

Village Board

Village President

Frank DeSimone

Trustees

Rosa Carmona

Ann Franz

Agnieszka "Annie" Jaworska

McLane Lomax

Nicholas Panicola Jr.

Armando Perez

Village Clerk

Nancy Quinn

Village Manager

Evan K. Summers



BENSENVILLE
GATEWAY TO OPPORTUNITY

Village of Bensenville, Illinois VILLAGE BOARD SPECIAL BOARD OF TRUSTEES MEETING AGENDA 6:15 PM March 20, 2018

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC HEARING/PRESENTATION
 1. *Public Hearing*
- V. PUBLIC COMMENT (3 minutes per person with a 30 minute meeting limitation)
- VI. APPROVAL OF MINUTES
- VII. WARRANT
- VIII. CONSENT AGENDA – CONSIDERATION OF AN “OMNIBUS VOTE”
- IX. REPORTS OF STANDING COMMITTEES
 - A. Community and Economic Development Committee
 1. *Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Authorizing the Vacation of Certain Rights-of-Way Commonly known as Brookwood Street, Addison Street and Pleasant Street Located in the Corporate Boundaries of the Village of Bensenville, DuPage and Cook Counties, Illinois*
 - B. Infrastructure and Environment Committee – No Report
 - C. Administration, Finance and Legislation Committee – No Report
 - D. Public Safety Committee – No Report
 - E. Recreation and Community Building Committee – No Report
 - F. Technology Committee – No Report
- X. REPORTS OF VILLAGE OFFICERS:
 - A. PRESIDENT'S REMARKS:

B. VILLAGE MANAGER'S REPORT:

C. VILLAGE ATTORNEY'S REPORT:

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

XIII. EXECUTIVE SESSION

A. Review of Executive Session Minutes [5 ILCS 120/2 (C) (21)]

B. Personnel [5 ILCS 120/2 (C) (1)]

C. Collective Bargaining [5 ILCS 120/2 (C) (2)]

D. Property Acquisition [5 ILCS 120/2 (C) (5)]

E. Litigation [5 ILCS 120/2 (C) (11)]

XIV. MATTERS REFERRED FROM EXECUTIVE SESSION

XV. ADJOURNMENT

TYPE:Public Hearing**SUBMITTED BY:****DEPARTMENT:**Village Manager**DATE:**03/20/18**DESCRIPTION:**PUBLIC HEARING***SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:*****COMMITTEE ACTION:****DATE:****BACKGROUND:****KEY ISSUES:****ALTERNATIVES:****RECOMMENDATION:****BUDGET IMPACT:****ACTION REQUIRED:****ATTACHMENTS:****Description****Upload Date****Type**

Notice of Public Hearing

3/16/2018

Cover Memo

Plat-of-Vacation

3/16/2018

Cover Memo

Notice of Public Hearing
Village of Bensenville, DuPage and Cook Counties, Illinois

Notice is hereby given that a public hearing will be held on Tuesday, March 20, 2018, at 6:15 p.m., in the Board Room in the Village Hall of the Village of Bensenville, 12 South Center Street, Bensenville, Illinois 60106, to consider the vacation of Brookwood Street starting at the intersection of Brookwood Street and York Road and running west to the intersection of Brookwood Street and Addison Street; Addison Street starting at the intersection of Brookwood Street and Addison Street and running south to the intersection of Pleasant Street and Addison Street; and Pleasant Street starting at the intersection of Addison Street and Pleasant Street and running east to the intersection of Pleasant Street and York Road, as further depicted on the Plat of Vacation, a copy of which is attached hereto and made a part hereof (the "*Property*"). The Property is further identified and legally described, as follows:

THAT PART OF BROOKWOOD STREET, ADDISON STREET, AND PLEASANT STREET AS DEDICATED PER DOCUMENT NUMBER 178806 AND PER DOCUMENT NUMBER 600863, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 1 IN BENSENVILLE HOME GARDENS, BEING A SUBDIVISION OF LOT 1 IN C.A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 1924 AS DOCUMENT 178806, SAID POINT BEING ON THE WEST LINE OF THE EAST 17 FEET OF SAID LOT 1 AS DEDICATED FOR WIDENING OF ROAD BY DOCUMENT 470568; THENCE S00 20°09'E FOR A DISTANCE OF 60.02 FEET TO A POINT ON THE NORTH LINE OF LOT 18 IN BENSENVILLE HOME GARDENS AND 17 FEET WEST OF THE EAST LINE OF SAID LOT 18 AS DEDICATED FOR WIDENING OF ROAD BY DOCUMENT 472479; THENCE S88 16°38'W ALONG THE NORTH LINE OF LOTS 10 THRU 18 IN SAID BENSENVILLE HOME GARDENS ALSO BEING THE SOUTH LINE OF BROOKWOOD STREET AS DEDICATED BY DOCUMENT NUMBER 178806 FOR A DISTANCE OF 851.44 FEET TO THE NORTHWEST CORNER OF SAID LOT 10 IN BENSENVILLE HOME GARDENS, ALSO BEING THE EAST LINE OF ADDISON STREET AS DEDICATED BY DOCUMENT NUMBER 178806; THENCE S00 20°09'E ALONG THE WEST LINE OF SAID LOTS 10 AND 27 IN BENSENVILLE HOME GARDENS, ALSO BEING THE EAST LINE OF ADDISON STREET AS DEDICATED BY DOCUMENT NUMBER 178806 FOR A DISTANCE OF 251.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT 27 IN SAID BENSENVILLE HOME GARDENS, ALSO BEING THE NORTH LINE OF PLEASANT STREET AS DEDICATED BY DOCUMENT NUMBER 178806; THENCE N88 16°38'E ALONG THE SOUTH LINE OF LOTS 19 THRU 27 IN SAID BENSENVILLE HOME GARDENS, ALSO BEING THE NORTH LINE OF PLEASANT STREET AS DEDICATED BY DOCUMENT NUMBER 178806 FOR A DISTANCE OF 851.44 FEET TO A POINT ON THE WEST LINE OF THE EAST 17 FEET OF LOT 19 AS DEDICATED FOR WIDENING OF ROAD BY DOCUMENT 472479; THENCE S00 20°09'E ALONG THE SAID WEST LINE OF YORK ROAD AS DEDICATED FOR WIDENING OF ROAD BY DOCUMENT 472479 FOR A DISTANCE OF 30.01 FEET TO THE SOUTH LINE OF PLEASANT STREET AS DEDICATED BY DOCUMENT NUMBER 178806 AND ALSO BEING THE NORTH LINE OF PLEASANT

