND ALLEYS WITHIN MR. BULT'S
BUSINESS PROPERTY LOCATED IN THE VILLAGE OF
BURNHAM, COOK COUNTY, ILLINOIS**

WHEREAS, the Village of Burnham, Cook County, Illinois (the "Village") has elected by Referendum on March 11, 1980, to become a home rule unit, and accordingly, pursuant to the provisions of the *Constitution of the State of Illinois* of 1970, particularly Article VII, Section 6(a) thereof, the Village is a home rule unit; and

WHEREAS, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the *Constitution of the State of Illinois* of 1970, the Village may 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 public health, safety, morals, and welfare, to license, to tax, to incur debt, and to enact ordinances therefore; and

WHEREAS, the President and Board of Trustees of the Village of Burnham have the authority to vacate public rights-of-way pursuant to Division 91 of the Illinois Municipal Code, 65 ILCS 5/11-91-1, *et seq.*; and

WHEREAS, the Corporate Authorities of the Village of Burnham have deemed it necessary, essential, and in the best interests of the residents of the Village of Burnham that certain parcels of Village rights-of-way be vacated; and,

WHEREAS, Mr. Bult's, Inc. is an interstate waste hauling corporation with its headquarters located in the Village; and,

WHEREAS, Mr. Bult's, Inc. intends to expand and improve various buildings and structures within its property area; and,

WHEREAS, Mr. Bult's, Inc., by and through its principal owners James A. Bult and Pearl F. Bult, husband and wife, has requested that the Village vacate various rights-of-way, streets, and alleys that lie solely within Mr. Bult's property area in order to allow the expansion of existing facilities and new construction, and is contiguous to property owned by James A. Bult and Pearl F. Bult, husband and wife, the adjacent owners, and only provide access to Mr. Bult's property; and

WHEREAS, James A. Bult and Pearl F. Bult, husband and wife, own all adjacent property to the proposed Village rights-of-way to be vacated and is the adjacent property owner; and

WHEREAS, the legal description of the Village rights-of-way, streets, and alleys to be vacated are included on a plat of vacation attached and made a part of this Ordinance as **Exhibit A**; and,

WHEREAS, James A. Bult and Pearl F. Bult, husband and wife, the adjacent owners, as additional compensation for receiving the vacated rights-of-way, streets, and alleys, shall grant to the Village of Burnham a perpetual easement on the vacated parcel, **Exhibit A**, identified and described on **Exhibit B**, for all rights of access, ingress, and egress to install, operate, maintain, and remove from time to time above ground and underground facilities and appurtenances used in connection with water, sanitary sewer, and/or storm drainage systems of the Village, and any other public utilities expressly permitted by the Village of Burnham, all as further detailed on the plat of vacation **Exhibit A** and systems delineated on, but not limited to, the systems identified on **Exhibit B**, attached hereto and incorporated herein; and

WHEREAS, James A. Bult and Pearl F. Bult, husband and wife, have agreed to pay for the installation of a fire hydrant at a location mutually agreed to by the Village and James A. Bult and Pearl F. Bult, husband and wife, on the vacated rights-of-way; and

WHEREAS, James A. Bult and Pearl F. Bult, husband and wife, will assume maintenance of all sanitary and storm water inlets and manholes which are not part of the 42 inch and 15 inch main lines on the vacated rights-of-way; and

WHEREAS, the Corporate Authorities of the Village of Burnham find that the nature and extent of the public use or public interest involved and the economic development by James A. Bult and Pearl F. Bult, husband and wife, is best served by vacation; and

WHEREAS, James A. Bult and Pearl F. Bult, husband and wife, have agreed to pay compensation, based upon the fair market value as provided by a commercial real estate appraiser chosen by the Village of Burnham and Mr. Bult's, and pay all costs associated with the vacation of the public rights-of-way including engineering, surveys, appraisals, miscellaneous items, title, recording, and improvements as set forth herein; and

WHEREAS, the relief from the burden and responsibility of having to maintain the proposed vacated James A. Bult and Pearl F. Bult, husband and wife, parcel as described in

