

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2010-043

AN ORDINANCE AUTHORIZING THE VILLAGE PRESIDENT AND CLERK TO EXECUTE AND RECORD THE NECESSARY THE PLATS OF ABROGATION AND DEDICATION RELATED TO THE ACQUISITION OF ATRIUM DRIVE WITHIN THE VILLAGE OF VERNON HILLS

THE 20th DAY OF JULY 2010

Published in pamphlet form by the Authority
of the President and Board of Trustees of the
Village of Vernon Hills, Lake County,
Illinois, this 21st Day of July 2010

AFFIDAVIT OF SERVICE

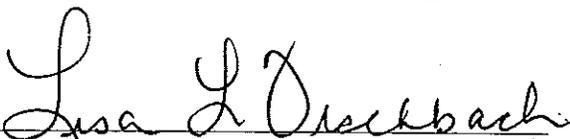
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, MICHAEL S. ALLISON, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2010-043, AN ORDINANCE AUTHORIZING THE VILLAGE PRESIDENT AND CLERK TO EXECUTE AND RECORD THE NECESSARY THE PLATS OF ABROGATION AND DEDICATION RELATED TO THE ACQUISITION OF ATRIUM DRIVE WITHIN THE VILLAGE OF VERNON HILLS

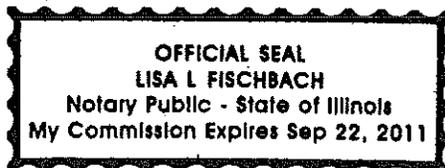


MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN to Before
Me this 4th day of August, 2010



Notary Public



ORDINANCE NO. 2010 - 043

**AN ORDINANCE AUTHORIZING THE
VILLAGE PRESIDENT AND CLERK TO
EXECUTE AND RECORD THE NECESSARY
THE PLATS OF ABROGATION AND
DEDICATION RELATED TO THE
ACQUISITION OF ATRIUM DRIVE WITHIN
THE VILLAGE OF VERNON HILLS**

WHEREAS, the Village of Vernon Hills ("Village") is a body politic and corporate, duly organized and existing under the laws of the State of Illinois; and

WHEREAS, the Village may exercise any power and perform any function pertaining to its government by virtue of 65 ILCS 5/1-1-1 et seq.; and

WHEREAS, the Village Board of Trustees previously decided to acquire Atrium Drive as evidenced by that certain Village Ordinance No. 2010-037 dated and passed on June 2, 2010; and

WHEREAS, Atrium Drive provides vehicular access to five (5) subdivided lots in the Deerpath Atrium Subdivision (each a "Lot"), one (1) Lot being owned by the Village; and

WHEREAS, as a part of the acquisition of those parcels of property that make up Atrium Drive, the Village President and Village Clerk agreed to dedicate Atrium Drive as a public roadway so that the adjacent Lot owners, their invitees and the general public can maintain vehicular access to each Lot over and across Atrium Drive; and

WHEREAS, all of the Lot owners adjacent to Atrium Drive executed a Plat of Abrogation, abrogating their individual access, ingress and egress easement rights to Atrium Drive, as set forth on the recorded Plat of Subdivision of the Deerpath Atrium Subdivision, and all of the Lot owners also executed a Plat of Dedication to dedicate the roadway property that makes up Atrium Drive for public use in conjunction with the acquisition of such roadway property by the Village; and

WHEREAS, Illinois statutes require the County Clerk to execute a Plat of Dedication; and

WHEREAS, the Lake County Clerk will not execute the Plat of Dedication unless and until all the adjacent Lot owners pay the real estate taxes for each Lot for the full year of 2009; and

WHEREAS, the adjacent Lot owners have paid the first installment of 2009 real estate taxes for each Lot, however the Lot owners are not desirous of paying the second installment of 2009 real estate taxes for each Lot until such taxes are due on September 3, 2010; and

WHEREAS, the Lot owners have agreed to pay the second installment of 2009 real estate taxes for each Lot on or before the applicable due date; and

WHEREAS, as a result of the Lake County Clerk's position, the Lake County Recorder of Deeds will not record the Plat of Dedication; and

WHEREAS, notwithstanding Lake County Clerk's position, the adjacent Lot owners have agreed to convey the Atrium Drive roadway to the Village by recordable Warranty Deed, the Village has agreed to accept such conveyance and keep the access, ingress and egress easement rights to Atrium Drive, as set forth on the recorded Plat of Subdivision of the Deerpath Atrium Subdivision, in place until such time as a Plat of Dedication can be recorded; and

WHEREAS, the Village will execute and hold a recordable Plat of Dedication until such time as the Lot Owners have paid the second installment of the 2009 real estate taxes for each Lot, whereupon, the Village will seek the execution of the Plat of Dedication by the Lake County Clerk, and, thereafter, the Village shall record the Plat of Abrogation and the Plat of Dedication for the purpose of maintaining Atrium Drive as a public street for roadway purposes; and

WHEREAS, the Village Board has determined that it is in the public interest to complete the transaction as outlined above, upon the Village acquiring Atrium Drive by Warranty Deed from the Lot owners, dedicate Atrium Drive and record the Plat of Dedication and Plat of Abrogation at such time as the Village is able to do so after the payment of the second installment of 2009 real estate taxes for each Lot by the Lot Owners.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:

SECTION I. The Village Board of Trustees finds the facts and makes the determinations set forth in the preamble to this Ordinance.

SECTION II. That the Village President and Village Clerk are hereby authorized, on behalf of the Village, to execute and record the hereinafter attached Plats of Abrogation and Dedication as set forth in Exhibit A, related to the purchase of Atrium Drive.

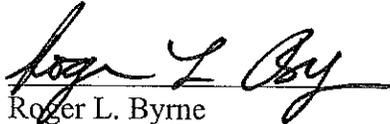
SECTION III. That all actions of Village officers, employees and attorneys taken prior to the date hereof in furtherance of or consistent with this Ordinance are ratified and affirmed.

SECTION IV. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2010-043.

Adopted by roll call vote as follows:

AYES: AYES: 6 – Koch, Marquardt, Schultz, Schwartz, Williams, Hebda
NAYS: 0 - None
ABSENT AND NOT VOTING: 0 None

NAYS:
ABSENT AND NOT VOTING:


Roger L. Byrne
Village President

PASSED: 7/20/10
APPROVED: 7/20/2010
PUBLISHED IN PAMPHLET FORM: 7/21/2010

ATTEST:



Michael Allison, Village Manager/Clerk



Exhibit A

Plats of Abrogation and Dedication