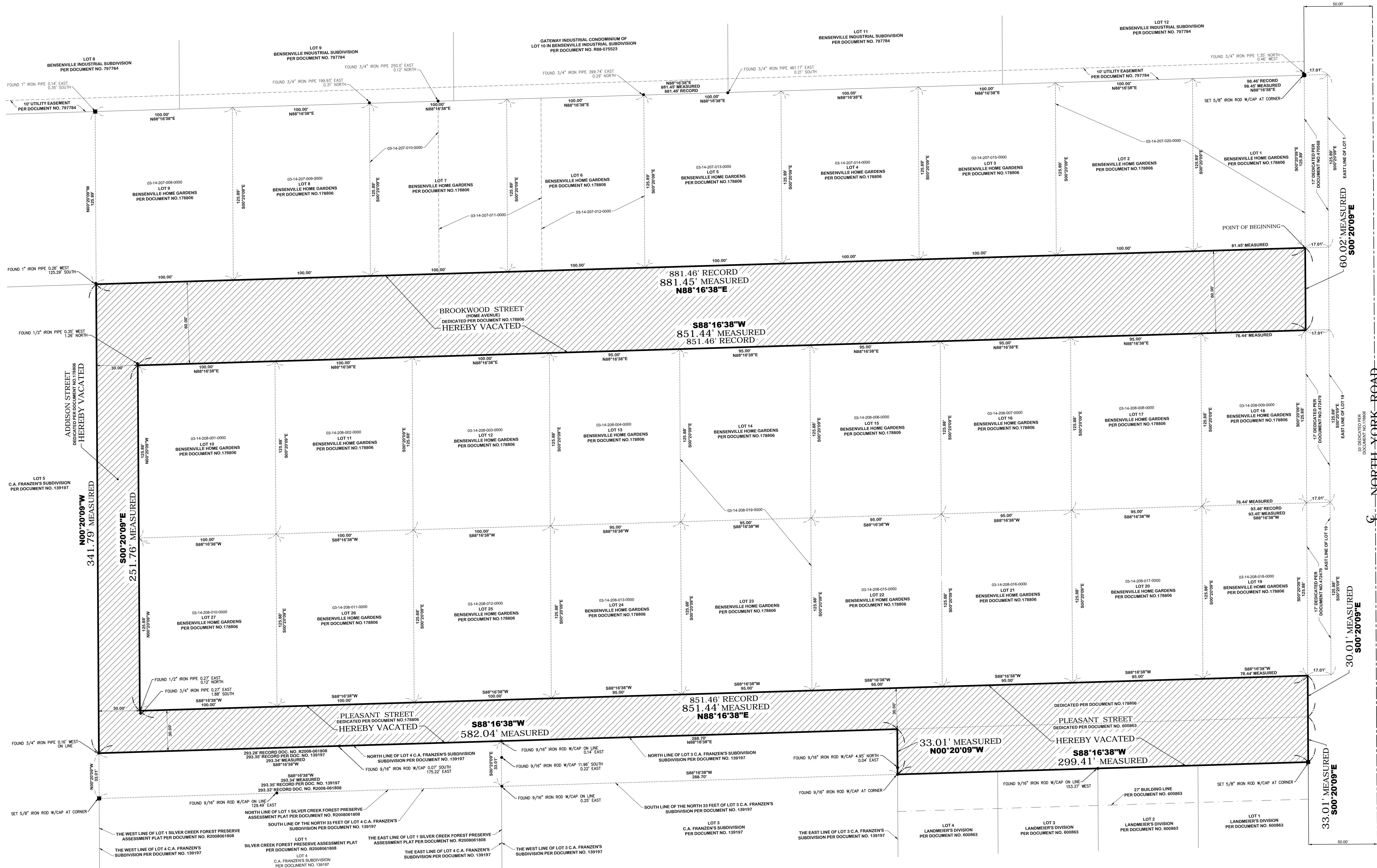
STREET AS DEDICATED PER DOCUMENT NUMBER 600863; THENCE CONTINUING S00 20'09"E ALONG THE WEST LINE OF YORK ROAD AS DEDICATED PER DOCUMENT NUMBER 600863 FOR A DISTANCE OF 33.01 FEET TO THE NORTHEAST CORNER OF LOT 1 IN LANDMEIER'S DIVISION, BEING A SUBDIVISION OF PART OF LOT 2 IN C.A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID LANDMEIER'S DIVISION RECORDED AUGUST 10, 1950 AS DOCUMENT 600863; THENCE S88 16'38" W ALONG THE NORTH LINE OF LOTS 1 THRU 4 OF SAID LANDMEIER'S DIVISION, ALSO BEING THE SOUTH LINE OF PLEASANT STREET AS DEDICATED BY DOCUMENT NUMBER 600863 FOR A DISTANCE OF 299.41 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 IN LANDMEIER'S DIVISION, ALSO BEING A POINT ON THE EAST LINE OF LOT 3 IN SAID C.A. FRANZEN'S SUBDIVISION, SAID POINT BEING 33 FEET SOUTH OF THE NORTH LINE OF SAID LOT 3 IN C.A. FRANZEN'S SUBDIVISION; THENCE N00 20'09"W ALONG THE EAST LINE OF SAID LOT 3 IN C.A. FRANZEN'S SUBDIVISION FOR A DISTANCE OF 33.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 3 IN C.A. FRANZEN'S SUBDIVISION, ALSO BEING THE SOUTH LINE OF SAID PLEASANT STREET AS DEDICATED PER DOCUMENT NUMBER 178806; THENCE S88 16'38"W ALONG THE SOUTH LINE OF SAID PLEASANT STREET AS DEDICATED PER DOCUMENT NUMBER 178806 FOR A DISTANCE OF 582.04 FEET TO THE WEST LINE OF ADDISON STREET AS DEDICATED PER DOCUMENT NUMBER 178806, SAID LINE ALSO BEING THE NORTH LINE OF SAID LOTS 3 AND 4 IN C.A. FRANZEN'S SUBDIVISION, TO THE NORTHWEST CORNER OF SAID LOT 4 IN C.A. FRANZEN'S SUBDIVISION; THENCE N00 20'09"W ALONG THE WEST LINE OF SAID ADDISON STREET AS DEDICATED BY DOCUMENT NUMBER 178806 FOR A DISTANCE OF 341.79 FEET TO THE SOUTHWEST CORNER OF LOT 9 IN SAID BENSENVILLE HOME GARDENS; THENCE N88 16'38"E ALONG THE SOUTH LINE OF LOTS 1 THRU 9 IN SAID BENSENVILLE HOME GARDENS, ALSO BEING THE NORTH LINE OF SAID BROOKWOOD STREET, FOR A DISTANCE OF 881.45 TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

The purpose of this notice is to inform interested parties about the hearing and proposal to vacate the Property before the Board of Trustees will consider an ordinance to vacate the Property. EWA Chicago York Owner, LLC is seeking the vacation of the Property and subsequent title thereto, as part of a redevelopment project contemplated on the Property.

You are invited to attend the hearing and will be given an opportunity to be heard in respect to the proposed vacation of the Property. In the event of questions, please contact Scott Vigor, Director of Community & Economic Development, 12 South Center Street, Bensenville, Illinois 60106, or at (630) 350-3411.

/s/ Nancy Quinn, Village Clerk

PLAT OF VACATION



SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS) ss.
COUNTY OF DU PAGE)

THIS IS TO CERTIFY THAT I, MICHAEL NELSON, AN ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 035-3095, HEREBY STATE THAT I HAVE SURVEYED AND PREPARED THE PLAT OF VACATION OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF BROOKWOOD STREET, ADDISON STREET, AND PLEASANT STREET AS DEDICATED PER DOCUMENT NUMBER 178806 AND PER DOCUMENT NUMBER 600863, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 1 IN BENSENVILLE HOME GARDENS, BEING A SUBDIVISION OF LOT 1 IN C.A. FRANZEN'S SUBDIVISION, PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED LINE 11, 1084 AS DOCUMENT NUMBER 178806, SAID POINT BEING ON THE WEST LINE OF THE EAST 1/2 OF SAID LOT 1 AS DEDICATED FOR WIDENING OF ROAD BY DOCUMENT 178806, THENCE S80°20'09\"/>

AS SHOWN BY THE ATTACHED PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION, ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

I, FURTHER CERTIFY THAT THE TOTAL AREA OF THE PROPERTY SURVEYED HEREON CONTAINS 96,783.83 SQUARE FEET OR 2.221 ACRES.

I, FURTHER CERTIFY THAT THE PROPERTY INCLUDED IN THE ANNEXED PLAT IS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF BENSENVILLE, ILLINOIS.

I, FURTHER CERTIFY THAT ALL REGULATIONS ENACTED BY THE VILLAGE OF BENSENVILLE RELATIVE TO PLATS AND SUBDIVISIONS HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT.

I, FURTHER STATE THAT THE PROPERTY IN THIS SUBDIVISION IS IN ZONE "X" AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AS SET FORTH ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 170430306H, WITH AN EFFECTIVE DATE OF DECEMBER 16, 2004. ZONE "X" IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN. NOTE: THIS DOES NOT GUARANTEE THAT THE SUBJECT PROPERTY WILL OR WILL NOT FLOOD.

GIVEN UNDER MY HAND AND SEAL THIS 19TH DAY OF JANUARY, A.D. 2018.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 0355
MY REGISTRATION EXPIRES ON NOVEMBER 30, 2018
PROFESSIONAL DESIGN FIRM LICENSE NO. 154-007246-0010 EXPIRES 04/30/2019
REVISED FEBRUARY 1, 2018 REMOVE CERT. PER ATTORNEY
REVISED FEBRUARY 7, 2018 EDIT CITY TO VILLAGE

MY LICENSE EXPIRES NOVEMBER 30, 2018

DUPAGE COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS) ss.
COUNTY OF DU PAGE)

I, _____, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

I, FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT WHEATON, ILLINOIS.

THIS _____ DAY OF _____, A.D., 20____

DUPAGE COUNTY CLERK

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS) ss.
COUNTY OF DU PAGE)

THIS INSTRUMENT _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____, A.D., 20____ AT _____ O'CLOCK _____ M., AND WAS RECORDED IN BOOK _____ OF PLATS ON PAGE _____.

DUPAGE COUNTY RECORDER OF DEEDS

VILLAGE BOARD CERTIFICATE

STATE OF ILLINOIS) ss.
COUNTY OF DU PAGE)

APPROVED BY THE VILLAGE BOARD OF THE VILLAGE OF BENSENVILLE, DUPAGE COUNTY, ILLINOIS.

DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, 20____

BY: _____ VILLAGE PRESIDENT

ATTEST: _____ VILLAGE CLERK

VILLAGE TREASURER CERTIFICATE

STATE OF ILLINOIS) ss.
COUNTY OF DU PAGE)

APPROVED BY THE TREASURER OF THE VILLAGE OF BENSENVILLE, DUPAGE COUNTY, ILLINOIS.

DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, 20____

BY: _____ VILLAGE TREASURER

OWNER'S CERTIFICATE

STATE OF ILLINOIS) ss.
COUNTY OF DU PAGE)

THIS IS TO CERTIFY THAT THE VILLAGE OF BENSENVILLE IS THE LEGAL OWNER OF THE LAND DESCRIBED ON THE ATTACHED PLAT, AND HAS CAUSED THE SAME TO BE SURVEYED AND VACATED AS INDICATED THEREON FOR THE USES AND PURPOSES THEREIN SET FORTH.

DATED THIS _____ DAY OF _____, 20____

BY: _____ TITLE: _____

BY: _____ TITLE: _____

NOTARY CERTIFICATE

THE UNDERSIGNED, A NOTARY PUBLIC IN THE COUNTY AND STATE AFORESAID, DOES HEREBY CERTIFY THAT (NAME) _____ (TITLE) _____ OF THE VILLAGE OF BENSENVILLE AND (NAME) _____ (TITLE) _____ OF THE VILLAGE OF BENSENVILLE WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH (TITLE) _____ AND (TITLE) _____

RESPECTIVELY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF THE VILLAGE OF BENSENVILLE, AS OWNER, FOR THE USES AND PURPOSES THEREIN SET FORTH.

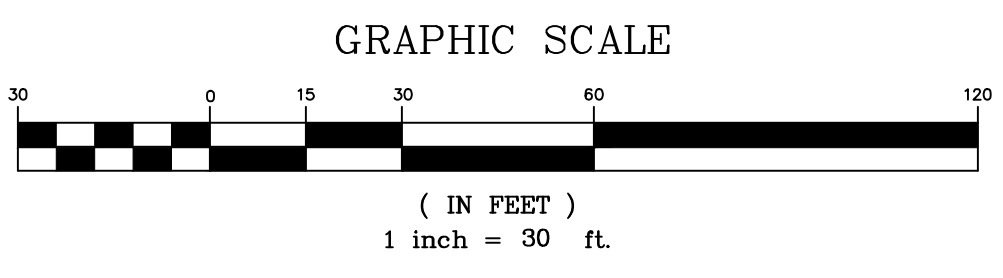
GIVEN UNDER MY HAND AND NOTARIAL SEAL

THIS _____ DAY OF _____, A.D., 20____

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 20____

BY: _____

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____



TYPE:Ordinance**SUBMITTED BY:**M. Ribando**DEPARTMENT:**Community & Economic
Development**DATE:**03/20/18**DESCRIPTION:**

Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Authorizing the Vacation of Certain Rights-of-Way Commonly known as Brookwood Street, Addison Street and Pleasant Street Located in the Corporate Boundaries of the Village of Bensenville, DuPage and Cook Counties, Illinois

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

COMMITTEE ACTION:**DATE:**

BACKGROUND:**KEY ISSUES:****ALTERNATIVES:****RECOMMENDATION:****BUDGET IMPACT:****ACTION REQUIRED:****ATTACHMENTS:****Description**

Ordinance- Vacation of Property

Upload Date

3/16/2018

Type

Cover Memo

ORDINANCE NO. _____

AN ORDINANCE OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES, ILLINOIS AUTHORIZING THE VACATION OF CERTAIN RIGHTS-OF-WAY COMMONLY KNOWN AS BROOKWOOD STREET, ADDISON STREET AND PLEASANT STREET LOCATED IN THE CORPORATE BOUNDARIES OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES, ILLINOIS

WHEREAS, the Village of Bensenville, DuPage and Cook Counties, Illinois (the “*Village*”) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-91-1, *et seq.*, (the “*Code*”), authorizes the Village President and Board of Trustees of the Village of Bensenville (the “*Corporate Authorities*”) to determine whether or not the public interest is served by vacating any street or alley, or part thereof, within its corporate boundaries, by an ordinance duly adopted by an affirmative vote of three-fourths of the trustees then holding office; and

WHEREAS, the Code further authorizes the Corporate Authorities to vacate a street or alley, or parts thereof, to an owner of a particular parcel or parcels of property abutting upon the street or alley, or part thereof so vacated, if appropriate compensation in the judgement of the Corporate Authorities is paid to the Village; and

WHEREAS, the Village owns three interconnecting undeveloped or underdeveloped rights-of-way located within its corporate boundary that are commonly known as Brookwood Street, Addison Street and Pleasant Street (collectively the “*Right-of-Way Property*”), which is legally described and depicted on Exhibit A, a copy of which is attached hereto and made a part hereof; and

WHEREAS, EWA Chicago York Owner, LLC (the “*Owner*”), the owner of numerous properties directly adjacent to the Right-of-Way Property, requested that the Village vacate the Right-of-Way Property to redevelop the area around the Right-of-Way Property and construct an approximately 181,170 square foot industrial development (the “*Project*”); and

WHEREAS, the Owner and Village entered into an Agreement for Purchase and Sale of Real Estate (the “*Agreement*”) that contemplated the conveyance of the Right-of-Way Property by the Village to the Owner upon the Village’s vacation of the Right-of-Way Property and conveyance to the Owner for a total purchase price of \$1,678,387.00, which sum includes the appraised value of the Right-of-Way Property; and