Exhibit A is additional fair and adequate compensation for the Village of Burnham to vacate the parcel **Exhibit A** to the adjacent owners, James A. Bult and Pearl F. Bult, husband and wife; and

WHEREAS, the President and Board of Trustees of the Village of Burnham desire to convey the vacated parcels of land located in the public rights-of-way as legally described in "**Exhibit A**" to James A. Bult and Pearl F. Bult, husband and wife, or its nominee for such consideration; and,

WHEREAS, pursuant to Division 91 of the Illinois Municipal Code, 65 ILCS 5/11-91-1, *et seq.*, the President and Board of Trustees have determined that it is in the best interests of the Village of Burnham that certain portions of previously dedicated rights-of-way be vacated, sold, and conveyed to James A. Bult and Pearl F. Bult, husband and wife, subject to the conditions set forth in this ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE PRESIDENT AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS, THROUGH ITS HOME RULE POWERS, as follows:

Section 1. Recitals. **THAT**, the Corporate Authorities of the Village hereby find that all of the recitals and whereas paragraphs contained in the preambles of this Ordinance are true, correct, and complete and do hereby incorporate them into this Ordinance by this reference as if they were set forth verbatim in this section.

Section 2. Vacation. **THAT**, the parcels of the public rights-of-way described in **Exhibit A** be and are hereby vacated to James A. Bult and Pearl F. Bult, husband and wife, as they are delineated and described in **Exhibit A**, that is, the plat of vacation.

Section 3. Approval of plat. **THAT**, the plat of vacation, **Exhibit A**, is hereby approved, attached, incorporated into, and made a part of this Ordinance and the Village accepts the easements in the plat.

Section 4. Authorization. **THAT**, the Village President and Clerk are hereby authorized and directed to execute, on behalf of the Village, a plat of vacation to James A. Bult and Pearl F. Bult, husband and wife, the adjacent owners, conveying the parcels of land as described in **Exhibit A**. The Village President and Village Clerk are hereby authorized and directed to execute all appropriate documents and take such other action as is required of them to consummate the vacation by the Village of the above-described real estate described in **Exhibit A**.

Section 5. Easements and encumbrances. **THAT**, this Ordinance does not affect any easements or encumbrances existing as of the date of this Ordinance.

Section 6. Additional considerations. **THAT**, as a material inducement for the Village of Burnham to approve this Ordinance and the plat, the adjacent owners, James A. Bult and Pearl F. Bult, husband and wife, agree to (i) pay the Village the costs of the installation of a

firehydrant at a mutually agreeable location on the vacated rights-of-way; and (ii) defend, indemnify, and hold harmless the Village, its representatives, officers, appointed and elected officials, President and Trustees, agents, engineers, attorneys, volunteers, and employees from and against any and all claims, actions, suits, damages, judgements, costs, expenses, and liabilities of any kind, including the reasonable fees and expenses of any attorneys, expert witnesses, staff time and consultants, court costs and fines, asserted against them or sought to be imposed upon them, individually, jointly, or severally, and which arise directly or indirectly out of or in connection in any way with the vacation of the parcel, this Ordinance, or the use of the parcel following its vacation, including, but not limited to, damage claims under 65 ILCS 5/11-91-1. The adjacent owner agrees to waive and relinquish any and all claims or actions that it may have against the Village of Burnham, its representatives, officers, appointed or elected officials, President and Trustees, agents, engineers, attorneys, volunteers, and employees arising out of, connected with, or in any way associated with the vacation or any use or activity by the adjacent owner relative to its use of the parcel following its vacation.

Section 7. Home rule ordinance. THAT, this Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham, Cook County, Illinois, that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance should supersede state law in that regard within its jurisdiction.

Section 8. Severability. THAT, if any section, subsection, paragraph, sentence, clause, provision, or phrase of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 9. Repeal. THAT, all Ordinances, Resolutions, Motions, or Orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 10. Effect. THAT, this Ordinance shall be in full force and effect after its passage, approval, and publication according to law.

Section 11. Publication. THAT, this Ordinance shall be published in pamphlet form by the authority of the Village President and the Board of Trustees of the Village of Burnham, Cook County, Illinois.

Section 12. Recording. THAT, this plat of vacation and a certified copy of this Ordinance be recorded in the Cook County Recorder of Deeds office, upon which the parcels described in **Exhibit A** shall be vacated and title to the vacated parcels shall pass and vest solely to the adjacent land owners, James A. Bult and Pearl F. Bult, husband and wife, the rights and obligations of the adjacent land owners, James A. Bult and Pearl F. Bult, husband and wife, in this Ordinance, including but not limited to **Section 6**, shall run with the title to the adjacent

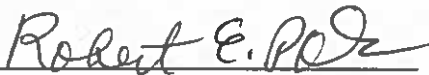
property and shall be binding on all future owners of the adjacent property or any portion thereof.

Section 13. Permanent Index Numbers. THAT, the portions vacated by said plat of vacation, **Exhibit A**, shall be appended to the adjacent parcels, owned by James A. Bult and Pearl F. Bult, husband and wife, and identified by the PIN numbers as set forth in Exhibit C, attached hereto, incorporated herein, and made part of this ordinance; and

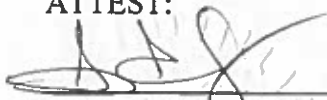
PASSED By a vote of no less than three fourths (3/4) of the Board of Trustees of the Village of Burnham, Cook County, Illinois, this 12th day of March, 2019, pursuant to roll call vote as follows:

PRESIDENT AND VILLAGE BOARD MEMBERS

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Denise Bonner	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Graciela Garcia	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Brenda Greer	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Carmella Richardson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Travis Claybrooks	<u> X </u>	<u> </u>	<u> </u>	<u> </u>


ROBERT E. POLK
Village President (Mayor)

ATTEST:


LUS E. CHAVEZ
Village Clerk (SEAL)

Recorded in Village Records:

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, on 12th day of March, 2019.

ATTEST:


LUS E. CHAVEZ, VILLAGE CLERK
(SEAL)

EXHIBIT C

PERMANENT INDEX NUMBERS

Those portions being vacated by the plat of vacation shall be appended to the adjacent parcels identified by the following permanent index numbers:

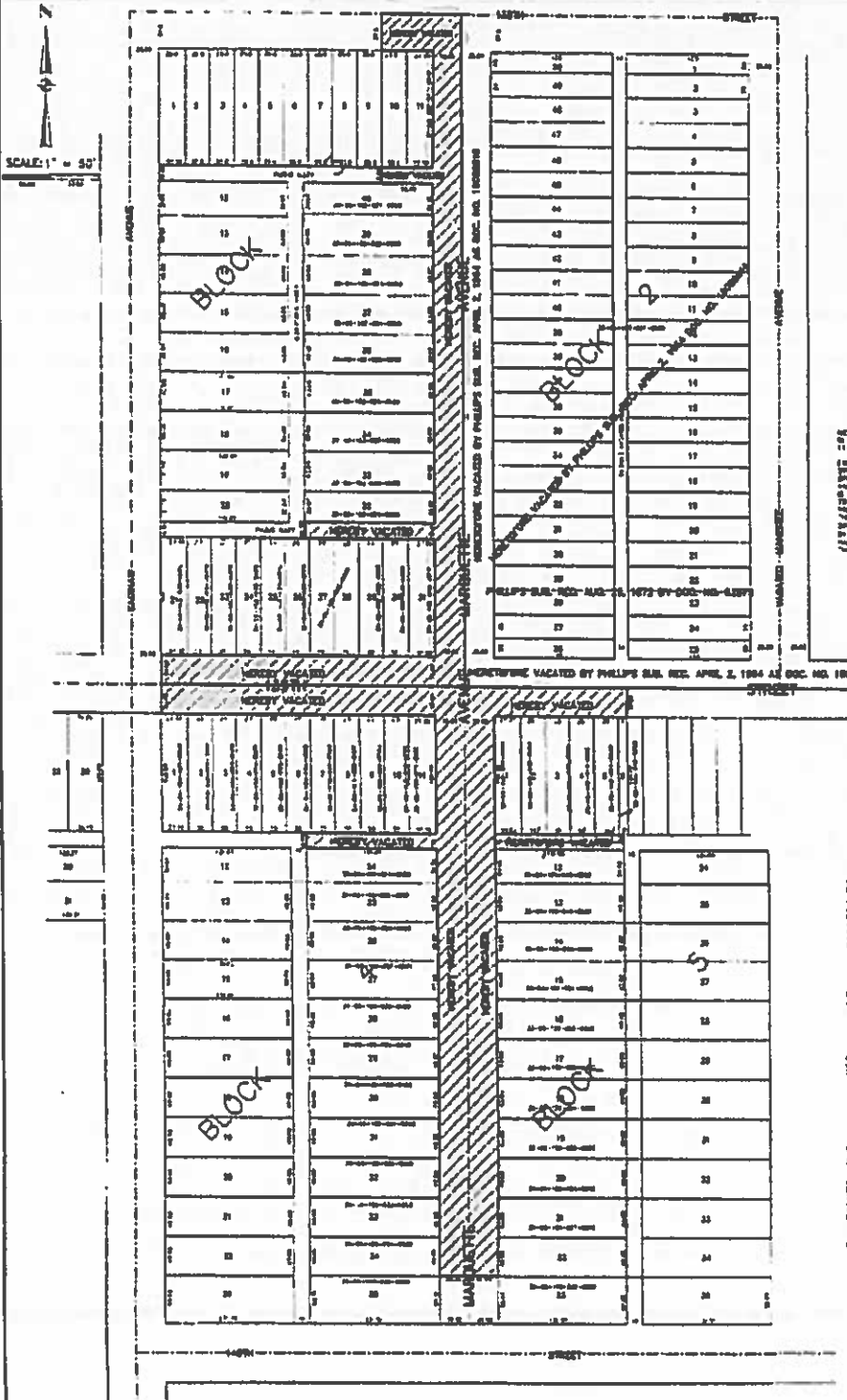
30-06-108-001	30-06-109-036	30-06-102-010
30-06-108-002	30-06-109-037	30-06-102-011
30-06-108-003	30-06-109-038	30-06-102-021
30-06-108-004	30-06-109-039	30-06-102-022
30-06-108-005	30-06-109-040	30-06-102-023
30-06-108-006	30-06-109-041	30-06-102-024
30-06-108-007	30-06-109-042	30-06-102-025
30-06-108-008	30-06-109-048	30-06-102-026
30-06-108-009	30-06-109-049	30-06-102-027
30-06-108-010	30-06-109-050	30-06-102-028
30-06-108-011	30-06-109-051	30-06-102-029
30-06-108-024	30-06-109-052	30-06-102-030
30-06-108-025	30-06-109-053	30-06-102-031
30-06-108-026	30-06-109-054	30-06-102-032
30-06-108-027	30-06-109-055	30-06-102-033
30-06-108-028	30-06-109-056	30-06-102-034
30-06-108-029	30-06-109-057	30-06-102-035
30-06-108-030		30-06-102-038
30-06-108-031	30-06-103-001	30-06-102-039
30-06-108-032		30-06-102-040
30-06-108-033		30-06-102-042
30-06-108-034		
30-06-108-001		

Robert A. Nowicki & Associates, Ltd.
 Land Surveyors
 17944 Chesapeake Avenue
 Lansing, Illinois 60438

PLAT OF VACATION OF

Phone No. (708) 474-1844
 Fax (708) 474-1842
 www.ranowicki.com
 ran@ranowicki.com

