

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

  X   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 R. Niehaus, Village Manager

**DATE :** December 27, 2017      **(BOT) Date:** January 4, 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 find an ordinance vacating equally a portion of an unnamed alley (Exhibit A), north of Division Street between a previously vacated portion of an unimproved and unnamed alley, abutting the aforementioned properties. The vacation request is consistent with the Village's Alley Vacation Policy.

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. DISTRICT #5

**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 4, 2018

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

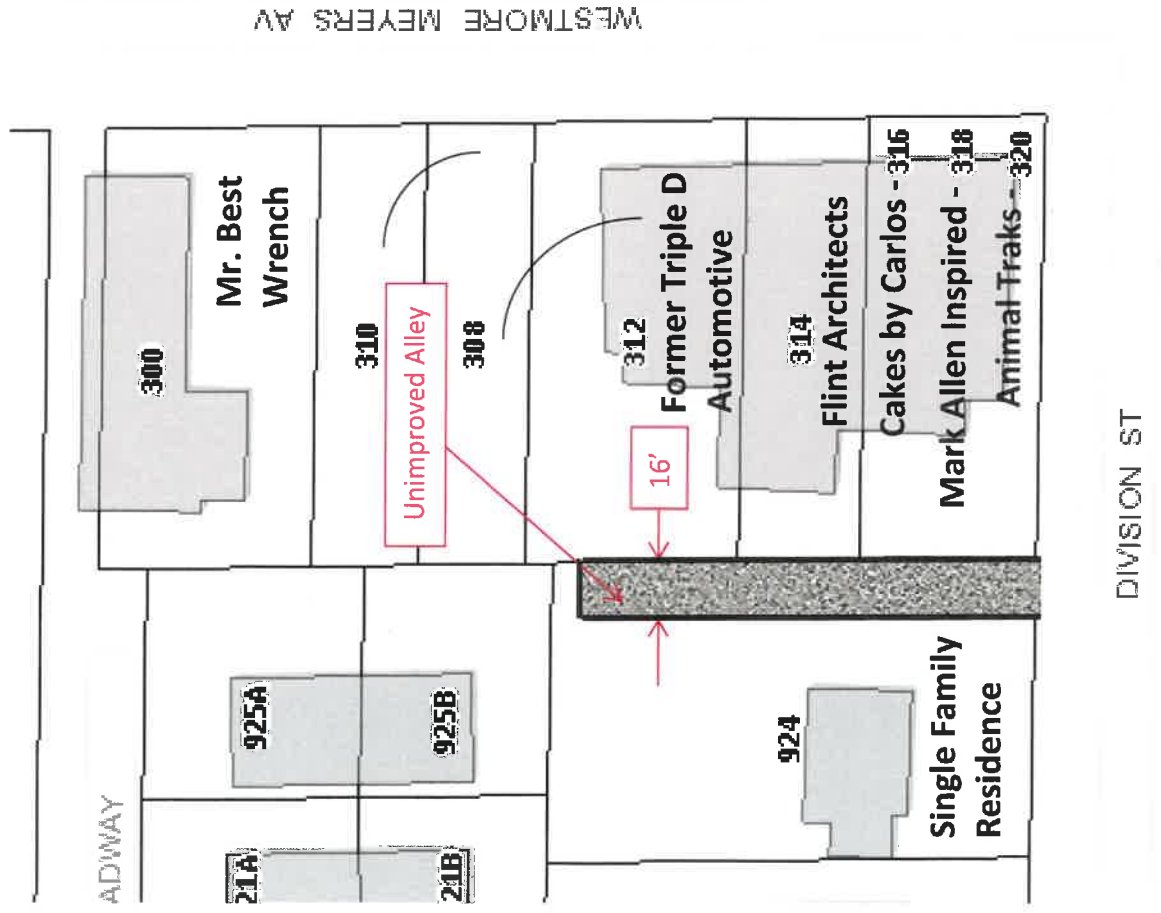
Attached please find an ordinance vacating equally a portion of an unnamed alley (Exhibit A), north of Division Street between a previously vacated portion of an unnamed alley and north of a thirty-four foot section (South Section) of an unvacated section of the north-south unnamed alley to remain connecting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

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.

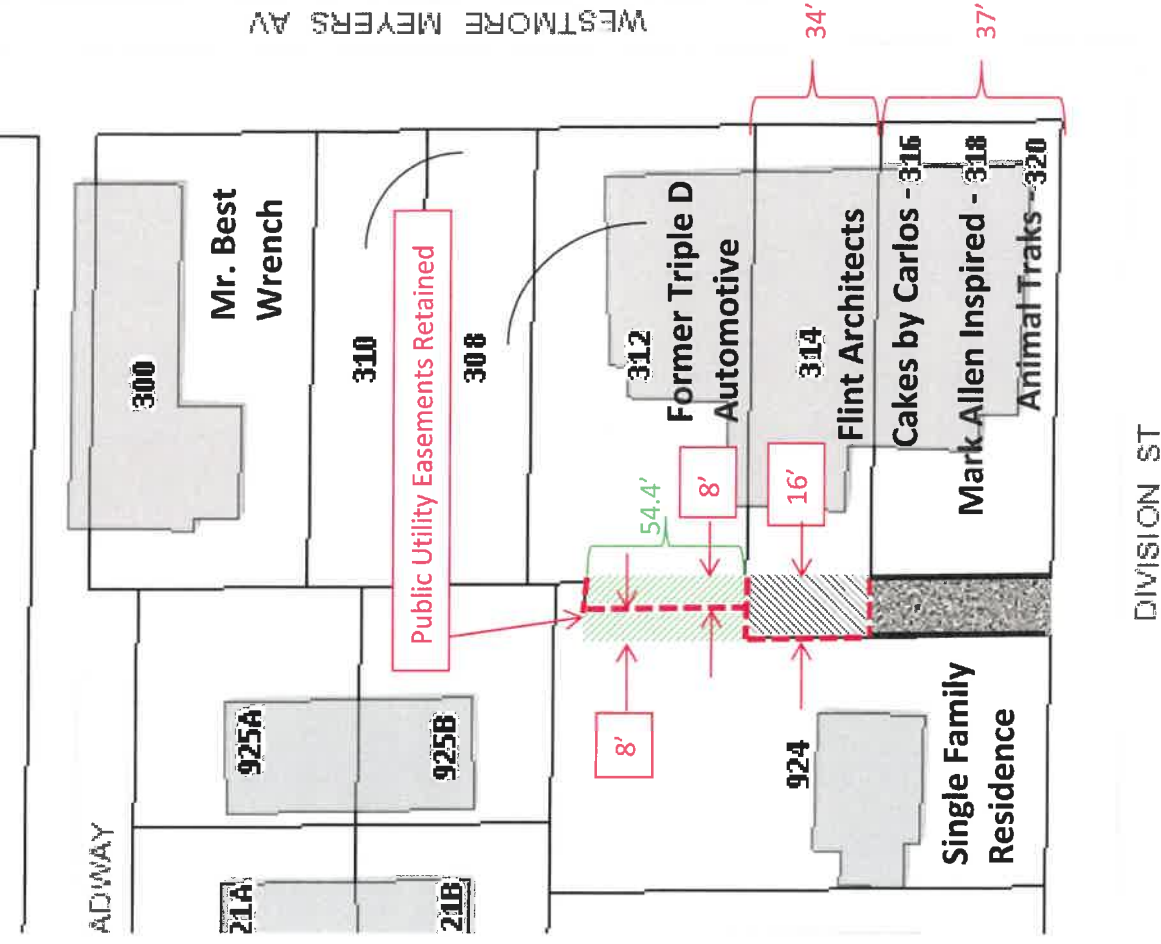
### **ACTION REQUESTED**

Please place this item on the January 4, 2018 Village Board agenda for consideration. Staff recommends approval of the attached Ordinance.

## Proposed Alley Vacations



## 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 1<sup>ST</sup>, 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: \_\_\_\_\_

Ordinance \_\_\_\_\_  
January 4, 2018  
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Approved this \_\_\_\_ day of \_\_\_\_\_, 2018.

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Keith T. Giagnorio  
Village President

ATTEST:

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Sharon Kuderna  
Village Clerk

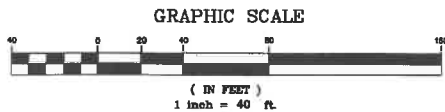
Published by me in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2018.