WHEREAS, the Corporate Authorities find that the consideration to be paid to the Village by the Owner for the Right-of-Way Property is just and adequate compensation for the benefit which will accrue to the Owner by reason of the vacation and conveyance to the Owner of the Right-of-Way Property; and

WHEREAS, notice to adjacent property owners has been delivered by both regular or certified mail with regard to the zoning, redevelopment and vacation of the Right-of-Way Property and said parties have been afforded an opportunity to present any issue or concern with regard to the Right-of-Way Property; and

WHEREAS, the Corporate Authorities have reviewed the benefits derived by the public in the maintenance and preservation of the Right-of-Way Property and those benefits derived from the vacation, conveyance and development of the Right-of-Way Property by the Owner; and

WHEREAS, the Corporate Authorities find that the Right-of-Way Property serves no public use to the residents of the Village and that the vacation of the Right-of-Way Property will serve to

eliminate an area of blight conducive to illegal dumping and the proliferation of criminal activities; and

WHEREAS, the Corporate Authorities find that the failure to vacate the Right-of-Way Property unnecessarily requires continued maintenance cost to be incurred by the Village and exposes the Village to potential liabilities associated with the existing condition of the undeveloped or underdeveloped Right-of-Way Property; and

WHEREAS, the Corporate Authorities find that the Right-of-Way Property is no longer necessary, appropriate, required for the use of, profitable to or serves any viable use to the Village and that the sale of the Right-of-Way Property to the Owner will eliminate burdensome maintenance cost and eliminate potential hazards; and

WHEREAS, the Corporate Authorities find that the proceeds from the sale of the Right-of-Way Property will enable the Village to meet the day-to-day expenses of its operations as well as to provide funding for necessary capital or infrastructure improvements throughout the Village; and

WHEREAS, the Corporate Authorities find that conveyance of the Right-of-Way Property by the Village to the Owner will serve to generate additional and significant real estate taxes for use by the Village to further provide for the programs and services provided to the residents of the Village, after the Right-of-Way Property is developed for the Project undertaken by the Owner; and

WHEREAS, the Corporate Authorities find that the conveyance of the Right-of-Way Property by the Village will also benefit the other taxing bodies within the Village that will share in the additional real estate taxes generated from the vacated Right-of-Way Property and the Project that will serve the health, safety and welfare of the residents of the Village; and

WHEREAS, the Corporate Authorities find that the vacation of the Right-of-Way Property will not eliminate sole access to any other property owner, as continued access to currently used

rights-of-way remain available to such property owners; and

WHEREAS, it is the intent of the Corporate Authorities by this Ordinance to vacate the Right-of-Way Property, as described and depicted on the Plat of Vacation, a copy of which is attached hereto and made a part hereof, as Exhibit B, and to convey all of the Right-of-Way Property in its entirety to the Owner's applicable adjacent parcels of property as identified on the Plat of Vacation by permanent index numbers (PINS) 03-14-208-001-0000 (Lot 10), 03-14-208-002-0000 (Lot 11), 03-14-208-003-0000 (Lot 12), 03-14-208-004-0000 (Lot 13), 03-14-208-006-0000 (Lot 15), 03-14-208-007-0000 (Lot 16), 03-14-208-008-0000 (Lot 17), 03-14-208-009-0000 (Lot 18), 03-14-208-010-0000 (Lot 27), 03-14-208-011-0000 (Lot 26), 03-14-208-012-0000 (Lot 25), 03-14-208-013-0000 (Lot 24), 03-14-208-015-0000 (Lot 22), 03-14-208-016-0000 (Lot 21), 03-14-208-017-0000 (Lot 20), 03-14-208-018-0000 (Lot 19) and 03-14-208-019-0000 (Lot 14 and Lot 23), so that the Owner acquires title to all of the Right-of-Way Property legally described and depicted on the Plat of Vacation; and

WHEREAS, the Corporate Authorities find that it is in the public interest to authorize the vacation and conveyance of the Right-of-Way Property by the Village to the Owner and that the vacation of the Right-of-Way Property is in the best interest of the health, safety and welfare of the residents of the Village; and

WHEREAS, the Corporate Authorities have determined it is in the best interests of the health, safety and welfare of the Village to vacate and sell the Right-of-Way Property to the Owner.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. That the Plat of Vacation, a copy of which is attached hereto and made a part hereof as Exhibit B, is hereby authorized and approved and that the Right-of-Way Property described and depicted on the Plat of Vacation be and is hereby vacated in its entirety to the Owner of the properties as determined in this Ordinance and as further described in Exhibit C, a copy of which is attached hereto and made a part hereof.

Section 3. The vacation of the Right-of-Way Property herein provided for is made upon the condition that after the passage of this Ordinance and approval of the Plat of Vacation, the Owner shall pay the Village the compensation provided for the Right-of-Way Property, said amount in the judgment of the Corporate Authorities exceeds the benefits received by the Owner for the Right-of-Way Property and will further serve to relieve the public from the financial burden and responsibility of maintaining or improving the Right-of-Way Property.

Section 4. The Village President and Village Clerk are hereby authorized and directed to sign and attest to the Plat of Vacation, or such plat in substantially the form of the copy attached hereto and hereby incorporated, and any other conveyance document or documents necessary to ensure that the Owner acquires title to the entire Right-of-Way Property.

Section 5. The officials and officers of the Village are hereby authorized and directed to undertake any such necessary actions on the part of the Village as contained in this Ordinance to complete satisfaction of the provisions, terms or conditions stated therein, including but not limited such actions by the Village President, Village Clerk, Village Manager or Village Attorney to ensure the conveyance of the Right-of-Way Property to the Owner.

Section 6. The Village Clerk is hereby directed to file a copy of this Ordinance and the Plat of Vacation in the office of the Recorder of Deeds of DuPage County, Illinois.

