

**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:** Scott R. Niehaus, Village Manager

**DATE :** February 25, 2020 (BOT) Date: March 5, 2020

**SUBJECT:** Ordinance Amending Ordinance 5803 Relative to a Vacation of the Lombard Road Right-of-Way

**SUBMITTED BY:** William J. Heniff, AICP, Director of Community Development 

**BACKGROUND/POLICY IMPLICATIONS:**

In 2006 as part of the establishment of the DuPage O'Hare Business Center Planned Development, the Village Board approved an ordinance vacating a portion of Lombard Road, near 1301 N. Lombard Road and abutting Commonwealth Edison utility rights-of-way. The ordinance vacated the right-of-way, but reserved the right for the Village to reacquire the vacated a portion of the right-of-way between 2026 and 2031, if so desired. The attached map depicts the vacated area.

In order to facilitate a pending Plan Commission application for Site Plan Approval for a development proposal on the property which includes the vacated area, the property owner and staff request a waiver of first reading of the Ordinances. This Ordinance requires 3/4 vote (5 of 6) of the Village Board of Trustees in order to approve

**Fiscal Impact/Funding Source:**

Review (as necessary):  
Finance Director \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager \_\_\_\_\_ Date \_\_\_\_\_

**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:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**MEETING DATE:** March 5, 2020

**SUBJECT:** **Ordinance Amending Ordinance 5803 Relative to a Vacation of the Lombard Road Right-of-Way**

In 2006 as part of the establishment of the DuPage O'Hare Business Center Planned Development, the Village Board approved an ordinance vacating a portion of Lombard Road, near 1301 N. Lombard Road and abutting Commonwealth Edison utility rights-of-way. The ordinance vacated the right-of-way, but reserved the right for the Village to reacquire the vacated a portion of the right-of-way between 2026 and 2031, if so desired. The attached map depicts the vacated area.

The Village received a pending development application for on the subject property which abuts the vacated right-of-way area and is envisioned to be utilized for private parking and circulation purposes. However, given that the vacated area in question could be subject to a rededication, the property owner and prospective purchaser are seeking that the Village take actions to remove the reversion provision. The attached ordinance serves to amend and the delete the rededication option.

### ACTION REQUESTED

Please find the ordinance attached for your consideration and placement on the March 5, 2020 Village Board meeting. The Ordinance would delete the reversion provision set forth within the previously adopted Ordinance 5803.

In order to facilitate a pending Plan Commission application for Site Plan Approval for a development proposal on the property which includes the vacated area, the property owner and staff request a waiver of first reading of the Ordinances.

This Ordinance requires 3/4ths vote (5 of 6) of the Village Board of Trustees in order to approve.



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

**AN ORDINANCE AMENDING ORDINANCE NO. 5803,  
ADOPTED JANUARY 19, 2006, ENTITLED,  
“AN ORDINANCE VACATING A PORTION OF LOMBARD ROAD RIGHT-OF-WAY  
ABUTTING THE PROPERTY AT 1301 NORTH LOMBARD ROAD”, TO DELETE  
THE REDEDICATION OPTION PROVISION AS CONTAINED THEREIN**

**WHEREAS**, pursuant to Ordinance No. 5803, adopted January 19, 2006, entitled, “An Ordinance Vacating a Portion of Lombard Road Right-of-Way Abutting the Property at 1301 North Lombard Road”, and recorded with the DuPage County Recorder’s Office as document number R2006-038983 on March 3, 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 NORTH LINE OF THE COMMONWEALTH EDISON RIGHT-OF-WAY AND NORTH OF THE SOUTH 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 immediately North of, and accessed through, the Vacated Right-of-Way (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 \_\_\_\_ day of \_\_\_\_\_, 2020.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2020, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Keith Giagnorio, Village President

**ATTEST:**

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published by me in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk