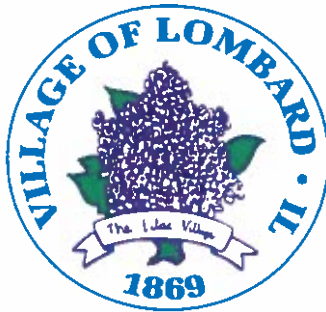


**ORDINANCE 7362
PAMPHLET**

**VACATION OF ELIZABETH STREET RIGHT-OF-WAY
NORTH OF ROOSEVELT ROAD, RELATIVE TO PC 17-11,
CARRIAGE ANIMAL CLINIC, 244 W. ROOSEVELT ROAD**



**PUBLISHED IN PAMPHLET FORM THIS 21ST DAY OF APRIL, 2017, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.**

Sharon Kuderna

**Sharon Kuderna
Village Clerk**

ORDINANCE NO. 7362

**AN ORDINANCE VACATING A PORTION OF
ELIZABETH STREET, IMMEDIATELY NORTH OF ROOSEVELT ROAD**

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

SECTION 1: That the President and Board of Trustees of the Village of Lombard (hereinafter the "Village") find as follows:

- A. Pursuant to 65 ILCS 5/11-91-1, an ordinance vacating a right-of-way can provide that it shall not become effective until the owner(s) of the property abutting the right-of-way, or the owner(s) of a particular parcel of property abutting the right-of-way, to be vacated, pay(s) compensation to the municipality in an amount which, in the judgment of the corporate authorities, shall be the fair market value of the property acquired or of the benefits which will accrue to said owner(s) by reason of the vacation.
- B. Pursuant to 65 ILCS 5/11-91-1, if the ordinance vacating a street provides that only the owner of a particular parcel abutting upon the street to be vacated shall make the aforementioned compensation payment, then said owner of said particular parcel shall acquire title to the entire vacated street.
- C. That the fair market value of the dedicated, but unimproved, right-of-way, as described in Section 3 below (hereinafter, the "Vacated Street") is Seventy-Five Thousand and No/100 Dollars (\$75,000.00).
- D. That Seventy-Five Thousand and No/100 Dollars (\$75,000.00) is only the fair market value of the Vacated Street when the vacation of said Vacated Street is made subject to the conditions set forth in Section 4 below.
- E. That the owner of the following-described property:

Lot 1 in Hearle's Consolidation Plat, a part of the Southeast 1/4 of Section 18, Township 39 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois;

P.I.N.: 06-18-420-027;

Common Address: 244 West Roosevelt Road,
Lombard, Illinois 60148;

(hereinafter the "Abutting Property Owner") shall make payment to the Village for the entire compensation due relative to the street vacation referenced in Section 3 below, as more specifically set forth in Section 4 below.

SECTION 2: It is hereby determined that the public interest will be subserved by vacating the Vacated Street, as hereinafter described, subject to the conditions set forth in Section 4 below.

SECTION 3: The following-described right-of-way:

That portion of the sixty-six (66) foot wide Elizabeth Street right-of-way lying East of and adjacent to Lot 1 in Hearle's Consolidation Plat, a part of the Southeast 1/4 of Section 18, Township 39 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois;

as shown on the plat of vacation attached hereto as Exhibit A, and made part hereof, [an original thereof to be provided by the Village, in final form, suitable for recording, upon the Abutting Property Owner depositing with the Village the amount estimated by the Village to cover the costs for document and plat preparation, recording costs and all third party fees necessary to complete the vacation], and designated "hereby vacated" on said plat of vacation, be and the same hereby is vacated, subject to the conditions listed in Section 4 below.

SECTION 4: That this Ordinance shall be subject to the following:

- A. The Abutting Property Owner making the monetary deposit referenced in Section 3 above, within thirty (30) days of the approval date of this Ordinance.
- B. The payment by the Abutting Property Owner of compensation to the Village in the amount of Seventy-Five Thousand and No/100 Dollars (\$75,000.00) shall be deposited with the Village within thirty (30) days of the approval date of this Ordinance.
- C. The retention of a public utility and drainage easement, in the form attached hereto as Exhibit B, and made part hereof, in, across, over and under the entire Vacated Street, with said easement language to be set forth on the plat of vacation attached hereto as Exhibit A.

SECTION 5: Pursuant to 65 ILCS 5/11-91-1, the Abutting Property Owner shall acquire title to the Vacated Street, upon the recording of a certified copy of this Ordinance and the plat of vacation attached hereto as Exhibit A.

SECTION 6: That, in the event that the payments provided for in Sections 4.A. and 4.B. above are not received by the Village within thirty (30) days of the approval date of this Ordinance, this Ordinance shall be null and void and of no further effect, the recording as referenced in Section 7 below shall not take place, and the Corporate Authorities of the Village shall take the appropriate action to formally repeal this Ordinance.

SECTION 7: That, upon the Village's receipt of the payments referenced in Sections 4.A. and 4.B. above, the Director of Community Development is hereby directed to record the original signature copy of this Ordinance, along with the original plat of vacation and a certification by the Village Clerk as to the Ordinance being the original Ordinance, with the DuPage County Recorder of Deeds.

SECTION 8: 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, and approval, as required by law.

Passed on first reading this 6th day of April, 2017.

First reading waived by action of the Board of Trustees this ____ day of April, 2017.

Passed on second reading this 20th day of April, 2017.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None

Absent: None

Approved this 20th day of April, 2017.


Keith T. Giagnorio
Village President

ATTEST:



Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this 21st day of April, 2017



Sharon Kuderna
Village Clerk

Exhibit A

Plat of Vacation

(attached)

PLAT OF VACATION AND EASEMENT GRANT

THE EAST 33.0 FEET OF LOT 11 AND THE WEST 33.0 FEET OF LOT 12 IN BLOCK 9 IN ROOSEVELT CREST, A SUBDIVISION IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 12, 1930, AS DOCUMENT 29885, IN DUPAGE COUNTY, ILLINOIS.



COUNTY RECORDER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN THE
RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS ON THIS _____ DAY OF _____
A.D. 20____ AT _____ O'CLOCK, AND
WAS RECORDED IN BOOK _____ OF PLATS ON PAGE _____

BY: _____
RECORDER OF DEEDS
DUPAGE COUNTY

COMMUNITY DEVELOPMENT CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
APPROVED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF THE VILLAGE
OF LOWLAND THIS _____ DAY OF _____ A.D. 20____

BY: _____
DIRECTOR OF COMMUNITY DEVELOPMENT, VILLAGE OF LOWLAND

VILLAGE BOARD CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF
LOWLAND, ILLINOIS THIS _____ DAY OF _____ A.D. 20____

PRESIDENT: _____
VILLAGE CLERK: _____

PUBLIC UTILITY EASEMENT PROVISIONS
"An easement is reserved for the Village of Lowland on the plat for the perpetual right, privilege and authority to construct, reconstruct, repair, brack, maintain, and operate a public water main, public sanitary sewer, and public storm sewer, together with any and all necessary appurtenances as may be deemed necessary by said Village sewer, water, sludge, 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 fence, temporary structures, trees, shrubs, or other plants which may be found on the easement. The right is also granted to the Village to interfere with the operation of the water main, sanitary sewer, and storm sewer. The permanent buildings shall be placed on said easement, but same may be used for permanent, gardens, shrubs, landscaping and other purposes that do not then or later interfere with the intended uses of rights."
Easement is hereby granted to the Village of Lowland for the purposes stated herein, and the continuation of easement shall be granted to the Village of Lowland for the purposes stated herein.

SUBMITTED BY AND RETURN TO:
VILLAGE OF LOWLAND
223 EAST WILSON AVENUE
LOWLAND, ILLINOIS 60148

ABBREVIATIONS
PR = PUBLIC RECORDS OF OFFICE
F&S = FIRM OF SURVEYORS
F&E = FIRM OF ENGINEERS

SURVEYOR'S STATEMENT
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
COUNTY OF NAME)

THIS PLAT WAS PREPARED UNDER MY SUPERVISION FOR THE PURPOSES HEREIN SET FORTH
COMPASS SURVEYING, LTD.
PROFESSIONAL DESIGN FIRM
LAND SURVEYOR CORPORATION NO. 184-002778
LICENSE EXPIRES 4/30/2017

BY: _____ DATE _____
DAVID P. PRUSKI
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3357
LICENSE EXPIRES 11-30-18

COMPASS SURVEYING LTD. ALTA SURVEYORS & TOPographers & ENGINEERS (I.C. & S.E.) 2511 DINGLER RD. #100 PARKWAY STE. 100 JOLIET, IL 61731 PHONE: 815-894-1100 FAX: 815-894-7438 EMAIL: ADMIN@COMPASSSURVEYING.COM	PROJECT: CARRIAGE ANIMAL HOSPITAL 2418th Street East Lowland, Illinois	DATE: 05-14-17 PE: N/A DRAWN BY: JAR CHECKED BY: JAR USER: N/A PLOT: N/A	DATE: 5/29/17 BY: JAR DATE: 7/29/17 BY: JAR
	CLIENT: Advantage Consulting Engineers, L.L.C. 2418th Street East Lowland, Illinois	PROJECT NO: 17-001 PROJECT TITLE: CARRIAGE ANIMAL HOSPITAL PROJECT LOCATION: 2418th Street East, Lowland, Illinois	

Exhibit B

Public Utility and Drainage Easement

A perpetual easement and right-of-way for the full and free right, privilege and authority to clear, trench for, construct, install, reconstruct, replace, remove, repair, alter, inspect, maintain and operate public utilities and drainage improvements including, but not limited to, water, sanitary sewer, storm sewer, overland storm water flows, electricity, telecommunications, natural gas and cable television, and all facilities incidental thereto, is hereby retained by the Village of Lombard, any and all public utility companies, and those cable television companies/video programming providers with a franchise agreement from the Village or a permit issued by the Illinois Commerce Commission (hereinafter collectively the "Easement Recipients") in, on, upon, over, through, across and under the entire portion of vacated Stewart Avenue (hereinafter the "Easement Premises").

The officers, agents or employees of the Easement Recipients, whenever elected, appointed or hired, may at any and all times designated herein, when necessary and convenient to do so, go in, on, upon, over, through, across and under the Easement Premises, and do and perform any and all acts necessary or convenient to the carrying into effect the purposes for which the easements created hereby are retained, and the owners of the Easement Premises shall not disturb, molest, injure or in any manner interfere with, or in any way restrict access to, the aforesaid public utilities and/or drainage improvements, and all facilities and activities incidental thereto.

The owner of the Easement Premises shall have the right to make any use of the Easement Premises, whether on, above or below its surface, for any lawful purpose, except that any use shall not interfere in any manner with the easements and uses by the Easement Recipients hereby retained and authorized.

The right is also granted to the Easement Recipients to trim or remove any trees, shrubs or other plants, or remove any structures on the Easement Premises, that interfere with the operation of the public utilities and/or drainage improvements.

The perpetual easement created hereby in, on, upon, over, through, across and under the Easement Premises shall run with the land.