Section 7. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 8. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 9. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

(Intentionally Left Blank)

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, this ____ day of March 2018, pursuant to a roll call vote, as follows:

APPROVED:

Frank DeSimone, Village President

ATTEST:

Nancy Quinn, Village Clerk

AYES: _____

NAYES: _____

ABSENT: _____

Exhibit A

Legal Description of Right-of-Way Property

THAT PART OF BROOKWOOD STREET, ADDISON STREET, AND PLEASANT STREET AS DEDICATED PER DOCUMENT NUMBER 178806 AND PER DOCUMENT NUMBER 600863, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF LOT 1 IN BENSENVILLE HOME GARDENS, BEING A SUBDIVISION OF LOT 1 IN C.A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 1924 AS DOCUMENT 178806, SAID POINT BEING ON THE WEST LINE OF THE EAST 17 FEET OF SAID LOT 1 AS DEDICATED FOR WIDENING OF ROAD BY DOCUMENT 470568; THENCE S00 20'09"E FOR A DISTANCE OF 60.02 FEET TO A POINT ON THE NORTH LINE OF LOT 18 IN BENSENVILLE HOME GARDENS AND 17 FEET WEST OF THE EAST LINE OF SAID LOT 18 AS DEDICATED FOR WIDENING OF ROAD BY DOCUMENT 472479; THENCE S88 16'38"W ALONG THE NORTH LINE OF LOTS 10 THRU 18 IN SAID BENSENVILLE HOME GARDENS ALSO BEING THE SOUTH LINE OF BROOKWOOD STREET AS DEDICATED BY DOCUMENT NUMBER 178806 FOR A DISTANCE OF 851.44 FEET TO THE NORTHWEST CORNER OF SAID LOT 10 IN BENSENVILLE HOME GARDENS, ALSO BEING THE EAST LINE OF ADDISON STREET AS DEDICATED BY DOCUMENT NUMBER 178806; THENCE S00 20'09"E ALONG THE WEST LINE OF SAID LOTS 10 AND 27 IN BENSENVILLE HOME GARDENS, ALSO BEING THE EAST LINE OF ADDISON STREET AS DEDICATED BY DOCUMENT NUMBER 178806 FOR A DISTANCE OF 251.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT 27 IN SAID BENSENVILLE HOME GARDENS, ALSO BEING THE NORTH LINE OF PLEASANT STREET AS DEDICATED BY DOCUMENT NUMBER 178806; THENCE N88 16'38"E ALONG THE SOUTH LINE OF LOTS 19 THRU 27 IN SAID BENSENVILLE HOME GARDENS, ALSO BEING THE NORTH LINE OF PLEASANT STREET AS DEDICATED BY DOCUMENT NUMBER 178806 FOR A DISTANCE OF 851.44 FEET TO A POINT ON THE WEST LINE OF THE EAST 17 FEET OF LOT 19 AS DEDICATED FOR WIDENING OF ROAD BY DOCUMENT 472479; THENCE S00 20'09"E ALONG THE SAID WEST LINE OF YORK ROAD AS DEDICATED FOR WIDENING OF ROAD BY DOCUMENT 472479 FOR A DISTANCE OF 30.01 FEET TO THE SOUTH LINE OF PLEASANT STREET AS DEDICATED BY DOCUMENT NUMBER 178806 AND ALSO BEING THE NORTH LINE OF PLEASANT STREET AS DEDICATED PER DOCUMENT NUMBER 600863; THENCE CONTINUING S00 20'09"E ALONG THE WEST LINE OF YORK ROAD AS DEDICATED PER DOCUMENT NUMBER 600863 FOR A DISTANCE OF 33.01 FEET TO THE NORTHEAST CORNER OF LOT 1 IN LANDMEIER'S DIVISION, BEING A SUBDIVISION OF PART OF LOT 2 IN C.A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID LANDMEIER'S DIVISION RECORDED AUGUST 10, 1950 AS DOCUMENT 600863; THENCE S88 16'38" W ALONG THE NORTH LINE OF LOTS 1 THRU 4 OF SAID LANDMEIER'S DIVISION, ALSO BEING THE SOUTH LINE OF PLEASANT STREET AS DEDICATED BY DOCUMENT NUMBER 600863 FOR A DISTANCE OF 299.41 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 IN LANDMEIER'S DIVISION, ALSO BEING

A POINT ON THE EAST LINE OF LOT 3 IN SAID C.A. FRANZEN'S SUBDIVISION, SAID POINT BEING 33 FEET SOUTH OF THE NORTH LINE OF SAID LOT 3 IN C.A. FRANZEN'S SUBDIVISION; THENCE N00 20'09"W ALONG THE EAST LINE OF SAID LOT 3 IN C.A. FRANZEN'S SUBDIVISION FOR A DISTANCE OF 33.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 3 IN C.A. FRANZEN'S SUBDIVISION, ALSO BEING THE SOUTH LINE OF SAID PLEASANT STREET AS DEDICATED PER DOCUMENT NUMBER 178806; THENCE S88 16'38"W ALONG THE SOUTH LINE OF SAID PLEASANT STREET AS DEDICATED PER DOCUMENT NUMBER 178806 FOR A DISTANCE OF 582.04 FEET TO THE WEST LINE OF ADDISON STREET AS DEDICATED PER DOCUMENT NUMBER 178806, SAID LINE ALSO BEING THE NORTH LINE OF SAID LOTS 3 AND 4 IN C.A. FRANZEN'S SUBDIVISION, TO THE NORTHWEST CORNER OF SAID LOT 4 IN C.A. FRANZEN'S SUBDIVISION; THENCE N00 20'09"W ALONG THE WEST LINE OF SAID ADDISON STREET AS DEDICATED BY DOCUMENT NUMBER 178806 FOR A DISTANCE OF 341.79 FEET TO THE SOUTHWEST CORNER OF LOT 9 IN SAID BENSENVILLE HOME GARDENS; THENCE N88 16'38"E ALONG THE SOUTH LINE OF LOTS 1 THRU 9 IN SAID BENSENVILLE HOME GARDENS, ALSO BEING THE NORTH LINE OF SAID BROOKWOOD STREET, FOR A DISTANCE OF 881.45 TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Exhibit A

Aerial Depiction of Right-of-Way Property

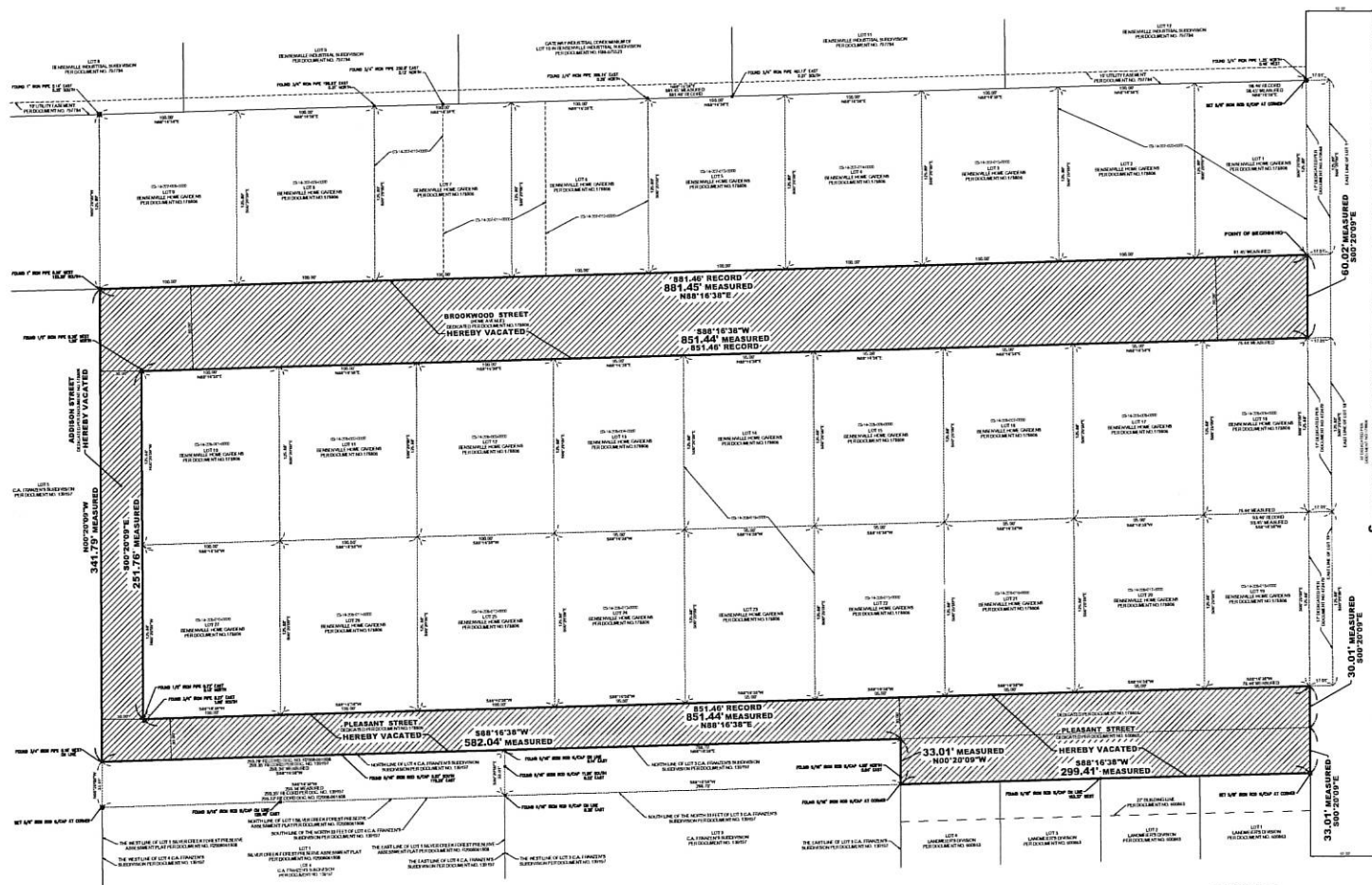
Aerial View



Exhibit B

Plat of Vacation

PLAT OF VACATION

[illegible]

FINANCIAL CERTIFICATE

STATE OF ALABAMA SS
COUNTY OF CLAY SS

THIS IS TO CERTIFY THAT THE PLASID OF BIRMINGHAM IS THE LEGAL OWNER OF THE LAND DESCRIBED ON ATTACHED PAGE 1 AND HAS GRANTED THE SAME TO BE ADJUDICATED AND ADJUSTED AS INDICATED THEREON FOR THE USE AND PURCHASE OF THE NEW METZ FORTH.

DATED THIS _____ DAY OF _____, 19____.