THAT PART OF MARQUETTE AVENUE 66.50 FEET WEST 1700 FEET OF THE NORTH LINE OF LOT 23 IN BLOCK 3 AND LOT 24 IN BLOCK 4 TO THE SOUTH LINE OF 123RD STREET, ALSO 1200 FEET 2000 FEET WEST, 1700 FEET OF THE EAST LINE OF JACKSON AVENUE TO THE WEST LINE OF MARQUETTE AVENUE, ALSO THE SOUTH 2000 FEET OF 120TH STREET FROM THE WEST LINE OF MARQUETTE AVENUE TO THE WESTERN LINE OF THE NORTHWEST 1/4 18.00 FEET ALLEY WEST OF LOT 8 IN BLOCK 3, ALSO THE WEST 35.00 FEET OF MARQUETTE AVENUE WEST OF THE EXTENSION OF 120TH STREET TO THE CENTRAL LINE OF 120TH STREET, ALSO THE SOUTH 37.50 FEET OF 120TH STREET LYING NOW IN AND ADJACENT TO LOTS 10 AND 11 IN BLOCK 3, ALSO THE 16.00 FOOT ALLEY LYING WEST OF THE WEST LINE OF MARQUETTE AVENUE TO THE WEST LINE OF LOT 22 EXTENDING SOUTH IN BLOCK 3, ALSO THE 16.00 FOOT 4.50 FEET WEST OF THE WEST LINE OF MARQUETTE AVENUE TO THE WEST LINE OF LOT 24 EXTENDING NORTH IN BLOCK 4, ALSO THE EAST - WEST 18.00 FOOT ALLEY 1700 FEET WEST OF THE WEST LINE OF MARQUETTE AVENUE TO THE WEST LINE OF LOT 18 EXTENDING 12.00 FEET IN BLOCK 3 AND IN GALATIOT WEST ADJACENT TO THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 24 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS



NOT TO CONFLICT WITH THE STATE OF ILLINOIS STATUTE CHAP. 24 SECTION 111-10.5 P.L. 98-508

NOTICE TO OWNERS OF LOTS IN OTHER ADJACENT BLOCKS: THIS PLAT OF VACATION OF PART OF MARQUETTE AVENUE AND JACKSON AVENUE AND THE SOUTH 2000 FEET OF 120TH STREET FROM THE WEST LINE OF MARQUETTE AVENUE TO THE WESTERN LINE OF THE NORTHWEST 1/4 18.00 FEET ALLEY WEST OF LOT 8 IN BLOCK 3, ALSO THE WEST 35.00 FEET OF MARQUETTE AVENUE WEST OF THE EXTENSION OF 120TH STREET TO THE CENTRAL LINE OF 120TH STREET, ALSO THE SOUTH 37.50 FEET OF 120TH STREET LYING NOW IN AND ADJACENT TO LOTS 10 AND 11 IN BLOCK 3, ALSO THE 16.00 FOOT ALLEY LYING WEST OF THE WEST LINE OF MARQUETTE AVENUE TO THE WEST LINE OF LOT 22 EXTENDING SOUTH IN BLOCK 3, ALSO THE 16.00 FOOT 4.50 FEET WEST OF THE WEST LINE OF MARQUETTE AVENUE TO THE WEST LINE OF LOT 24 EXTENDING NORTH IN BLOCK 4, ALSO THE EAST - WEST 18.00 FOOT ALLEY 1700 FEET WEST OF THE WEST LINE OF MARQUETTE AVENUE TO THE WEST LINE OF LOT 18 EXTENDING 12.00 FEET IN BLOCK 3 AND IN GALATIOT WEST ADJACENT TO THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 24 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

THE ABOVE PROPERTY DESCRIBED IS SUBJECT TO THE 1/4 SECTION 8, TOWNSHIP 24 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

THE 1/4 SECTION 8, TOWNSHIP 24 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS IS SUBJECT TO THE 1/4 SECTION 8, TOWNSHIP 24 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

APPROVED BY _____

DATE _____

APPROVED BY _____

DATE _____



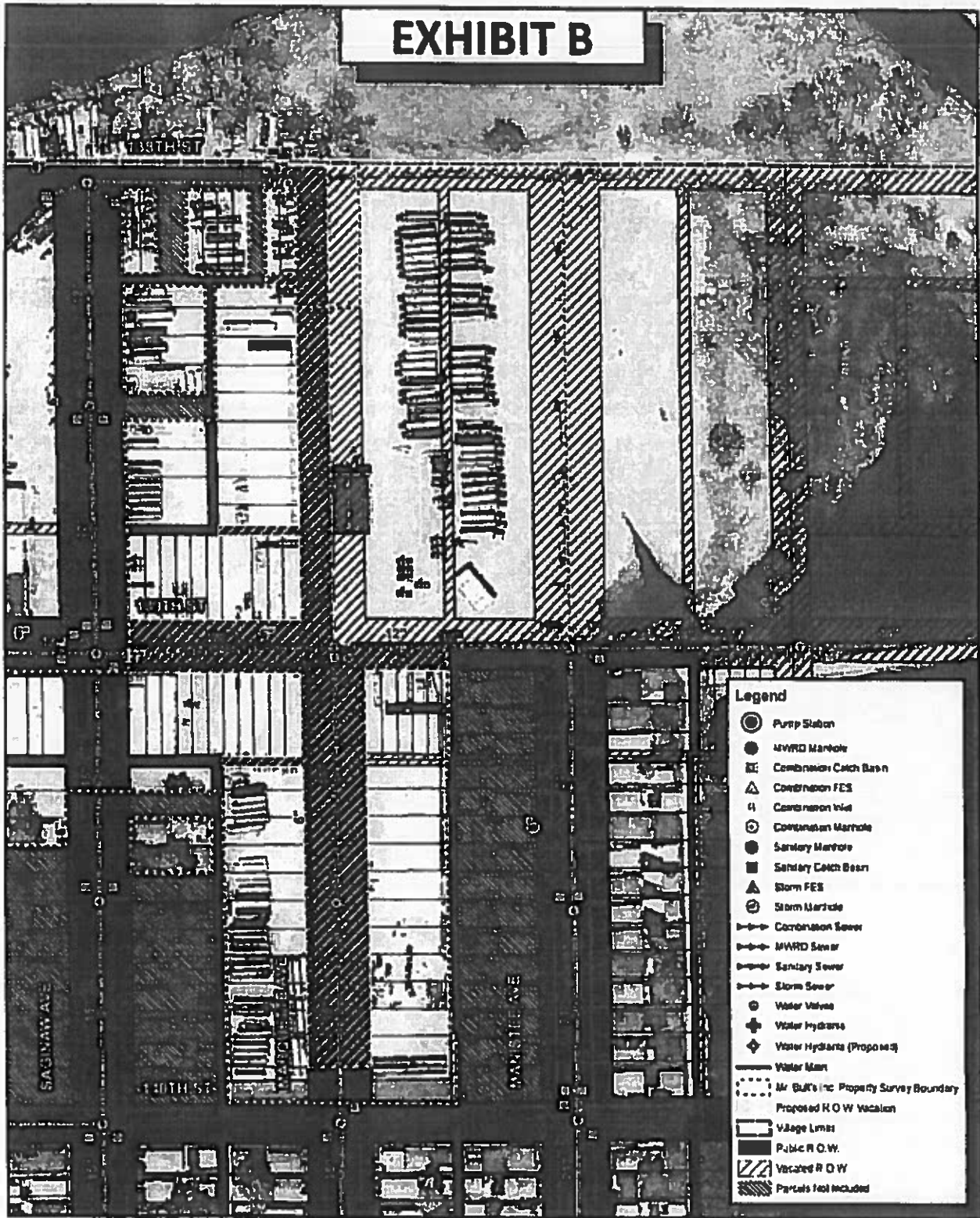
Prepared by
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 17944 Chesapeake Avenue
 Lansing, Illinois 60438
 Phone - (708) 474-1844
 Fax - (708) 474-1842
 www.ranowicki.com



FOR THE STATE OF ILLINOIS / 64-1-1204
 ORDER NO. 161715
 SCALE: 1" = 50'

120TH STREET AREA / 7/7/2010

EXHIBIT B



Date: 1/8/2019



245706

Thursday, March 07, 2019