

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: Scott R. Niehaus, Village Manager

DATE: March 24, 2014 (B of T) Date: April 3, 2014

TITLE: Acquisition of Real Property – IDOT/Fairfield Avenue

SUBMITTED BY: Department of Community Development *itv*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a resolution authorizing the signature of the Village President on a letter of intent relative to a jurisdictional transfer of right of way from the Illinois Department of Transportation to the Village Of Lombard. (DISTRICT #3)

Staff recommends approval of this resolution.

Please place this item on the April 3, 2014 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____


Finance Director X _____ Date _____

Village Manager X _____ 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 

DATE: April 3, 2014

RE: Acquisition of Real Property – IDOT/Fairfield Avenue

With an improving economy, staff has been working with representatives associated with the Ross Property located at 621 E. Butterfield Avenue. Staff is aware of prospective development opportunities that would result in a redevelopment of their property and possibly other neighboring tracts. As part of this effort, staff has been reviewing the existing right-of-way controlled by the Illinois Department of Transportation (IDOT) at Butterfield Road and Fairfield Avenue and has been exploring options as to how address future development opportunities and improve traffic circulation in the area.

Staff has had ongoing dialogue with IDOT representatives regarding the possible release and acquisition of surplus right of way. Through these extensive discussions and review, IDOT has determined that a portion of their existing right of way could be released. Following IDOT protocols, IDOT could transfer the ownership of right of way to another highway authority, i.e., Village of Lombard, which requires no compensation as long as the right of way still is used in the same manner as it is at present. In instances where the conveyance is to another highway authority, the conveyance instrument (quit claim deed) must state that the transfer is subject to IDOT approval of any future vacation or disposal of the property, which would likely require compensation to IDOT for non-public use.

Following their procedures, IDOT has transmitted the attached correspondence and is seeking the Village Board's intent to accept and acquire a portion of their right-of-way as depicted on the attached exhibit.

From a Public Works maintenance perspective, this release to the Village is not anticipated to affect their operations, as a 1968 inter-governmental agreement (IGA) previously transferred maintenance operations to the existing frontage road to the Village.

This transfer would provide flexibility to the Village should redevelopment opportunities present themselves and would simplify any such future transfers to a private entity, if deemed appropriate. Should such a real estate sale occur in the future, compensation for the value of the real estate shall be required.

ACTION REQUESTED

Please place this item on the April 3, 2014 Village Board agenda. Staff is seeking approval from the Village Board to authorize the signature of President Giagnorio on a letter of intent to transfer the rights to IDOT right of way to the Village of Lombard.

If you have questions, please contact me.

H:\CD\WORDUSER\Director\Bill\Memos\SN ac of real estate IDOT Fairfield Av res cover memo.doc

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE SIGNATURE OF THE VILLAGE PRESIDENT
ON A LETTER OF INTENT
RELATIVE TO A JURISDICTIONAL TRANSFER OF RIGHT OF WAY
FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION
TO THE VILLAGE OF LOMBARD**

WHEREAS, the Illinois Department of Transportation (IDOT) is the owner of real estate located within the Corporate limits of the Village of Lombard (the ‘Village’) for public right of way purposes; and

WHEREAS, among IDOT’s right of way holdings is a real estate tract, depicted on Exhibit “A” and attached hereto (hereinafter “the Subject Property”); and

WHEREAS, IDOT has determined that ownership of the Subject Property is no longer necessary by IDOT to meet its transportation purposes; and

WHEREAS, it is the intent of IDOT and the Village to enter into a binding agreement to transfer the rights of the Subject Property from IDOT to the Village; and

WHEREAS, in order to memorialize the Village’s intent and desire to acquire the Subject Property, IDOT has requested the Village, by Resolution, execute the attached letter of intent attached hereto; and

WHEREAS, the Corporate Authorities of the Village find it to be in its best interest to execute the transfer of the Subject Property to meet existing transportation needs of the community as well as the potential for future redevelopment of the Subject Property.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That the Village President be and hereby is authorized to sign the attached Letter of Intent and requests that IDOT proceed with the necessary work to transfer the subject Property from IDOT to the Village of Lombard.

Passed on _____ reading this _____ day of _____, 2014.

Ayes: _____

Nays: _____

Resolution No. _____
Page 2

Absent: _____

Approved this _____ day of _____, 2014.

Keith T. Giagnorio
Village President

ATTEST:

Janet Downer, Deputy Village Clerk



Illinois Department of Transportation

Division of Highways/Region One / District One
201 West Center Court/Schaumburg, Illinois 60196-1096



BUREAU OF LAND ACQUISITION

Route: IL 56 (Butterfield Rd)
Location: Frontage Rd at the SEQ of IL 56 & Fairfield Ave, Lombard
County: DuPage
Parcel: 1WY1109
RE: Letter of Intent

March 12, 2014

Mr. William J. Heniff
Director of Community Development
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148-3926

Dear Mr. Heniff:


Enclosed is the Illinois Department of Transportation (Department) Letter of Intent. Please review this letter and indicate on page 2 whether or not the Village of Lombard wishes to proceed with the transfer of property as described on attached Exhibit "A".

Please return the Letter of Intent to the Department with your decision so that the transfer process may/may not proceed.

If you should have any questions, please contact Mike Cullian, Department Property Manager, at (847) 705-4280.

Very truly yours,

John A. Fortmann, P.E.
Deputy Director of Highways,
Region One Engineer

By: 
John McDonough
Bureau Chief of Land Acquisition



Illinois Department of Transportation

Division of Highways/District 1
201 West Center Court/Schaumburg, Illinois 60196-1096

March 3, 2014

Mr. Keith T. Giagnorio
Village President
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148-3926

LETTER OF INTENT

Dear Mr. Giagnorio:

This letter will document the intent of the Village of Lombard and the Illinois Department of Transportation (Department) to enter into a binding agreement to transfer the Department's rights to the property hereinafter described.

See attached Exhibit A

The Department will prepare the conveyance documents in accordance with 605 ILCS 5/4-508d and have them recorded in the DuPage County Recorder's Office.

The Village of Lombard understands that the conveyance documents will include only property deemed necessary for public use. The Village of Lombard agrees that this property must continue to be used for public purposes.

The Village of Lombard further understands that no part of the transferred property can be vacated or disposed of without the approval of the Department, which may require compensation for non-public use. The deed of conveyance from the Department to the Village of Lombard will include specific language to reserve this right to approve future conveyances.

In order to document the Village of Lombard's acceptance of the property transfer, we ask that the Village of Lombard's Board of Trustees by Resolution, authorize you to sign the enclosed Letter of Intent. Please return the copy with your original signature as well as a copy of the Village of Lombard's Board of Trustees' Resolution, to the following:


John McDonough
Bureau Chief of Land Acquisition
Illinois Department of Transportation
201 W. Center Ct.
Schaumburg, IL 60196

Mr. Keith T. Giagnorio
March 3, 2014
Page Two

If you should have any questions, please contact Mike Cullian, Department Property Manager, at 847-705-4280.

Very truly yours,

John A. Fortmann, P.E.
Deputy Director of Highways
Region One Engineer

By: 
Jose Rios, P.E.
Program Development Engineer

Enclosures

Please indicate the appropriate response by placing a check in the box adjacent to one of the alternatives listed below:

- ☐ The Village of Lombard has received the terms outlined in this letter of Intent and requests the Department to proceed with the necessary work to transfer the property from the Department to the Village of Lombard.
- ☐ The Village of Lombard does NOT accept the terms outlined in this Letter of Intent and instructs the Department to take no further action.

Accepted: _____ Date: _____
Village of Lombard

EXCESS RIGHT OF WAY PLAT


[illegible]

BEARINGS ARE REFERENCED TO THE KILN'S STATE PLATE COORDINATE SYSTEM. IN 083 XXIX ADJUSTMENT LEAST ZONE.

- IRON PIPE OR ROD FOUND @ 400' MAIL SET
CUT CROSSING ROAD ON SET @ 5' N BEARING SET
THOSE STRINGS REFERENCE FOUND ON SET MONUMENTATION, SET 5/4 INCH
CUT CROSSING REFERENCE FOUND TO THE ROAD IRON PIPE IDENTIFIED BY
COLORED PLASTIC CAP BEARING REFERENCE FOUND ON SET MONUMENT
THOSE TAPES IN CULTIVATED AREAS REFERENCE FOUND ON SET MONUMENT
BARRIED 5/4 INCH IRON ROD TO 20 INCHES DEEPER GROUND TO MARK FUTURE CAP
IRON SHADE IDENTIFIED BY COLORED PLASTIC CAP BEARING
SURVEYORS REGISTRATION NUMBER.
SET DIVISION OF HIGHWAYS SURVEY
DATA AND SURVEYS REGISTRATION NUMBER, IDENTIFIED BY IDENTIFICATION
NUMBER TO MONUMENT THE POSITION SURVEYORS IDENTIFIED BY IDENTIFICATION
DATA AND SURVEYS REGISTRATION NUMBER.
STAKING OF PROPOSED RIGHT OF WAY IN CULTIVATED AREAS.
BARRIED 5/4 INCH IRON ROD TO 20 INCHES DEEPER GROUND TO MARK FUTURE CAP
SURVEYS REGISTRATION NUMBER.
PERMANENT SURVEY MONUMENT, 12.0x1.1, STANDARD 2105 110 DE SET BY OTHERS
RIGHT OF WAY STAKING PROPOSED TO BE SET.

STATE OF ILLINOIS)
COUNTY OF)
SS)
)

THIS IS TO CERTIFY THAT A LARGE NUMBER OF PROFESSIONAL LAND SURVEYORS HAVE SURVEYED THE EXCESS RANGES IN THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE 10TH PRINCIPAL MERIDIAN, JOHNSON COUNTY, IOWA. THE SURVEY IS TRUE TO THE ORIGINAL RECORDS AND COMPLETELY ACCORDING TO THE ORIGINAL RECORDS. THE PLAT CORRECTLY REPRESENTS SAID SURVEY. THAT ALL RECORDS FORMED AND ESTABLISHED ARE OF PERMANENT QUALITY AND THAT THE SURVEY IS TRUE TO THE ORIGINAL RECORDS. THE RECORDS ARE DEPOSITED WITH THE SUPERINTENDENT OF EMPOWERMENT, STATE OF ILLINOIS, FOR THE DEPARTMENT OF TRANSPORTATION. SURVEY TO BE RETAINED. MADE FOR THE STATE OF ILLINOIS.

DATED AT DOWNERS GROVE, ILLINOIS THIS 3rd DAY OF DECEMBER 1900 A.D.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2891
LICENSE EXPIRATION DATE: NOVEMBER 30, 2014

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

2615 Worreville Road, Suite 201, Downers Grove, IL 60535
630.785.8118 voice, 630.835.1566 fax

www.mpi.com
MILLENNIA PROFESSIONAL SERVICES

DOT USE ONLY

PLAT OF HIGHWAYS

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION
IL-56 (FA ROUTE 131) (BUTTERFIELD ROAD)

APARTS AT FAIRFIELD AVENUE

+00.03
JOB NO. R-91-999-90

OF 1 SHEETS

BUREAU OF LAND ACQUISITION
204 16th St., Sacramento, California 95833

REVISION DATE: / / REVISION MADE BY:

Point Number	Northing	Easting
3	1003097.574	1074341.719
4	1003027.305	1074163.547
5	1003076.417	1074413.972
6	1003075.630	1074308.013
7	1003053.995	1074175.281
105	1003055.092	1074338.241

PARCEL NUMBER	OWNER	AREA (ACRES)	ACQUIRED BY
1st 109	ILLINOIS DEPARTMENT OF TRANSPORTATION	0.438	