

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: November 8, 2005 (B of T) Date: November 17, 2005

TITLE: 925 East South Broadway - Alley Vacation

SUBMITTED BY: Department of Community Development *DLH*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development submits for your consideration an ordinance vacating a portion of the public right-of-way of an unnamed alley, located west of South Westmore Avenue, between East South Broadway and Division Streets. (DISTRICT #5)

Staff recommends approval of this request.

Staff is requesting waiver of first reading.

Please place this item on the November 17, 2005 Board of Trustees agenda.

Fiscal Impact/Funding Source:

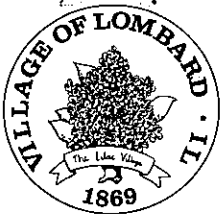
Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X *W. T. Lichter* _____ Date *11/9/05*

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 *DH/watt*

DATE: November 17, 2005

SUBJECT: Alley Vacation - 925 East South Broadway

An Ordinance vacating an alley east of the property located at 925 East South Broadway is attached for Village Board consideration. Should the vacation be approved, the vacated right-of-way will become part of the 925 East South Broadway lot. The individual property owners will be responsible for obtaining plats of consolidation to reflect the new lot dimensions.

The Village has obtained Community Development Block Grant funds to assist in implementing a number of improvements to the newly dedicated East South Broadway right-of-way. During the review for the South Broadway street project, it was discovered that the alley east of 925 East South Broadway was previously vacated, however the Ordinance granting the vacation was not subsequently recorded. As such, the property owners of 925 East South Broadway have utilized the sixteen-foot portion of the alley as a part of their yard for a number of years. This plat of vacation is being included to rectify the situation at this time.

As with the plat of vacation previously approved by the Village Board last month for the properties in the 800 block of East South Broadway, the dedication of land for the East South Broadway right-of-way will serve as compensation for the vacation.

Please present this item to the Board of Trustees at their November 17, 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 A PORTION OF THE PUBLIC RIGHT-OF-WAY OF AN
UNNAMED ALLEY, LOCATED WEST OF SOUTH WESTMORE AVENUE,
BETWEEN EAST SOUTH BROADWAY AND DIVISION STREETS**

WHEREAS, a sixteen (16) foot wide public right-of-way exists in an unnamed alley, a portion of which is located west of South Westmore Avenue, between East South Broadway and Division Streets, and abuts the residential property at 925 E. South Broadway Street and the commercial property at 306 S. Westmore Avenue 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, 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 owner of the residential property intended to acquire title to the portion of the Alley pursuant to this Ordinance has, as consideration for that transfer, granted the Village of Lombard a portion of its land for dedication as public right-of-way for East South Broadway Street, said consideration being equivalent to or exceeding the fair market value of the respective vacated portion acquired and the benefits which will accrue to said owners by reason of the vacation; and

WHEREAS the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the Alley vacation; and

WHEREAS, the Corporate Authorities of the Village of Lombard shall execute a Plat of Vacation, the form of which is attached hereto as Exhibit "A".

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 Alley as herein described.

SECTION 2. The Alley shown in the Plat of Vacation, a copy of which is attached hereto as Exhibit "A" and designated "hereby vacated", is legally described as follows:

THAT PART OF THE NORTH/SOUTH 16.0' WIDE ALLEY LYING EAST OF THE EAST LINE OF LOT 22, SOUTH OF THE NORTH LINE OF LOT 22 AND ITS EASTERLY EXTENSION, AND NORTH OF THE NORTH LINE OF LOT 23, AND ITS EASTERLY EXTENSION, IN THE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE IN ROBERTSON'S WESTMORE, A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

SECTION 3: Pursuant to 65 ILCS 5/11-91-1, the Alley is hereby vacated and title to the vacated Alley shall be acquired by the property that lies immediately adjacent thereto and commonly known as 925 East South Broadway, Lombard, IL, with a permanent index number of 06-09-303-003-0000.

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, together with the original Plat of Vacation with the Office of the Recorder of Deeds of DuPage County, Illinois.

SECTION 6: 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