

Prepared by:
and mail to:
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Village Attorney
19 North County St.
Waukegan, IL 60085

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ORDINANCE NUMBER 2018 - O - 16

**AN ORDINANCE VACATING PART OF A PUBLIC ALLEY
LOCATED NORTH OF 8TH STREET BETWEEN WHITNEY STREET
AND SHERIDAN ROAD IN THE VILLAGE OF WINTHROP HARBOR**

WHEREAS, the corporate authorities of the Village of Winthrop Harbor received a petition from Alan Spaulding, the owner of five parcels of property located 728 Sheridan Road, PINs 04-10-109-015, 04-10-109-016, 04-10-109-017, 04-10-100-001 and 04-10-100-002 and three of his parcels border upon the east side of a public alley which extends generally north and south in the block bounded by 7th Street, Sheridan Road, 8th Street and Whitney Avenue, and his petition seeks vacature of the said public alley and the conveyance of fee title in the vacated alley to himself, and

WHEREAS, the said corporate authorities have held public meetings and discussions on the matter thus presented, and have thereby determined that the involved portion of the said public alley is not required to provide municipal services to any of the properties abutting it on either the east or west side thereof, and that there is no probability that this portion of the alley would ever be so needed at any future time, and

WHEREAS, Village staff has sent letters to the adjoining and abutting property owners, asking if they had any objections to the conveyance, and if they were interested in acquiring any portion of the unimproved alley, and in response, staff received no objections, but did receive requests for vacation of the abutting parts of the west side of the alley from two property owners, being Mark and Debra Paul, owners of 729 Whitney Avenue, PIN 04-10-109-010 and Terry and Patricia Schmalgemeier, owners of 737 Whitney Avenue, PIN 04-10-109-012, and

WHEREAS, the original petitioner, Alan Spaulding, has indicated that he has no issue with the vacature of the portions of the alley sought by the Pauls and the Schmalgemeiers, and has agreed that they may properly be considered co-petitioners in this matter, and

WHEREAS, the co-petitioners have submitted a proposed plat of vacature prepared by Edward Peklay, a professional land survey, a true copy of which is attached and incorporated herein as Exhibit A, and

WHEREAS, attached and incorporated hereto as Exhibit B is a legal description of the proposed vacatures, and

WHEREAS, based on the foregoing facts, the corporate authorities have determined that it is in the best interest of the Village of Winthrop Harbor to accept the petitions and vacate the said portion of the alley located between the co-petitioners' properties described generally hereinabove, subject to the payment of the customary fee for vacated roads and alleys in this Village,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: The sections of the public alley located west of Parcels 1, 2 and 3 described on Exhibit B hereto are hereby vacated and the same are hereby conveyed, transferred, abandoned and quitclaimed by the Grantor, the Village of Winthrop Harbor, Illinois, to the Grantee, Alan Spaulding.

SECTION TWO: The section of the public alley located east of Parcel 4 described on Exhibit B hereto is hereby vacated and the same is hereby conveyed, transferred, abandoned and quitclaimed by the Grantor, the Village of Winthrop Harbor, Illinois, to the Grantees, Mark Paul and Debra Paul.

SECTION THREE: The section of the public alley located east of Parcel 5 described on Exhibit B hereto is hereby vacated and the same is hereby conveyed, transferred, abandoned and quitclaimed by the Grantor, the Village of Winthrop Harbor, Illinois, to the Grantees, Terry Schmalgemeier and Patricia Schmalgemeier.

SECTION FOUR: The Village Attorney is directed to prepare deeds of vacature, to be signed by the Mayor and Clerk, completing the conveyances described hereinabove.

SECTION FIVE: The attached Plat of Vacation shall be recorded, together with a certified copy of this Ordinance by the Village Clerk, with the Lake County Recorder of Deeds, and together with deeds of vacature to the co-petitioners upon their payment of the costs incurred by the Village in recording this ordinance, the Plat of Vacation and the Deeds of Vacature, together with a cash payment to the Village in the total sum of \$1,500.00 to be split between the co-petitioners as they deem fit.

SECTION SIX: This Ordinance shall be in full force and effect upon its passage and publication as provided for by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR, ILLINOIS, ON THIS 6TH DAY OF NOVEMBER, 2018.

