

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: David A. Hulseberg, Village Manager
DATE: February 25, 2013 (B of T) Date: March 7, 2013
TITLE: Buckingham Court Cul-de-sac ROW Vacation
SUBMITTED BY: Department of Community Development *WA*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a vacation of a portion of the public right-of-way of Buckingham Court cul-de-sac. This vacation is part of the development agreement, Resolution 31-12, Section 9. (3/4 vote of the trustees required 5 of 6)

Staff recommends approval of this request.

Staff recommends waiver of first reading in order to accommodate the developer's schedule for closing and obtaining a building permit.

Please place this item under separate action on the March 7, 2013 Board of Trustees agenda.

Fiscal Impact/Funding Source:

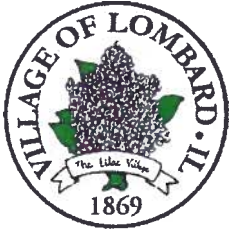
Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____

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: David A. Hulseberg, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

DATE: March 7, 2013

SUBJECT: **Plat of Vacation for Buckingham Court**

Attached is an Ordinance vacating the cul-de-sac bulb portion of the right-of-way. This request is being brought forward by the Village of Lombard, as stipulated in the provisions of the annexation agreement relative to the development at 615-617 W. Pleasant Lane (Buckingham Orchard), as Ordinance 5583. The cul-de-sac is currently utilized for turn around at the end of Buckingham Court. The Lyonhart/"The Orchard" development will be extending the road system this spring and the current cul-de-sac will no longer be necessary. The developer is looking to close on the property and obtain a building permit within the next 30 days.

The attached Plat of Vacation was prepared by M/I Homes. Please request the Board of Trustees to approve the Plat of Vacation at their March 7, 2013 meeting. Please call either Jana Bryant or myself if you have any questions.

WJH/JB:jb

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ORDINANCE NO. _____

**ORDINANCE VACATING CUL-DE-SAC OF
BUCKINGHAM COURT RIGHT-OF-WAY**

WHEREAS, the Village of Lombard (hereinafter the “Village”) maintains a right-of-way of a portion of the Buckingham Court right-of-way; and

WHEREAS, said right-of-way is improved with an asphalt surface to provide for vehicular access turnaround; and

WHEREAS, said right-of-way will no longer serves the motor vehicle transportation needs of the Village; and

WHEREAS, the right-of-way still serves the access needs of abutting private property owners; and

WHEREAS, the right-of-way still serves the utility needs of the Village; and

WHEREAS, an Annexation Agreement between the abutting property owner and the Village sets forth provisions between the parties to vacate the cul-de-sac bulb portion of the public right-of-way, exceeding the 66-foot right-of-way;

WHEREAS, the Corporate Authorities of the Village of Lombard have received 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 subserved by vacating the portion of the cul-de-sac bulb portion of the right-of-way exceeding 66-feet hereinafter described.

SECTION 2: The following described right-of-way:

That part of Buckingham Court lying east of and adjoining Block 2 in Buckingham Orchard, being a resubdivision of part of lots 18 and 19 in Milton Township Supervisor’s Assessment Plat No. 1 (also known as Pleasant Hills West) in the east ½ of Section 1, Township 39 North, Range 10 East of the Third Principle Meridian, according to the Plat thereof recorded said Buckingham Orchard Subdivisoin recorded December 7, 2005 as document R2005-27150, except the east 66’ thereof, in DuPage County, Illinois.

as shown on the plat attached hereto as Exhibit “A” and designated “hereby vacated” be and the same hereby is vacated, subject to the condition listed in Section 3, below.

Ordinance No. _____
Re: Buckingham Court Vacation
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SECTION 3: The Annexation Agreement set forth provisions between the parties to the Annexation Agreement to vacate this public right-of-way.

SECTION 4: 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 _____, 2013.

First reading waived by action of the Board of Trustees this ____ day of _____, 2013.

Passed on second reading this ____ day of _____, 2013.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____, day of _____, 2013.

William Ware, Acting Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2013.

Brigitte O'Brien, Village Clerk