BY _____ TITLE _____

_____ TITLE _____

STATE OF KANSAS)
COUNTY OF _____

I, THE UNDERSIGNED A NOTARY PUBLIC IN THE COUNTY AND STATE FOREGOID DO HEREBY CERTIFY THAT
(NAME) _____ (TITLE) _____ OF THE VILLAGE OF BERNHILLE AND
PERSONALLY KNOWN TO ME FOR THE SAID PERSONS NAMES AND RESIDENCES TO BE
FOREGOING INSTRUMENT AS BOTH (TITLE) _____ AND (TITLE) _____
RESPECTIVELY APPEARED BEFORE ME IN PERSON AND ACKNOWLEDGED THAT THEY WANTED TO
DEED THIS LAND AND PARCEL THERE TO THEIR OWNERSHIP VOLUNTARILY AND AT THE FREE AND
WHOLE AND SOBER MIND OF THE VILLAGE OF BERNHILLE AS WITNESSED FOR THE CAUSE AND PURPOSES
FOURTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL
THIS _____ DAY OF _____ A.D. 20____

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____ P.M. _____

BY _____
NOTARY PUBLIC

VILLAGE TREASURER CERTIFICATE

STATE OF ILLINOIS IN
COUNTY OF DUFALE)

APPROVED BY THE VILLAGE BOARD OF THE VILLAGE OF BERNHEIMVILLE DUFALE COUNTY, ILLINOIS
(DATED AT _____ CLINCH, THIS ____ DAY OF _____, 20____) BY _____ PRESIDENT ATTORNEY _____ VILLAGE CLERK.

STATE OF ILLINOIS IN
COUNTY OF DUFALE)

APPROVED BY THE TREATASER OF THE VILLAGE OF BERNHEIMVILLE DUFALE COUNTY, ILLINOIS
(DATED AT _____ CLINCH, THIS ____ DAY OF _____, 20____)

STATE OF KENTUCKY ss
COUNTY OF LUNenburg

I, _____, COUNTY CLERK OF SUFFOLK COUNTY, ALABAMA, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED DEED WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF SUFFOLK COUNTY, ALABAMA, AND WAS RECORDED IN THE PUBLIC RECORDS OF SUFFOLK COUNTY, ALABAMA, IN THE _____ AND WAS RECORDED IN THE PUBLIC RECORDS OF SUFFOLK COUNTY, ALABAMA, IN THE _____.

I HEREBY CERTIFY THAT I HAVE REVIEWED ALL EVIDENCE AND AM SATISFIED THAT THE ABOVE DESCRIBED DEED WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF SUFFOLK COUNTY, ALABAMA, AND WAS RECORDED IN THE PUBLIC RECORDS OF SUFFOLK COUNTY, ALABAMA, IN THE _____.

WITNESSED BY ME AND THE SEAL OF THE COUNTY CLERK AT WASHINGTON, ALABAMA, THIS _____ DAY OF _____, A.D. 20____.

SUFFOLK COUNTY CLERK

SUFFOLK COUNTY RECORDING CERTIFICATE

STATE OF KENTUCKY ss
COUNTY OF SUFFOLK

I, _____, COUNTY CLERK OF SUFFOLK COUNTY, ALABAMA, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED DEED WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF SUFFOLK COUNTY, ALABAMA, AND WAS RECORDED IN THE PUBLIC RECORDS OF SUFFOLK COUNTY, ALABAMA, IN THE _____ AND WAS RECORDED IN THE PUBLIC RECORDS OF SUFFOLK COUNTY, ALABAMA, IN THE _____.

WITNESSED BY ME AND THE SEAL OF THE COUNTY CLERK AT WASHINGTON, ALABAMA, THIS _____ DAY OF _____, A.D. 20____.

SUFFOLK COUNTY RECORDING OFFICER

AS SHOWN BY THE ATTACHED PLAT, HIGH-BA CREEK COUNTRY RESORTATION HAS SAID SURVEY AND
PROPERTY BOUNDARIES SHOWN IN FEET AND DECIMAL PARTS THEREOF. THEREFORE, THE PLAT IS
FURTHER CERTIFY THAT THE TOTAL AREA OF THE PROPERTY SHOWN HEREON CONTAINS 3,015.83
SQUARE FEET OR 222.1 ACRES.

FURTHER CERTIFY THAT THE PROPERTY INCLUDED IN THE ANNEXED PLAT IS WITHIN THE CORPORATE LIMITS
OF THE VILLAGE OF BERNHILLY, TEXAS.

FURTHER CERTIFY THAT ALL REGULATIONS ENACTED BY THE VILLAGE OF BERNHILLY RELATIVE TO PLATS
AND SUBDIVISIONS HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT.

FURTHER STATE THAT THIS SUBDIVISION IS IN A ZONE "A" AS CLASSIFIED BY THE FEDERAL
EMERGENCY MANAGEMENT AGENCY AND HAS BEEN PLACED ON THE FLOOD INSURANCE RATE MAP COMMUNITY FIRM
NUMBER 13010C0010. THEREFORE, THE PROPERTY SHOWN ON THIS PLAT IS NOT IN A FLOOD HAZARD
AREA (DETERMINED TO BE OUTSIDE THE 100-YEAR FLOODPLAIN AREA) NEITHER DOES IT HAVE A GUARANTEE THAT THE
BOUNDARY PROPERTY WILL NOT BE IN FLOOD.

GIVEN UNDER MY HAND AND SEAL, THIS 15TH DAY OF JANUARY, A.D. 2018

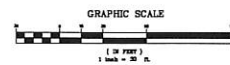


Exhibit C

Permanent Index Numbers of Owner's Property to Obtain Right-of-Way Property

03-14-208-001-0000 (Lot 10)
03-14-208-002-0000 (Lot 11)
03-14-208-003-0000 (Lot 12)
03-14-208-004-0000 (Lot 13)
03-14-208-006-0000 (Lot 15)
03-14-208-007-0000 (Lot 16)
03-14-208-008-0000 (Lot 17)
03-14-208-009-0000 (Lot 18)
03-14-208-010-0000 (Lot 27)
03-14-208-011-0000 (Lot 26)
03-14-208-012-0000 (Lot 25)
03-14-208-013-0000 (Lot 24)
03-14-208-015-0000 (Lot 22)
03-14-208-016-0000 (Lot 21)
03-14-208-017-0000 (Lot 20)
03-14-208-018-0000 (Lot 19)
03-14-208-019-0000 (Lot 14 and Lot 23)