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Sharon Kuderna  
Village Clerk

Ordinance \_\_\_\_\_  
January 4, 2018  
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## Exhibit “A”



# PLAT OF VACATION AND GRANT OF EASEMENT



## UTILITY AND DRAINAGE EASEMENT PROVISIONS

EASEMENTS ARE RESERVED 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 GRANTED TO CUT DOWN AND TRIM OR REMOVE ANY FENCES, TEMPORARY STRUCTURES, TREES, SHRUBS, OR OTHER PLANTS WITHOUT NEED FOR PROVIDING COMPENSATION THEREFORE 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 RESERVED FOR AND GRANTED TO THE VILLAGE OF LOMBARD AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SUBDIVIDED HEREBY, OVER THE ENTIRE EASEMENT AREA FOR INGRESS, EGRESS, AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES INCLUDING WATER, STORM AND SANITARY SEWER SERVICE AND MAINTENANCE.

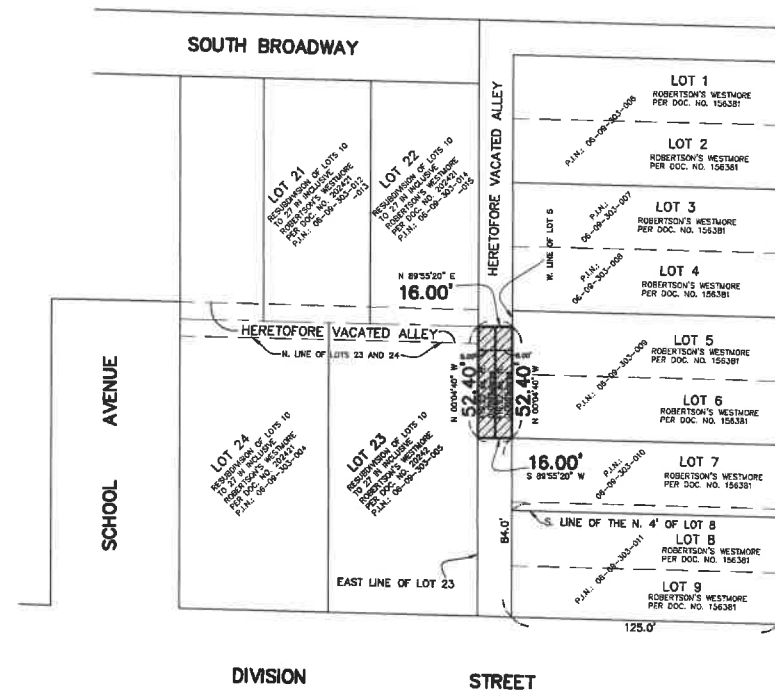
EASEMENTS ALSO ARE RESERVED FOR CABLE COMMUNICATIONS COMPANIES ALONG WITH THE PUBLIC UTILITIES ALREADY REFERENCED

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 GRANT OF EASEMENT AND ANY SUCH FRANCHISE AGREEMENT, OR WHERE THE PROVISIONS OF ANY SUCH FRANCHISE AGREEMENT ARE MORE RESTRICTIVE THAN THE LANGUAGE OF THIS GRANT OF EASEMENT, THE LANGUAGE OF SAID FRANCHISE AGREEMENT SHALL BE CONTROLLING UPON EACH OF THE GRANTEEES.



16' PUBLIC ALLEY HEREBY VACATED

16' PUBLIC UTILITIES & DRAINAGE EASEMENT HEREBY RETAINED



STATE OF ILLINOIS ) S.S.  
COUNTY OF DUPAGE )

THIS INSTRUMENT NUMBER \_\_\_\_\_ WAS FILED FOR RECORD IN THE  
RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS,  
AFORESAID, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ AT \_\_\_\_\_  
O'CLOCK \_\_\_\_M.

DUPAGE COUNTY RECORDER OF DEEDS

STATE OF ILLINOIS ) S.S.  
COUNTY OF DUPAGE )

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

PRESIDENT

VILLAGE CLERK

STATE OF ILLINOIS ) S.S.  
COUNTY OF DUPAGE )

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 ) S.S.  
COUNTY OF DUPAGE )

THIS IS TO CERTIFY THAT I, JOSEPH 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

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



**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 DVLPMT.

DRAWN BY: VAF/MMG/VF

ORDER NO.: 12-20274-17 VAC N REV

ILLINOIS PROFESSIONAL DESIGN  
FIRM LICENSE NO. 184.002870