

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

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

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : January 10, 2018 **(BOT) Date:** January 18, 2018

SUBJECT: Alley Vacation to 924 Division Street and 310 S. Westmore Meyers Road;
North of Division Street, North Section

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Attached please find an ordinance equally a portion of an unnamed alley north of Division Street between a previously vacated portion of an unnamed alley and north of a thirty-four foot section (South Section) of an unvacated section of the north-south unnamed alley to remain connecting directly to the northern edge of Division Street.

The vacation request is being made because the alley no longer serves the transportation needs of the Village. The Village would benefit by transferring the future maintenance responsibilities to the adjacent property owners.

This matter was originally placed on the January 4, 2018 Village Board meeting agenda. The matter was continued to January 18 in order to address changes to the companion plat of vacation, for clarity purposes.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ 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: Scott R. Niehaus, Village Manager

FROM: William Heniff, AICP, Director of Community Development *WH*

MEETING DATE: January 18, 2018

SUBJECT: **Alley Vacation to 924 Division Street and 310 S. Westmore Meyers Road; North of Division Street, North Section**

Attached please find an ordinance vacating equally a portion of an unnamed alley (Exhibit A), north of Division Street between a previously vacated portion of an unnamed alley and north of a thirty-four foot section (South Section) of an unvacated section of the north-south unnamed alley to remain connecting directly to the northern edge of Division Street.

