

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: David A. Hulseberg, Village Manager *deh*
DATE: January 10, 2011 (B of T) Date: January 20, 2011
TITLE: BOT 11-01: Alley Vacation/Easement Dedication - Hickory/Brewster/Edson
SUBMITTED BY: Department of Community Development *WLL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance vacating a portion of the unnamed public alley south of Hickory Street between Brewster Avenue and Edson Street and granting of a pedestrian access and public utility easement.

Staff recommends approval of this request.

Please place this item on the January 20, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

| | |
|------------------------------------|---------------------------|
| Village Attorney X _____ | Date _____ |
| Finance Director X _____ | Date _____ |
| Village Manager X <i>deh</i> _____ | Date <u>1/13/11</u> _____ |

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: January 20, 2011

SUBJECT: BOT 11-01: Alley Vacation/Easement Dedication

Attached is an Ordinance vacating a twenty foot (20') wide portion of an improved alley and also granting a pedestrian access and public utility easement over the proposed area to be vacated. The improved public alley exists south of Hickory Street, between Brewster Avenue and Edson Street. This request is being brought forward by the Village of Lombard, per the past recommendation of the Public Works Committee through its Alley Maintenance Program. The public alley is currently utilized for vehicular access to the adjacent properties and also as a pedestrian walkway. If the alley were vacated to the property owners, an easement would be maintained for public access. There are public utilities located within the alley right-of-way; as such, staff also suggests that a public utilities and drainage easement be granted over the area to be vacated. The western portion of the subject alley was vacated in 2004 per Ordinance #5491. This vacation is identical in scope. A companion ordinance and plat of vacation will also reflect the public access easement. Public Works staff supports the vacation request as it does not serve the motor vehicle transportation needs of the Village.

ACTION REQUESTED

Please place this item on the January 20, 2011 Village Board agenda for consideration. Staff recommends approval of the attached Ordinance.

ORDINANCE NO. _____

ORDINANCE VACATING A PORTION OF THE UNNAMED PUBLIC ALLEY SOUTH OF HICKORY STREET, BETWEEN BREWSTER AVENUE AND EDSON STREET AND GRANTING OF A PEDESTRIAN ACCESS AND PUBLIC UTILITY EASEMENT

WHEREAS, a twenty foot (20') wide public right-of-way exists between the residential properties located at 442 and 500 South Brewster Avenue; and

WHEREAS, said right-of-way is improved with an asphalt surface to provide for pedestrian access and also vehicular access to private detached garages on the abutting properties; and

WHEREAS, a public watermain is located within the public-right-of-way; and

WHEREAS, barriers have been placed within the alley to prevent motor vehicle access between Brewster Avenue and Edson Street; and

WHEREAS, the public-right-of-way no longer serves the motor vehicle transportation needs of the Village; and

WHEREAS, the public-right-of-way still serves the pedestrian needs of the Village; and

WHEREAS, the public-right-of-way still serves the utility needs of the Village; 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, provided that easements for public pedestrian access and for public utilities are granted over the right-of-way proposed to be vacated.

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 portion of the unnamed alley south of Hickory Street, between Brewster Avenue and Edson Street hereinafter described:

THE EAST AND WEST 20 FOOT ALLEY LOCATED BETWEEN THE SOUTH LINE OF LOT 5 BLOCK 4 IN LOMBARD FARMS SUBDIVISION BEING IN SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 15, 1917, AS DOCUMENT NO. 128539, AND THE NORTH LINE OF LOT 6 IN OWNERS RESUBDIVISION OF LOTS 1 AND 2 IN BLOCK 5 IN LOMBARD FARMS SUBDIVISION SECTION 7, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, OCTOBER 6, 1927, AS DOCUMENT NO. 244342 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 twenty foot (20') easement for public pedestrian access, 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 ten feet (10.0') of the vacated alley that lies immediately adjacent to their property thereto:

06-07-406-024 – Barowski, Wayne & Susan, 442 S. Brewster Ave., Lombard, IL

06-07-406-025 – Egan, Thomas & Carol, 500 S. Brewster Ave., Lombard, IL

SECTION 4: That no fences shall be erected within the easement noted in Section 4 above.

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 _____, 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: _____

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Re: BOT 11-01
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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



ALLEY VACATION
BREWSTER/EDSON
ALLEY

SCALE:
 1"=50'

NOV 2010

PROPOSED ALLEY VACATION



VACATED 5/18/2004
 ORD #5491

BREWSTER AV

EDSON ST

429 434 434 436 442 1606 ft 1499 ft 500 504 508 512 429 433 439 443 501 505 511 515 426 434 438 500 504 506 512