

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: William T. Lichter, Village Manager

DATE: August 24, 2005 (B of T) Date: September 1, 2005

TITLE: Vacation of a Portion of the Pleasant Lane Right-of-Way

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development submits for your consideration an ordinance vacating a portion of the Pleasant Lane right-of-way associated with the development of 615 and 617 W. Pleasant Lane.

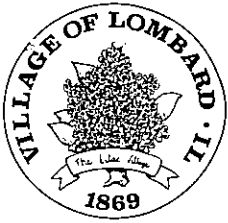
Please place this item on the September 1, 2005 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *W. T. Lichter* \_\_\_\_\_ Date 8/25/04

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 T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP, Director of Community Development *DH*

**DATE:** September 1, 2005

**SUBJECT:** Vacation of Portions of Pleasant Lane Right of Way

On November 18, 2004, the Village Board approved Ordinances annexing the property at 615 and 617 West Pleasant Lane into the Village. This annexation was requested to facilitate the construction of the Buckingham Orchard Townhouse Subdivision project.

As part of the companion annexation agreement, the petitioner is seeking to acquire surplus portions of the Illinois State Toll Highway Authority (ISTHA) property that were originally acquired by the ISTHA as part of their Interstate 355 construction project. The Village Board approved an intergovernmental agreement with Milton Township and the ISTHA earlier this year to facilitate the transfer of ownership of ISTHA lands to the Village. The Village would in turn vacate the excess right of way to the developer of the Buckingham Orchard project. All costs associated with this property transfer will be borne by the developer per the terms of the previously approved annexation agreement.

With the approval of the IGA and the transfer of title of the right of way to the Village complete, the developer is now requesting that the Village vacate excess portions of the right of way per the provisions of the annexation agreement.

### **RECOMMENDATION**

Attached for the Village Board's consideration is a plat of vacation for portions of the Pleasant Lane public right of way. In order to allow the developer of the adjacent property to incorporate the vacated right of way into his final plans and pursuant to Ordinance 5583, staff recommends approval of the plat of vacation.

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE VACATING A PORTION OF THE PLEASANT LANE  
PUBLIC RIGHT OF WAY**

WHEREAS, the Village of Lombard adopted Ordinance 5583 on November 18, 2004 which approved an Annexation Agreement for the properties commonly referred to as 615-617 West Pleasant Lane; and

WHEREAS, a portion of the legally described property subject to the Annexation Agreement was owned by the Illinois State Toll Highway Authority (ISTHA) at the time of annexation of the property into the Village (hereinafter referred to as the "Tollway Property"); and

WHEREAS, the Annexation Agreement set forth provisions between the parties to the Annexation Agreement to do all things necessary or appropriate to cause the ownership of the Tollway Property become vested to the Village for public right-of-way purposes as promptly as practicable after the execution of this Agreement; and

WHEREAS, the Tollway Property was vested to the Village as part of an intergovernmental agreement between the Village, Milton Township and ISTHA; said agreement and dedication recorded as document R2005-107743 on May 24, 2005; and

WHEREAS, pursuant to the provisions of the Annexation Agreement, upon the transfer of ownership/dedication as right-of-way to the Village by ISTHA, the Village agrees vacate a portion of the Tollway Property (less any land required for public right-of-way purposes) to the Developer of the property at 615-617 West Pleasant Lane; and

WHEREAS, a portion of the Tollway Property public-right-of-way no longer serves the motor vehicle transportation needs of the Village (said portion hereinafter referred to as the "Vacation Premises" and depicted on Exhibit "A" attached hereto and made a part hereof); and

WHEREAS the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the right-of-way vacation.

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 a portion of Pleasant Lane Street hereinafter described in Section 2 below and pursuant to Ordinance 5583.

SECTION 2: The following described portion of the Pleasant Lane public right of way:

VACATION PREMISES 1:

THAT PART OF PLEASANT LANE, HERETOFORE DEDICATED TO THE VILLAGE OF LOMBARD ACCORDING TO THE PLAT THEREOF RECORDED MAY 24, 2005 AS DOCUMENT R2005-107743 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 18 IN MILTON TOWNSHIP SUPERVISOR'S ASSESSMENT PLAT NO. 1 (ALSO KNOWN AS: PLEASANT HILLS WEST) OF THE EAST ½ OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 23, 1943 AS DOCUMENT 452574, IN DUPAGE COUNTY, ILLINOIS; THENCE SOUTH 89 DEGREES 23 MINUTES 33 SECONDS EAST ALONG THE NORTH LINE THEREOF, 117.05 FEET; THENCE SOUTH 00 DEGREES 38 MINUTES 29 SECONDS WEST, 49.91 FEET TO THE SOUTH RIGHT OF WAY LINE OF PLEASANT LANE AFORESAID; THENCE SOUTH 84 DEGREES 52 MINUTES 22 SECONDS WEST ALONG SAID SOUTH LINE, 1.20 FEET TO A BEND POINT THEREIN; THENCE NORTH 86 DEGREES 54 MINUTES 25 SECONDS WEST ALONG SAID SOUTH LINE, 115.96 FEET TO A POINT ON THE WEST LINE OF SAID LOT 18; THENCE NORTH 00 DEGREES, 38 MINUTES 29 SECONDS EAST ALONG SAID WEST LINE, 45.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

VACATION PREMISES 2:

THAT PART OF PLEASANT LANE, HERETOFORE DEDICATED TO THE VILLAGE OF LOMBARD ACCORDING TO THE PLAT THEREOF RECORDED MAY 24, 2005 AS DOCUMENT R2005-107743 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 18 IN MILTON TOWNSHIP SUPERVISOR'S ASSESSMENT PLAT NO. 1 (ALSO KNOWN AS: PLEASANT HILLS WEST) OF THE EAST ½ OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 23, 1943 AS DOCUMENT 452574, IN DUPAGE COUNTY, ILLINOIS; THENCE SOUTH 89 DEGREES 23 MINUTES 33 SECONDS EAST ALONG THE NORTH LINE THEREOF AND THE NORTH LINE OF LOT 19 THEREIN, 183.05 FEET TO THE POINT OF BEGINNING; THENCE

CONTINUING SOUTH 89 DEGREES 23 MINUTES 33 SECONDS EAST ALONG SAID NORTH LINE, 102.37 FEET TO AN EAST LINE OF SAID PLEASANT LANE AS DEDICATED AFORESAID; THENCE SOUTH 00 DEGREES 38 MINUTES 50 SECONDS WEST ALONG SAID EAST LINE 33.00 FEET TO THE SOUTH LINE THEREOF; THENCE SOUTH 84 DEGREES 52 MINUTES 22 SECONDS WEST ALONG SAID SOUTH LINE, 102.89 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 29 SECONDS EAST, 43.28 FEET TO THE POINT OF BEGINNING, IN 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 3: Pursuant to 65ILCS 5/11-91-1, the following parcels shall each acquire title to the Vacated Premises that lies immediately adjacent thereto:

05-01-401-044 and 045	615 W. Pleasant Lane, Lombard, IL
06-07-406-047	617 W. Pleasant Lane, Lombard, IL

SECTION 4: That pursuant to Ordinance 5583, any costs associated with the vacation of the Tollway Property, including but not limited to platting costs, legal fees or fees assessed to the Village by ISTHA shall be fully reimbursed by the beneficiary of the vacation prior to recording of the associated plat of vacation.

SECTION 5: 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 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

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk