MEMORANDUM

TO: **Rita Schneider, President**
Lombard Historical Commission

FROM: Jennifer Henaghan, AICP, Senior Planner *JSH*

DATE: July 19, 2011

SUBJECT: **Proposed Text Amendment for Abandoned Cemeteries**

The Historical Commission has previously discussed naming Lombard Cemetery as a local landmark. However, the Village Code currently requires the written consent of the property owners in order for a property to be designated. As the last documented owner of the cemetery died several generations ago, this language effectively prevents the cemetery from being designated.

At the request of the Commission President, staff discussed with the Village Attorney how the Code could be amended to allow such a designation. The intention of this amendment is to effectively create an exception for abandoned cemeteries while still requiring the written consent for the designation of all other properties. The following language is submitted for consideration by the Commission, with the proposed amendment indicated in **red** text:

§ 32.079 HISTORICAL SITES; DESIGNATION AND MAINTENANCE.

(A)   The Historical Commission shall have the authority to recommend the designation or rejection of sites having a special historical or community interest or value, thereby making the designation as a "landmark site" or "landmark district". These designations shall be made only with the written approval of the property owners**; however, written approval of the property owners shall not be required in the case of an "abandoned cemetery," as said term is defined in 65 ILCS 5/ 11-49-1(d), in the event that the owners of the abandoned cemetery are unknown, or no longer in existence.**

If the Historical Commission votes to recommend approval of this amendment, the Village Board could consider the amendment at its August 18 meeting.

REQUESTED ACTIONS
Does the Historical Commission recommend that the above amendment be made to Section 32.079 of the Village Code to allow abandoned cemeteries to be designated as local landmarks?

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