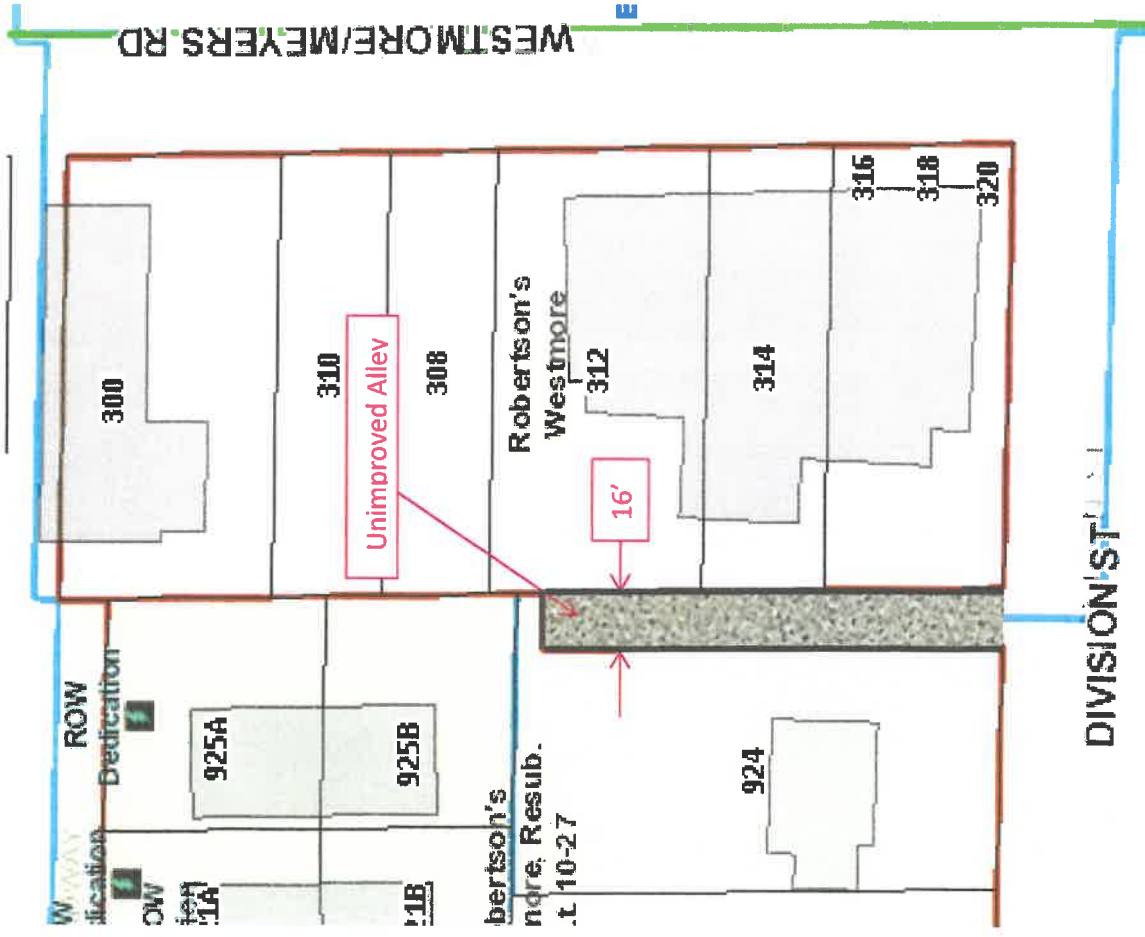
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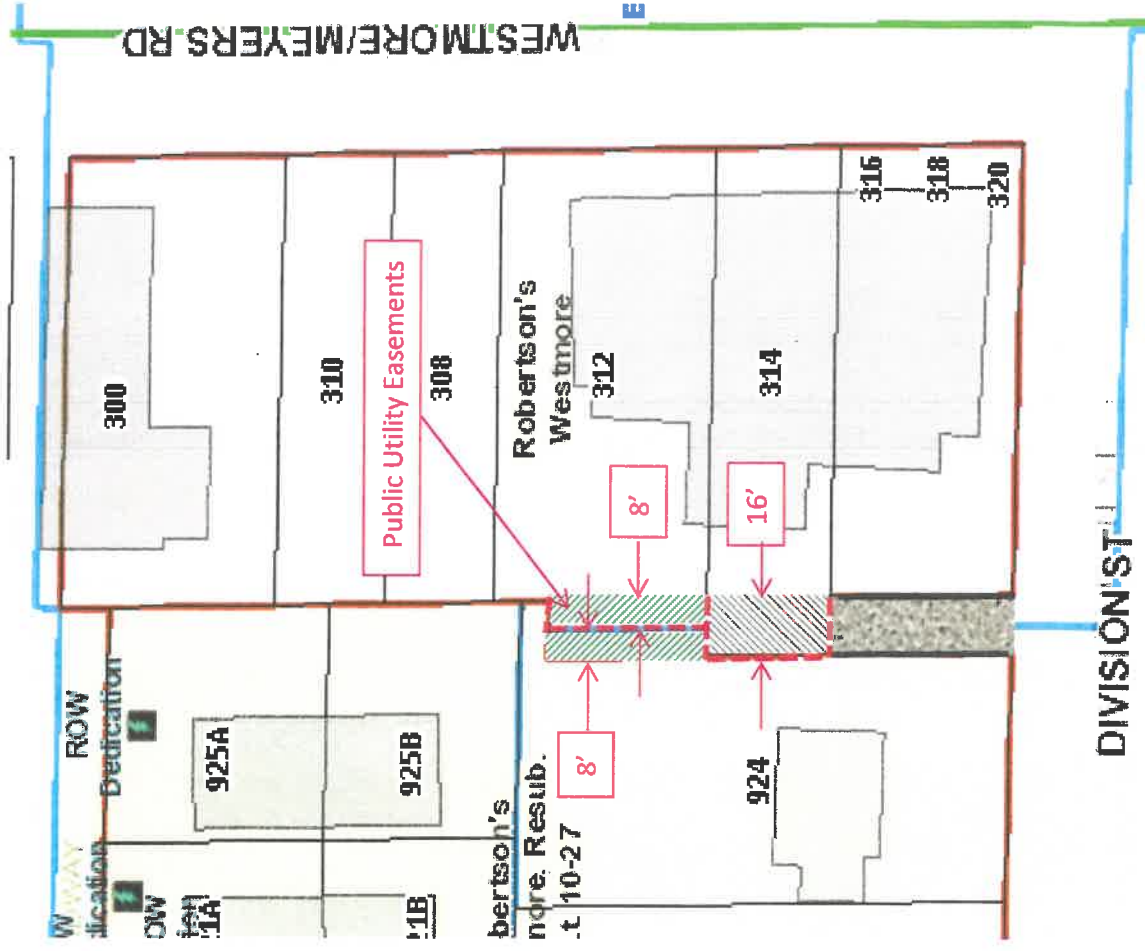
ACTION REQUESTED

Please place this item on the January 18, 2018 Village Board agenda for consideration. Staff recommends approval of the attached Ordinance, along with a waiver of first reading.

