

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: October 11, 2005 (B of T) Date: October 20, 2005

TITLE: 803-901 East South Broadway - Alley Vacation

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance vacating portion of the unimproved alley south of and behind 803 to 901 East South Broadway. (DISTRICT #5)

Staff recommends approval of this request.

Staff is requesting waiver of first reading.

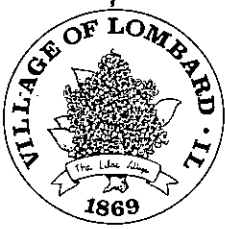
Please place this item on the October 20, 2005 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *W. T. Lichter* _____ Date *10/11/05*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development *Datt*

DATE: October 20, 2005

SUBJECT: Alley Vacation, 803-901 East South Broadway

Attached please find an Ordinance vacating that portion of the unimproved alley south of and behind 803 to 901 East South Broadway. Upon approval of the vacation, the vacated right-of-way will be given in its entirety to the adjacent property owners of the lots to the north from 803 to 901 East South Broadway.

BACKGROUND

The property owners from 749 to 925 East South Broadway have agreed to rededicate East South Broadway to the Village. The Village has obtained Community Development Block Grant funds to assist in implementing a number of improvements to the street. Residents from 803 to 909 East South Broadway requested the vacation of the alley behind their residences during discussions regarding the street project. The alley behind 803 to 901 East South Broadway has been fenced in and utilized by various property owners located along East South Broadway for several years. There are no public utilities located within the alley, nor is anyone taking access to private property within the noted area. Staff conferred with Village Counsel regarding the request. It is the opinion of counsel that the alley could be vacated in its entirety to owners of 803 to 901 East South Broadway if the respective portions of East South Broadway Street being dedicated to the Village are greater than or equal to the area of the alley to be vacated. The properties located at 905 and 909 were not eligible as properties located along Division Street utilize a portion of the alley for access. As the dedicated areas equal or exceed the area to be gained from the alley vacation, staff recommends approval of the vacation.

Please present this item to the Board of Trustees at their October 20, 2005 meeting. Staff also requests waiver of first reading of the vacation ordinance in order to stay within the proposed construction schedule submitted for the federal funding.

ORDINANCE NO. _____

**ORDINANCE VACATING THE UNNAMED PUBLIC RIGHT-OF-WAY
SOUTH OF EAST SOUTH BROADWAY STREET,
BETWEEN HIGHLAND AVENUE AND SCHOOL STREET**

WHEREAS, a sixteen foot wide public right-of-way exists between the residential properties located from 803 to 901 E. South Broadway; and

WHEREAS, said right-of-way is unimproved; and

WHEREAS, no public utilities are located within said public-right-of-way; and

WHEREAS, the right-of-way is currently fenced in as part of private property;
and

WHEREAS, the public-right-of-way no longer serves the pedestrian or motor vehicle transportation needs of the Village; and

WHEREAS, the public-right-of-way does not serve the utility needs of the Village; and

WHEREAS, the Corporate Authorities of the Village of Lombard have a Plat of Vacation, as attached hereto and marked Exhibit "A"; and,

WHEREAS the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the right-of-way vacation.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: It is hereby determined that the public interest will be served by vacating the portion of the unnamed alley south of East South Broadway Street, between Highland Avenue and School Street hereinafter described.

SECTION 2: The following described portion of the unnamed alley:

SECTION 5: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this _____ day of _____, 2005.

First reading waived by action of the Board of Trustees this _____ day of _____, 2005.

Passed on second reading this _____ day of _____, 2005.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2005.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

ORDINANCE NO. _____

ORDINANCE VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY IN AN UNNAMED ALLEY, LOCATED SOUTH OF EAST SOUTH BROADWAY STREET, BETWEEN HIGHLAND AVENUE AND SCHOOL STREET

WHEREAS, a sixteen (16) foot wide public right-of-way exists in an unnamed alley, a portion of which is located south of East South Broadway Street, between Highland Avenue and School Street, and abuts the south boundary of the residential properties located adjacent to East South Broadway Street, which properties are commonly known as 803 to and including 901 East South Broadway Street in the Village of Lombard, Illinois (the portion of the 16 foot right-of-way is herein called the "Alley"); and

WHEREAS, said Alley is unimproved and no public utilities are located within it; and

WHEREAS, the Alley no longer serves the motor vehicle transportation or pedestrian needs of the Village; and

WHEREAS, the Alley does not serve the utility needs of the Village; and

WHEREAS, the Alley is currently fenced as part of the respective parcels of land to which title is being transferred under this Ordinance; and

WHEREAS, pursuant to 65 ILCS 5/11-91-1, an ordinance vacating a street or alley can provide that it shall not become effective until the owner of a particular parcel of property abutting upon the street or alley to be vacated pays compensation to the municipality in an amount which, in the judgment of the corporate authorities, shall be the fair market value of the property acquired or of the benefits which will accrue to said owner by reason of the vacation; and

WHEREAS, pursuant to 65 ILCS 5/11-91-1, if the ordinance vacating a street or alley provides that only the owner of a particular parcel abutting upon the street or alley to be vacated shall make the aforementioned compensation payment, then said owner of said particular parcel shall acquire title to the entire vacated street or alley; and

WHEREAS, the owners of the residential properties intended to acquire title to the respective portions of the Alley pursuant to this Ordinance have, as consideration for that transfer, granted the Village of Lombard an equal or greater portion of their land for dedication as public right-of-way for East South Broadway Street, said consideration being equivalent to or

06-09-302-034-	823 East South Broadway, Lombard, IL	50% fee simple
06-09-302-035-	823 East South Broadway, Lombard, IL	50% fee simple
06-09-302-009-	827 East South Broadway, Lombard, IL	100% fee simple
06-09-302-010-	831 East South Broadway, Lombard, IL	100% fee simple
06-09-302-011-	835 East South Broadway, Lombard, IL	100% fee simple
06-09-302-012-	901 East South Broadway, Lombard, IL	100% fee simple

Upon the transfer of the respective portion of the Alley to 803 East South Broadway, Lombard, IL, with the assigned PIN of 06-09-302-003 ("PIN-003"), as above provided, the Westernmost 29 feet of the Alley shall be contiguous with PIN-003. The owner of the property of PIN-003 is also the fee simple title owner of the real property assigned PIN 06-09-302-028 ("PIN-028") and as the owner of PIN 028 transferred an equal or greater portion its land for dedication of the public right-of-way for East Broadway Street, in consideration for the transfer of the Westernmost 29 feet of the Alley. Therefore, the Westernmost 29 feet of the Alley is hereby vacated and 100% fee simple title is transferred to the owner of PIN-003.

SECTION 4: That the Corporate Authorities of the Village of Lombard are hereby authorized to execute the Plat of Vacation.

SECTION 5: That the Department of Community Development is hereby directed to record a certified copy of this Ordinance, along with the original Plat of Vacation, with the DuPage County Recorder of Deeds.

SECTION 5: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this _____ day of _____, 2005.

First reading waived by action of the Board of Trustees this _____ day of _____, 2005.

Passed on second reading this _____ day of _____, 2005.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2005.

Ordinance No. _____
Re: Alley Vacation 801-903 E. South Broadway
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William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk