

**ORDINANCE 7787**

**PAMPHLET**

**AN ORDINANCE AMENDING ORDINANCE NO. 5759,  
ADOPTED NOVEMBER 3, 2005,  
VACATING A PORTION OF THE LOMBARD ROAD RIGHT-OF-WAY**



PUBLISHED IN PAMPHLET FORM THIS 6<sup>th</sup> DAY OF MARCH 2020, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE  
COUNTY, ILLINOIS.

*Sharon Kuderna*

Sharon Kuderna  
Village Clerk

**ORDINANCE NO. 7787**

**AN ORDINANCE AMENDING ORDINANCE NO. 5759,  
ADOPTED NOVEMBER 3, 2005, ENTITLED,  
“AN ORDINANCE VACATING A PORTION OF LOMBARD ROAD RIGHT-OF-WAY  
NORTH OF THE COMMONWEALTH EDISON RIGHT-OF-WAY”, TO DELETE  
THE REDEDICATION OPTION PROVISION AS CONTAINED THEREIN**

**WHEREAS**, pursuant to Ordinance No. 5759, adopted November 3, 2005, entitled, “An Ordinance Vacating a Portion of Lombard Road Right-of-Way North of the Commonwealth Edison Right-of-Way”, and recorded with the DuPage County Recorder’s Office as document number R2006-038983 on January 30, 2006, (the “Vacation Ordinance”), the President and Board of Trustees (the “Corporate Authorities”) of the Village of Lombard (the “Village”) vacated the following portion of Lombard Road:

THAT PART OF LOMBARD ROAD LYING SOUTH OF THE SOUTH LINE OF THE ILLINOIS CENTRAL RAILROAD RIGHT-OF-WAY AND NORTH OF THE NORTH LINE OF THE COMMONWEALTH EDISON RIGHT-OF-WAY, IN THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS;

PIN: Pt. 03-31-204-007;

(the “Vacated Right-of-Way”); and

**WHEREAS**, Section 4.K. of the Vacation Ordinance contained the following provision, relative to a Village option to require the rededication of the Vacated Right-of-Way:

“Upon a written request to the GRANT PROPERTY OWNER from the Village, the GRANT PROPERTY OWNER agrees to rededicate the Subject Vacations right-of-way back to the Village, for public right-of-way purposes, at no cost to the Village (hereinafter referred to as the “Rededication”). The GRANT PROPERTY OWNER shall do all things necessary and appropriate to cooperate with the Village to effectuate the Rededication within six (6) months from the date of receipt of the request by the Village. The Village agrees that any such Rededication request shall only be made, if at all, between the first day of the twentieth (20th) year and the first day of the twenty-fifth (25th) year immediately following the date of this Agreement. The GRANT PROPERTY OWNER shall not be required to pay for or undertake any site improvements within the Subject Variations area as part of any such Rededication.”

(the "Rededication Provision"); and

**WHEREAS**, the owner of the Vacated Right-of-Way has requested that the Village amend the Vacation Ordinance, to delete the Rededication Provision, so that the owner of the Vacated Right-of-Way can proceed with a multi-tenant office/warehouse development on the Vacated Right-of-Way and the property to the East of and adjacent thereto (the "Development"); and

**WHEREAS**, the Corporate Authorities have determined that it is in the best interests of the Village that the Development move forward; and

**WHEREAS**, the Corporate Authorities have determined that, based on the closure of Lombard Road at the Illinois Central Railroad right-of-way, the Village will not have any need for the rededication of the Vacated Right-of-Way, as the Village will not need to re-establish a roadway within the Vacated Right-of-Way; and

**WHEREAS**, the Corporate Authorities have determined that it is in the best interests of the Village to delete the Rededication Provision from the Vacation Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** That the recitals, as set forth above, are hereby incorporated herein by reference.

**SECTION 2:** That the Vacation Ordinance is hereby amended by deleting Section 4.K. (the Rededication Provision) therefrom.

**SECTION 3:** That all other provisions of the Vacation Ordinance, not amended hereby, shall remain in full force and effect.

**SECTION 4:** That the Director of Community Development is hereby authorized and directed to record a certified copy of this Ordinance with the DuPage County Recorder's Office.

**SECTION 5:** That this Ordinance shall be in full force and effect from and after its passage by a three-fourths (3/4ths) vote of the Trustees holding office, approval and publication in pamphlet form, as provided by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

First reading waived by action of the Board of Trustees this 5<sup>th</sup> day of March, 2020.


Passed on second reading this 5<sup>th</sup> day of March, 2020, pursuant to a roll call vote as follows:

Ayes: Trustee Whittington, Foltyniewicz, Honig, Militello and Ware

Nays: None

Absent: Trustee Puccio

**APPROVED** by me this 5<sup>th</sup> day of March, 2020.

  
Keith Giagnorio, Village President

**ATTEST:**

  
Sharon Kuderna, Village Clerk

Published by me in pamphlet form this 6<sup>th</sup> day of March, 2020.

  
Sharon Kuderna, Village Clerk