ATTEST:

DR. MICHAEL BRUNO, MAYOR

JULIE RITTENHOUSE, VILLAGE CLERK

Name and address of Grantees and Taxpayers:

Alan Spaulding, 728 Sheridan Road, Winthrop Harbor, IL 60096

(Parcels 1, 2 and 3)

Mark and Debra Paul, 729 Whitney Street, Winthrop Harbor, IL 60096

(Parcel 4)

Terry and Patricia Schmalgemeier, 737 Whitney Street, Winthrop Harbor, IL 60096

(Parcel 5)

EXHIBIT B

LEGAL DESCRIPTIONS OF VACATED PROPERTIES

VACATURE OF A 16 FOOT WIDE PUBLIC ALLEY LYING AND BEING IN BLOCK 7 IN RESUBDIVISION OF VARIOUS PARTS OF A SUBDIVISION OF LOT 6 IN WINTHROP HARBOR, A PART OF SAID NORTH WEST QUARTER OF SECTION 10, TOWNSHIP 46 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 4, 1906, AS DOCUMENT 105873, IN BOOK "G" OF PLATS, PAGES 45, IN LAKE COUNTY, ILLINOIS, LYING ADJACENT TO THE FOLLOWING PARCELS:

ALL THAT PART OF THE ALLEY LYING WEST OF AND ADJACENT TO:

PARCEL 1: THE NORTHERLY 35 FEET, MEASURED AT RIGHT ANGLES TO THE NORTH LINE THEREOF (EXCEPT THE EASTERLY 50 FEET THEREOF, MEASURED AT RIGHT ANGLES TO THE CENTER LINE OF SHERIDAN ROAD OF THAT PART OF THE NORTH WEST QUARTER OF SECTION 10, TOWNSHIP 46 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND OF LOT "F" IN BLOCK 7 IN RESUBDIVISION OF VARIOUS PARTS OF A SUBDIVISION OF LOT 6 IN WINTHROP HARBOR, A PART OF SAID NORTH WEST QUARTER OF SECTION 10, TOWNSHIP AND RANGE AFORESAID, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED APRIL 4, 1906, AS DOCUMENT 105873, IN BOOK "G" OF PLATS, PAGES 45, DESCRIBED AS FOLLOWS: TO-WIT: COMMENCING AT THE SOUTH WEST CORNER OF SAID LOT "F", THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT "F" 125 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID LOT "F" AND SAID SOUTH LINE EXTENDED EASTERLY TO THE CENTER OF SHERIDAN ROAD, THENCE SOUTHERLY ALONG THE CENTER OF SAID SHERIDAN ROAD TO A POINT 790 FEET NORTH OF THE SOUTH LINE OF SAID NORTH WEST QUARTER (MEASURED ALONG THE CENTER LINE OF SAID ROAD), THENCE WEST TO THE EASTERLY LINE OF SAID LOT "F", THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT "F" 90.15 FEET TO THE SOUTH EAST CORNER THEREOF AND THENCE WEST ALONG SAID SOUTH LINE TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS, EXCEPT THAT PART OF THE WEST HALF OF THE ALLEY LYING EAST OF AND ADJACENT TO PARCEL 5.

ALL THAT PART OF THE ALLEY LYING WEST OF AND ADJACENT TO:

PARCEL 2: THAT PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 46 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND OF LOT "F" IN BLOCK 7 IN RESUBDIVISION OF VARIOUS PARTS OF SUBDIVISION OF LOT 6 IN WINTHROP HARBOR, OF PART OF SAID NORTH WEST QUARTER OF SECTION 10, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED APRIL 4, 1906 AS DOCUMENT 105873, IN BOOK "Q" OF PLATS, PAGE 45 DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A POINT ON THE WESTERLY LINE OF SAID LOT "F" 125 FEET NORTHERLY OF THE SOUTH WEST CORNER THEREOF; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT "F"; TO ITS INTERSECTION WITH A LINE 175 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT "F" ; THENCE EAST PARALLEL WITH AND 175 FEET SOUTHERLY OF THE NORTHERLY LINE OF SAID LOT "F" TO THE EASTERLY LINE OF SAID LOT "F"; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT "F" TO A POINT WHICH IS 890 FEET NORTHERLY OF THE SOUTH LINE OF SAID NORTH WEST QUARTER (MEASURED ALONG THE WESTERLY LINE OF SHERIDAN ROAD), THENCE EAST TO THE CENTER LINE OF SAID SHERIDAN ROAD, THENCE SOUTHERLY ALONG SAID CENTER LINE OF SAID SHERIDAN ROAD TO A POINT WHICH IS 125 FEET NORTHERLY OF THE SOUTH LINE OF SAID LOT "F"

EXTENDED EASTERLY (MEASURED ALONG THE CENTER OF SAID SHERIDAN ROAD); THENCE WEST TO THE PLACE OF BEGINNING, (EXCEPT THAT PART OF THE NORTH WEST QUARTER OF SECTION 10, TOWNSHIP 46 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND OF LOT "F" IN BLOCK 7 IN RESUBDIVISION OF VARIOUS PARTS OF A SUBDIVISION OF LOT 6 IN WINTHROP HARBOR OF PART OF SAID NORTH WEST QUARTER OF SECTION 10, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED APRIL 4, 1906 AS DOCUMENT 105873M IN BOOK "Q" OF PLATS PAGE 45, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT "F", 125 FEET NORTHERLY OF THE SOUTH EAST CORNER THEREOF, SAID POINT BEING 33 FEET WESTERLY OF THE CENTER LINE OF SHERIDAN ROAD, MEASURED AT RIGHT ANGLES THERETO; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT "F" TO ITS INTERSECTION WITH A LINE 175 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT "F"; THENCE WESTERLY ALONG THE LAST DESCRIBED LINE TO A POINT ON A LINE WHICH IS 50 FEET WESTERLY OF AND PARALLEL TO THE CENTER LINE OF SHERIDAN ROAD; THENCE SOUTHERLY ALONG SAID PARALLEL LINE TO A POINT WHICH IS 125 FEET NORTHERLY OF THE SOUTH LINE OF SAID LOT "F"; THENCE EASTERLY TO THE PLACE OF BEGINNING, ALSO EXCEPT THE EASTERLY 33 FEET OF THAT PART THEREOF LYING SOUTH OF A LINE 890 FEET NORTH OF THE SOUTH LINE OF THE NORTH WEST QUARTER OF SECTION 10, IN LAKE COUNTY, ILLINOIS, EXCEPT THOSE PARTS OF THE WEST HALF OF THE ALLEY LYING EAST OF AND ADJACENT TO PARCELS 4 AND 5.

ALL THAT PART OF THE ALLEY LYING WEST OF AND ADJACENT TO:

PARCEL 3: ALL THAT PART OF LOT "F" IN BLOCK 7 IN THE RESUBDIVISION OF VARIOUS PORTIONS OF LOT 6 OF WINTHROP HARBOR, A SUBDIVISION OF PART OF THE NORTH WEST QUARTER OF SECTION 10, TOWNSHIP 46 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED APRIL 4, 1906, AS DOCUMENT 105873, IN BOOK "G" OF PLATS, PAGE 45, LYING SOUTHERLY OF A LINE 100 FEET SOUTHERLY OF AND PARALLEL TO THE NORTHERLY LINE OF SAID LOT "F" AND NORTHERLY OF A LINE 175 FEET SOUTHERLY OF AND PARALLEL TO THE NORTHERLY LINE OF SAID LOT "F" IN LAKE COUNTY, ILLINOIS.

ALL THAT PART OF THE WEST HALF OF THE ALLEY LYING EAST OF AND ADJACENT TO:

PARCEL 4: THE NORTH 66 FEET OF LOT "E" OF BLOCK 7 IN THE RESUBDIVISION OF VARIOUS PARTS OF SUBDIVISION OF LOT 6 OF WINTHROP HARBOR, OF SECTION 10, TOWNSHIP 46 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, WINTHROP HARBOR, LAKE COUNTY, ILLINOIS.

ALL THAT PART OF THE WEST HALF OF THE ALLEY LYING EAST OF AND ADJACENT TO:

PARCEL 5: THE SOUTH 60 FEET OF THE NORTH 186 FEET OF LOT "E" OF BLOCK 7 IN THE RESUBDIVISION OF VARIOUS PARTS OF SUBDIVISION OF LOT 6 OF WINTHROP HARBOR, OF SECTION 10, TOWNSHIP 46 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, WINTHROP HARBOR, LAKE COUNTY, ILLINOIS.