

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: David A. Hulseberg, Village Manager *dah*
DATE: April 27, 2011 (B of T) Date: May 5, 2011
TITLE: BOT 11-09: Alley Vacation/Easement Dedication - Maple/Chase/Highland
SUBMITTED BY: Department of Community Development *WLL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance vacating a 12' wide unimproved public alley south of Maple Street, between Chase Avenue and Highland Avenue and granting of a public utility easement. Ordinance 911 dated August 7, 1961 previously approved this vacation/easement but it was never subsequently recorded with DuPage County.

Staff recommends approval of this request.

Staff is requesting a waiver of first reading.

Please place this item on the May 5, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *David A. Hulseberg* _____ Date 4/27/11

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: David A. Hulseberg, Village Manager

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

DATE: May 5, 2011

SUBJECT: BOT 11-09 Alley Vacation/Easement Dedication

Attached is an Ordinance vacating a twelve foot (12') wide portion of an unimproved alley and also granting a public utility easement over the proposed area to be vacated. The unimproved public alley exists south of Maple Street, between Chase Avenue and Highland Avenue. The Corporate Authorities of the Village of Lombard approved the vacation of said twelve foot (12') alley on August 7, 1961 through Ordinance 911; however, Ordinance 911 was never subsequently recorded with DuPage County. The public alley still does not serve the transportation needs of the Village and the abutting residents have functionally been using it as part of their rear yard. There are no public utilities located within the alley right-of-way; however, staff suggests that a public utilities and drainage easement be granted over the area to be vacated.

ACTION REQUESTED

Please place this item on the May 5, 2011 Village Board agenda for consideration. Staff recommends approval of the attached Ordinance and is requesting a waiver of first reading.

ORDINANCE NO. _____

**ORDINANCE VACATING THE UNIMPROVED ALLEY
SOUTH OF MAPLE STREET , BETWEEN CHASE AVENUE AND HIGHLAND
AVENUE AND GRANTING OF A PUBLIC UTILITY EASEMENT**

WHEREAS, a twelve foot (12') wide unimproved public alley exists south of Maple Street, between Chase Avenue and Highland Avenue; and

WHEREAS, the Corporate Authorities of the Village of Lombard approved the vacation of said twelve foot (12') alley on August 7, 1961 through Ordinance 911 and marked Exhibit "A"; and,

WHEREAS, Ordinance 911 was never subsequently recorded with DuPage County; and,

WHEREAS, the public alley still does not serve the transportation needs of the Village; and

WHEREAS, the Corporate Authorities of the Village of Lombard have received a Plat of Vacation and Easement Dedication, attached hereto and marked Exhibit "B"; and,

WHEREAS, said plat proposes to vacate the twelve foot (12') of the aforementioned alley to the adjacent property owners to the west of the proposed area to be vacated; and

WHEREAS, a twelve (12) foot easement for public utilities and drainage will still be required over the area to be vacated; and

WHEREAS the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the alley vacation and accept the grant of easement for public utilities and drainage.

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 unimproved alley south of Maple Street, between Chase Avenue and Highland Avenue hereinafter described:

THE NORTH AND SOUTH 12 FOOT ALLEY LYING SOUTH OF THE NORTH LINE OF LOT 5 AND NORTH OF THE SOUTH LINE OF LOT 9 IN BLOCK 8 IN EDWIN CHASES LILAC LODGE SUBDIVISION BEING IN SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 10, 1925, AS DOCUMENT 197654, IN DUPAGE COUNTY, ILLINOIS.

as shown on the plat attached hereto as Exhibit "A" and designated "hereby vacated" be and the same hereby is vacated.

SECTION 2: That a twelve foot (12') easement for public utilities and drainage purposes is hereby granted over the vacated alley, as depicted on Exhibit "A" attached hereto.

SECTION 3: Pursuant to 65ILCS 5/11-91-1, the owners of the following parcels shall acquire title to the respective twelve foot (12.0') vacated alley that lies immediately adjacent to their property thereto:

- 06-08-217-015 – Ortiz, Cherrie May, 217 S. Chase Ave, Lombard, IL
- 06-08-217-016 - North Star Trust Co, Trust HTUP2235, 221 S. Chase Ave, Lombard, IL
- 06-08-217-017 – Rodriguez, D&B, 225 S Chase Ave, Lombard, IL
- 06-08-217-018 – Chicago Title Land Trust, Trust 8002346333, 229 S. Chase Ave, Lombard, IL
- 06-08-217-019 – Positano, Frank & Cindy, 233 S. Chase Ave, Lombard, IL

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 and approval as provided by law.

Passed on first reading this _____ day of _____, 2011.

First reading waived by action of the Board of Trustees this _____ day of _____, 2011.

Passed on second reading this _____ day of _____, 2011.

Ayes: _____

Nays: _____

Ordinance No. _____

Re: BOT 11-09

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Absent: _____

Approved this _____ day of _____, 2011.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this ___ day of _____, 2011.

Brigitte O'Brien, Village Clerk

Ordinance No. 911

AN ORDINANCE VACATING
PORTION OF PUBLIC ALLEY

WHEREAS, the owners of the property adjoining and abutting the public alley heretofore dedicated as such alley by deed recorded November 13, 1925, as Document No. 203029 and as hereinafter described having petitioned this Board, and this Board after giving this matter due consideration, finds that the public interests will be subserved by the vacation of said alley, and that no public or private interest will be prejudiced thereby, which portion of said alley shall be hereby vacated as shown in red upon the plat hereto attached and made a part of this ordinance; now, therefore:

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois:

Section 1. That that part of the public alley 12 feet wide dedicated by deed as hereinabove set forth and described as follows:

The East 12 feet of Lots 5, 6, 7, 8 and 9 in Block 8, in Edwin Chase's Lilac Lodge Subdivision in the Southeast quarter of the Northeast quarter and the East half of the Southeast quarter of Section 8, Township 39 North, Range 11, East of the Third Principal Meridian, except the right of way of the Chicago, Aurora and Elgin Railroad, according to the plat thereof recorded August 10, 1925 as document 197654, in DuPage County, Illinois,

be and the same is hereby vacated, reserving however, the rights of public utilities to continue to operate, maintain and extend the existing facilities located therein or thereon.


Section 2. That the Village Clerk be and he is hereby directed to file a certified copy of this ordinance and said plat, in the office of the Recorder of Deeds of DuPage County, Illinois.

Section 3. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

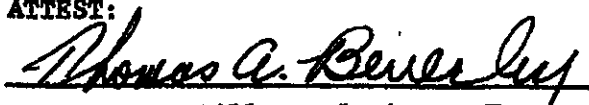
Section 4. That this ordinance shall be in full force and effect from and after its passage and approval according to law.

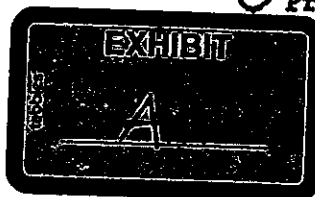
PASSED this 7 day of August, 1961.

APPROVED this 7 day of August, 1961.


President

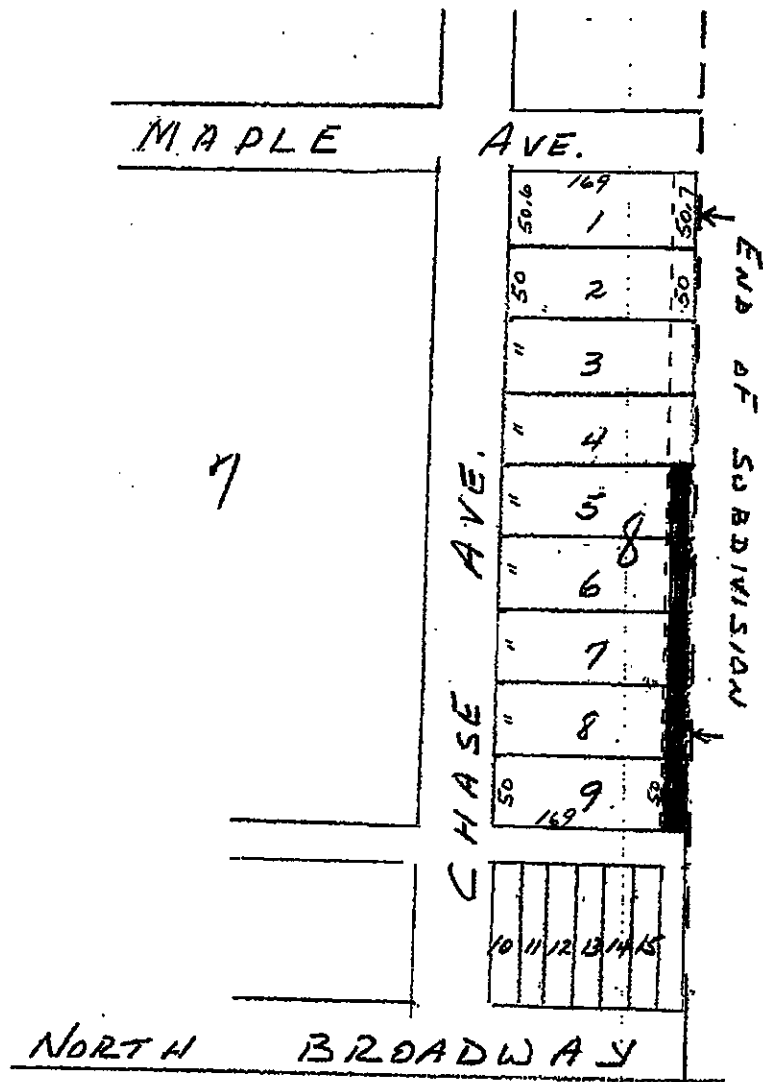
ATTEST:





Plat of vacation of alley indicated by line shown in red hereon and described as follows:

The East 12 feet of Lots 5, 6, 7, 8 and 9 in Block 8, in Edwin Chase's Lilac Lodge Subdivision in the Southeast quarter of the Northeast quarter and the East half of the Southeast quarter of Section 8, Township 39 North, Range 11, East of the Third Principal Meridian, except the right of way of the Chicago, Aurora and Elgin Railroad, according to the plat thereof recorded August 10, 1925 as document 197654, in DuPage County, Illinois.



I, THOMAS A. BEVERLEY, Clerk of the Village of Lombard, do hereby certify that the foregoing is a true and correct copy of ordinance number 911, passed by the President and Board of Trustees of the Village of Lombard on AUGUST 7th, 1961.

Signed, sealed and dated this 11th day of AUGUST, 1961.

Thomas A. Beverley
Village Clerk

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

PLAT OF VACATION AND GRANT OF EASEMENT

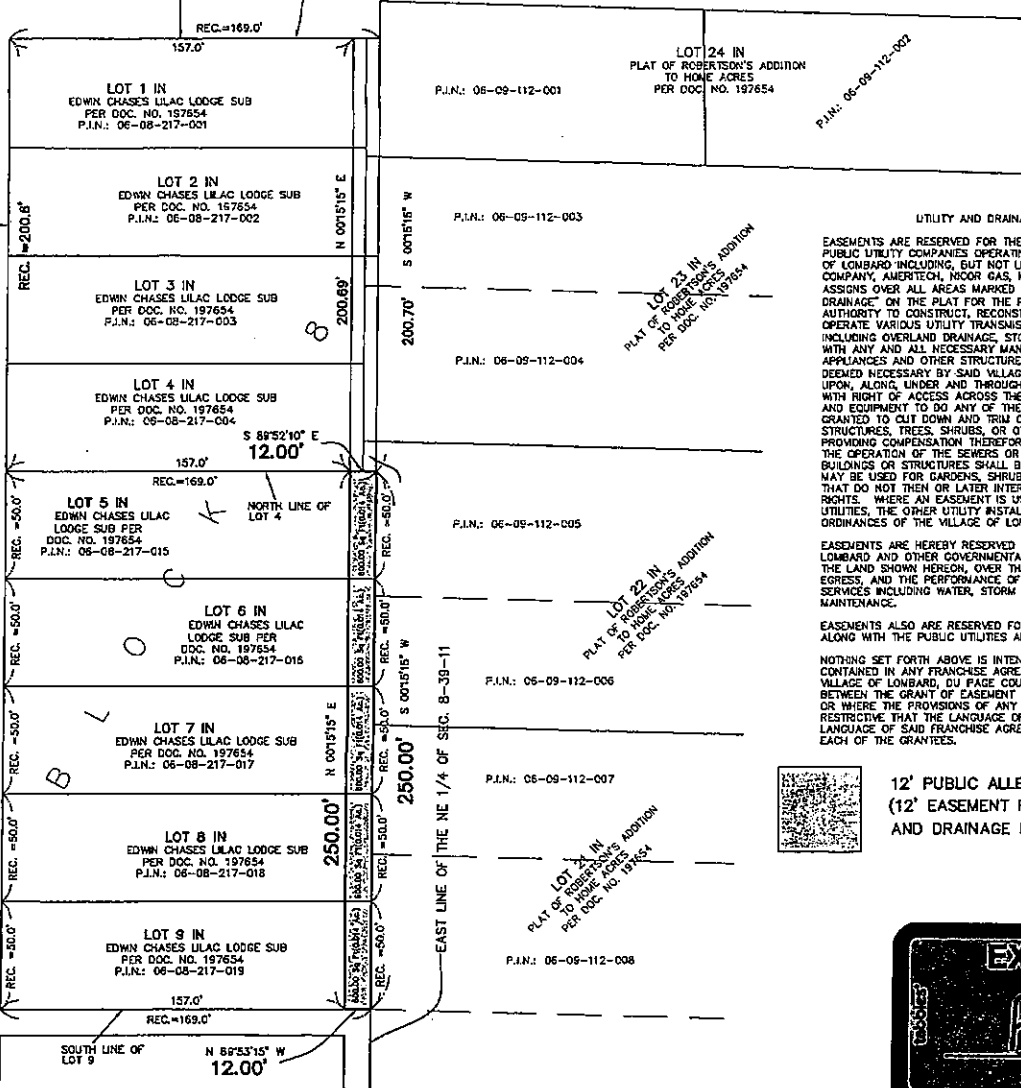
P.L.N.: 06-08-217-015
06-08-217-016
06-08-217-017
06-08-217-018
06-08-217-019



MAPLE STREET

SOUTH LINE OF MAPLE STREET

CHASE AVENUE



UTILITY AND DRAINAGE EASEMENT PROVISIONS

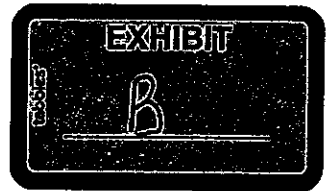
EASEMENTS ARE RESERVED FOR THE VILLAGE OF LOMBARD AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISES FROM THE VILLAGE OF LOMBARD INCLUDING, BUT NOT LIMITED TO, COMMONWEALTH EDISON COMPANY, AMERTECH, HOOR GAS, MEDLAINE, AND THEIR SUCCESSORS AND ASSIGNS OVER ALL AREAS MARKED "EASEMENT FOR 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 THEREFOR ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS 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.

EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF LOMBARD AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SHOWN HEREON, 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.

**12' PUBLIC ALLEY HEREBY VACATED
(12' EASEMENT FOR PUBLIC ACCESS, UTILITIES
AND DRAINAGE EASEMENT HEREBY GRANTED)**



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 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) 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) AND RESERVING UNTO THE VILLAGE A PUBLIC UTILITIES AND DRAINAGE
EASEMENT THEREIN:

THE NORTH AND SOUTH 12 FOOT ALLEY LYING SOUTH OF THE NORTH LINE OF LOT 5 AND
NORTH OF THE SOUTH LINE OF LOT 9 IN BLOCK 8, IN EDWIN CHASES LILAC LODGE
SUBDIVISION, BEING IN SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD
PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 10, 1925, AS
DOCUMENT NO. 197654, IN DUPAGE COUNTY, ILLINOIS.

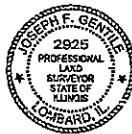
CONTAINING: 3,000.02 Sq Ft (0.07 Ac.)

ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL THIS 7TH DAY OF APRIL A.D. 2011

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2925
MY LICENSE EXPIRES NOVEMBER 30, 2012

GENTILE & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
550 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60148
PHONE (630) 916-6262
FAX (630) 916-6264



PREPARED FOR: VILLAGE OF LOMBARD - DEPT. OF COMMUNITY DEV.
(M. TDH)
DRAWN BY: MMG ILLINOIS PROFESSIONAL DESIGN
ORDER NO.: ORDER NO. 11-20028-A (VACATION) FRM LICENSE NO. 184.002870