Existing Conditions



Proposed Property Lines
After Right-Of-Way Vacation



ORDINANCE NO. _____

**ORDINANCE VACATING A PORTION OF THE FIRST ALLEY
WEST OF WESTMORE MEYERS ROAD, BETWEEN
SOUTH BROADWAY AVENUE AND DIVISION STREET
(NORTH SEGMENT)**

WHEREAS, the Village of Lombard (hereinafter the “VILLAGE”) maintains a public alley right-of-way, of sixteen feet (16) in width, immediately west of Westmore Meyers Road, between South Broadway Avenue and Division Street (hereinafter the “ALLEY”); and

WHEREAS, the Corporate Authorities find that the portion of the ALLEY, situated between a point 71 North of the North line of Division Street and a point 125.4 North of the North line of Division Street (hereinafter the “SUBJECT RIGHT-OF-WAY”) is no longer needed by the Village for right-of-way purposes; and

WHEREAS, the Corporate Authorities find that no abutting property owners currently take access from the SUBJECT RIGHT-OF-WAY; and

WHEREAS, the Corporate Authorities have determined that the SUBJECT RIGHT-OF-WAY does not serve the transportation needs of the VILLAGE; and

WHEREAS, the Corporate Authorities of the VILLAGE have received a Plat of Right-of-Way Vacation for the SUBJECT RIGHT-OF-WAY, a copy of which is attached hereto as “Exhibit A” and made part hereof (hereinafter the “Plat of Vacation”); and

WHEREAS, the Corporate Authorities of the VILLAGE deem it to be in the best interests of the VILLAGE to authorize that the SUBJECT RIGHT-OF-WAY be vacated, as set forth herein, subject to the retention of a public utility easement over the SUBJECT RIGHT-OF-WAY;

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 SUBJECT RIGHT-OF-WAY as hereinafter legally described:

THAT PART OF THE NORTH AND SOUTH 16 FOOT ALLEY, THE NORTH TERMINUS BEING THE CENTER LINE OF THE HERETOFORE EAST AND WEST VACATED ALLEY LYING NORTH OF LOTS 23 AND 24 IN THE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE, OF ROBERTSON’S WESTMORE RESUBDIVISION RECORDED NOVEMBER 2, 1925 AS DOCUMENT NUMBER 202421 EXTENDED EASTERLY TO THE WEST LINE OF LOT 5 IN ROBERTSON’S WESTMORE RECORDED JUNE 1ST, 1922, AS DOCUMENT NO. 156381, THE SOUTH TERMINUS BEING THE

NORTH LINE OF LOT 7 IN AFORESAID ROBERTSON'S WESTMORE
EXTENDED WEST TO THE EAST LINE OF LOT 23 IN THE AFORESAID
ROBERTSON'S WESTMORE RESUBDIVISION OF LOTS 10 TO 27
INCLUSIVE, ALL BEING IN 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.

and as shown on the Plat of Vacation attached hereto as Exhibit "A" and designated "hereby
vacated" be and the same hereby is vacated, subject to the retention of a public utility easement
therein.

SECTION 3: The owners of the following parcels shall each acquire title to one half (1/2)
of the vacated SUBJECT RIGHT-OF-WAY:

A. The West ½ of the vacated SUBJECT RIGHT-OF-WAY:

PIN: 06-09-303-023; Common Address: 924 Division Street, Lombard, IL
60148

B. The East ½ of the vacated SUBJECT RIGHT-OF-WAY:

PIN: 06-09-303-009; Common Address: 312 S. Westmore Avenue, Lombard,
IL 60148

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 by a three-fourths (¾ths) vote of the Trustees holding office, approval and publication in
pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2018.

First reading waived by action of the Board of Trustees this ____ day of
_____, 2018.

Passed on second reading this ____ day of _____, 2018, pursuant to a roll call
vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

Approved this ____ day of _____, 2018.

Keith T. Giagnorio
Village President

ATTEST:

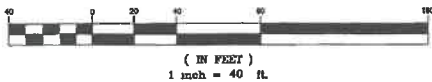
Sharon Kuderna
Village Clerk

Published by me in pamphlet form this ____ day of _____, 2018.

Sharon Kuderna
Village Clerk

Exhibit “A”

GRAPHIC SCALE



PLAT OF VACATION AND EASEMENT RETAINMENT



UTILITY AND DRAINAGE EASEMENT PROVISIONS

EASEMENTS ARE RETAINED FOR THE VILLAGE OF LOMBARD AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISES FROM THE VILLAGE OF LOMBARD INCLUDING BUT NOT LIMITED TO COMMONWEALTH EDISON COMPANY, AMERITECH NICOR GAS, MEDAONE, AND THEIR SUCCESSORS AND ASSIGNS OVER ALL AREAS MARKED "EASEMENT FOR PUBLIC UTILITIES AND DRAINAGE" ON THE PLAT FOR THE PERPETUAL RIGHT PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS AND INCLUDING OVERLAND DRAINAGE, STORM AND/OR SANITARY SEWERS TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE AND/OR UTILITY COMPANIES OVER UPON ALONG UNDER AND THROUGH SAID INDICATED EASEMENT TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO RETAINED TO CUT DOWN AND TRIM OR REMOVE ANY FENCES, TEMPORARY STRUCTURES, TREES, SHRUBS OR OTHER PLANTS WITHOUT NEED FOR PROVIDING COMPENSATION THEREFOR ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS AND/OR STRUCTURES SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. WHERE AN EASEMENT IS USED FOR BOTH SEWER AND OTHER UTILITIES THE OTHER UTILITY INSTALLATION SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF LOMBARD.

EASEMENT ARE HEREBY RETAINED BY THE VILLAGE OF LOMBARD AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THIS ENTIRE EASEMENT AREA FOR INGRESS, EGRESS AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES INCLUDING WATER, STORM AND SANITARY SEWER SERVICE AND MAINTENANCE.

EASEMENTS ALSO ARE RETAINED FOR CABLE COMMUNICATIONS COMPANIES ALONG WITH THE PUBLIC UTILITIES ALREADY REFERENCED.

NOTHING SET FORTH ABOVE IS INTENDED TO SUPERSEDE ANY REQUIREMENTS CONTAINED IN ANY FRANCHISE AGREEMENT BETWEEN THE GRANTEEES AND THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, WHERE A CONFLICT EXISTS BETWEEN THE EASEMENT RETAINMENT AND ANY SUCH FRANCHISE AGREEMENT OR WHERE THE PROVISIONS OF ANY SUCH FRANCHISE AGREEMENT ARE MORE RESTRICTIVE THAN THE LANGUAGE OF THIS EASEMENT RETAINMENT, THE LANGUAGE OF SAID FRANCHISE AGREEMENT SHALL BE CONTROLLING UPON EACH OF THE GRANTEEES.

WESTMORE AVENUE

16' PUBLIC ALLEY HEREBY VACATED

16' PUBLIC UTILITIES & DRAINAGE EASEMENT HEREBY RETAINED

LEGAL DESCRIPTION OF RIGHT OF WAY TO BE VACATED TO THE PROPERTY AT 924 E DIVISION STREET (P.I.N. 08-09-303-023)

THE WEST HALF OF THAT PART OF THE NORTH AND SOUTH 16 FOOT ALLEY, THE NORTH TERMINUS BEING THE CENTER LINE OF THE HERETOFORE EAST AND WEST VACATED ALLEY LYING NORTH OF LOTS 23 AND 24 IN THE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE OF ROBERTSON'S WESTMORE RESUBDIVISION RECORDED NOVEMBER 2, 1925 AS DOCUMENT NUMBER 202421 EXTENDED EASTERLY TO THE WEST LINE OF LOT 5 IN ROBERTSON'S WESTMORE RECORDED JUNE 1ST 1922, AS DOCUMENT NO. 156381 THE SOUTH TERMINUS BEING THE NORTH LINE OF LOT 7 IN AFORESAID ROBERTSON'S WESTMORE EXTENDED WEST TO THE EAST LINE OF LOT 23 IN THE AFORESAID ROBERTSON'S WESTMORE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE, ALL BEING IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS

CONTAINING 419.22 sq. ft. (0.0095 acres)

LEGAL DESCRIPTION OF RIGHT OF WAY TO BE VACATED TO THE PROPERTY AT 312 S WESTMORE AVENUE (P.I.N. 06-09-303-009)

THE EAST HALF OF THAT PART OF THE NORTH AND SOUTH 16 FOOT ALLEY, THE NORTH TERMINUS BEING THE CENTER LINE OF THE HERETOFORE EAST AND WEST VACATED ALLEY LYING NORTH OF LOTS 23 AND 24 IN THE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE OF ROBERTSON'S WESTMORE RESUBDIVISION RECORDED NOVEMBER 2, 1925 AS DOCUMENT NUMBER 202421 EXTENDED EASTERLY TO THE WEST LINE OF LOT 5 IN ROBERTSON'S WESTMORE RECORDED JUNE 1ST 1922, AS DOCUMENT NO. 156381, THE SOUTH TERMINUS BEING THE NORTH LINE OF LOT 7 IN AFORESAID ROBERTSON'S WESTMORE EXTENDED WEST TO THE EAST LINE OF LOT 23 IN THE AFORESAID ROBERTSON'S WESTMORE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE, ALL BEING IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS

CONTAINING 419.22 sq. ft. (0.0095 acres)

STATE OF ILLINOIS) SS
COUNTY OF DU PAGE)

APPROVED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF THE VILLAGE OF LOMBARD, ILLINOIS, THIS _____ DAY OF _____ A.D. 20____

DIRECTOR OF COMMUNITY DEVELOPMENT

STATE OF ILLINOIS) SS
COUNTY OF DU PAGE)

THIS IS TO CERTIFY THAT I JOSEPH F. GENTILE, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 2925 HAVE PLATTED FROM AVAILABLE RECORDS THE FOLLOWING DESCRIBED PROPERTY FOR THE PURPOSE OF VACATING A CERTAIN PUBLIC ALLEY (AS SHOWN HEREON) DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTH AND SOUTH 16 FOOT ALLEY, THE NORTH TERMINUS BEING THE CENTER LINE OF THE HERETOFORE EAST AND WEST VACATED ALLEY LYING NORTH OF LOTS 23 AND 24 IN THE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE OF ROBERTSON'S WESTMORE RESUBDIVISION RECORDED NOVEMBER 2, 1925 AS DOCUMENT NUMBER 202421 EXTENDED EASTERLY TO THE WEST LINE OF LOT 5 IN ROBERTSON'S WESTMORE RECORDED JUNE 1ST 1922 AS DOCUMENT NO. 156381, THE SOUTH TERMINUS BEING THE NORTH LINE OF LOT 7 IN AFORESAID ROBERTSON'S WESTMORE EXTENDED WEST TO THE EAST LINE OF LOT 23 IN THE AFORESAID ROBERTSON'S WESTMORE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE, ALL BEING IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS

CONTAINING 838.44 sq. ft. (0.019 acres)

ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF

GIVEN UNDER MY HAND AND SEAL THIS 2ND DAY OF NOVEMBER, A.D. 2017

Joseph F. Gentile
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2925
MY LICENSE EXPIRES NOVEMBER 30, 2018

SOUTH BROADWAY

SCHOOL AVENUE

DIVISION STREET

DIVISION STREET

STATE OF ILLINOIS) SS
COUNTY OF DU PAGE)

THIS INSTRUMENT NUMBER _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS, AFORESAID, ON THE _____ DAY OF _____ A.D. 20____ AT _____ O'CLOCK _____ M.

DUPAGE COUNTY RECORDER OF DEEDS

STATE OF ILLINOIS) SS
COUNTY OF DU PAGE)

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD ILLINOIS, THIS _____ DAY OF _____ A.D. 20____

PRESIDENT

VILLAGE CLERK



GENTILE & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS
550 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60148
PHONE (630) 918-8262



PREPARED FOR VILLAGE OF LOMBARD-DEPT OF COMMUNITY DEVELOPMENT

DRAWN BY VAF/MMG/VF

ORDER NO 12-20274-17 VAC N REV2

ILLINOIS PROFESSIONAL DESIGN
FIRM LICENSE NO. 184 002870