

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 *dah*

DATE: January 10, 2011 (B of T) Date: January 20, 2011

TITLE: BOT 11-02: Alley Vacation/Easement Dedication – Martha/Parkside/Randolph

SUBMITTED BY: Department of Community Development *WB*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance vacating a portion of the unnamed public alley west of Martha Street between Parkside Avenue and north of Randolph Street and granting of a 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 *dah* _____ Date 1/13/11

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 11-02: Alley Vacation/Easement Dedication

Attached is an Ordinance vacating a twenty foot (20') wide portion of an unimproved alley and also granting a public utility easement over the proposed area to be vacated. The unimproved public alley exists west of Martha Street, between Parkside Avenue and Randolph 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 alley is unimproved and the abutting residents have functionally used it as part of their rear yard in the past. There are no public utilities located within the alley right-of-way; however, staff suggests that a public utilities and drainage easement be granted over the area to be vacated. Public Works staff supports the vacation request as it does not serve the 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
WEST OF MARTHA STREET , BETWEEN OF PARKSIDE AVENUE AND
RANDOLPH STREET AND GRANTING OF A PUBLIC UTILITY EASEMENT**

WHEREAS, a twenty foot (20') wide unimproved public alley exists west of Martha Street, between Parkside Avenue and Randolph Street; and

WHEREAS, the public alley does not serve the transportation needs of the Village; and

WHEREAS, the Corporate Authorities of the Village of Lombard have received a Plat of Vacation and Easement Dedication, attached hereto and marked Exhibit "A"; and,

WHEREAS, said plat proposes to vacate the twenty foot (20') of the aforementioned alley to the adjacent property owners to the east and west of the proposed area to be vacated; and

WHEREAS, a twenty (20) foot easement for public utilities and drainage will still be required over the area to be vacated; and

WHEREAS the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the alley vacation and accept the grant of easement for public utilities and drainage.

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 west of Martha Street, between Parkside Avenue and Randolph Street hereinafter described:

A 20 FOOT WIDE NORTH SOUTH PUBLIC ALLEY LYING SOUTH OF AND ABUTTING THE PARKSIDE AVENUE RIGHT OF WAY AS SHOWN BY THE RESUBDIVISION BY N. MATSON AND OTHERS, RECORDED OCTOBER 18, 1873 PER DOCUMENT NO. 16948, AND CANTEBURY'S PARKSIDE RESUBDIVISION RECORDED OCTOBER 8, 1923 PER DOCUMENT NO. 170300, AND LYING NORTH OF AND ABUTTING RANDOLPH STREET RIGHT OF WAY AS SHOWN BY CANTEBURY'S PARKSIDE RESUBDIVISION AFORESAID, ALL IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 8,

TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL
MERIDIAN, 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 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:

- 06-08-112-001 – Collin, John & Mary, 101 S. Charlotte St., Lombard, IL
- 06-08-112-002 – Watry, Bruce F & P A, 103 S. Charlotte St., Lombard, IL
- 06-08-112-003 – Novak, Robert D, 107 S. Charlotte St., Lombard, IL
- 06-08-112-004 – Janisch, Bradley & J, 109 S. Charlotte St., Lombard, IL
- 06-08-112-005 – Spallone, Joseph Jr., 113 S. Charlotte St., Lombard, IL
- 06-08-112-006 – Beemer, Richard & Mary Lou, 117 S. Charlotte St., Lombard, IL
- 06-08-112-007 – Puzan, Benard W & Anne D, 123 S. Charlotte St., Lombard, IL
- 06-08-112-008 – Gregory, Lucette, 127 S. Charlotte St., Lombard, IL
- 06-08-112-009 – Elger, Kathyrn, 133 S. Charlotte St., Lombard, IL
- 06-08-112-010 – DiFino, Barbara A, 137 S. Charlotte St., Lombard, IL
- 06-08-112-011 – D'Ambrosia, Jacqueline, 102 S. Martha St., Lombard, IL
- 06-08-112-012 – Bach, Richard & Janis L, 112 S. Martha St., Lombard, IL
- 06-08-112-013 – Greenfield, David & Lisa, 114 S. Martha St., Lombard, IL
- 06-08-112-014 – Jalayerian, Mehdi, 118 S. Martha St., Lombard, IL
- 06-08-112-015 – Davis, Terry & Bonita, 122 S. Martha St., Lombard, IL
- 06-08-112-016 – Brandt, Dora J, 130 S. Martha St., Lombard, IL
- 06-08-112-017 – Pelz, Dennis W & Katie, 134 S. Martha St., Lombard, IL
- 06-08-112-018 – Bowler, Roberta P, 138 S. Martha St., Lombard, IL
- 06-08-112-019 – Ferguson, Carl J & G N, 144 S. Martha St., Lombard, IL
- 06-08-112-020 – Surface, Rajcan & Yuanna, 146 S. Martha St., Lombard, IL
- 06-08-112-021 – Venchus, Thomas & Sharon, 150 S. Martha St., Lombard, IL
- 06-08-112-022 – McMillen, James L, 154 S. Martha St., Lombard, IL

SECTION 4: 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 5: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Ordinance No. _____

Re: BOT 11-02

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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: _____

Absent: _____

Approved this _____ day of _____, 2011.

William J. Mueller, Village President

ATTEST:

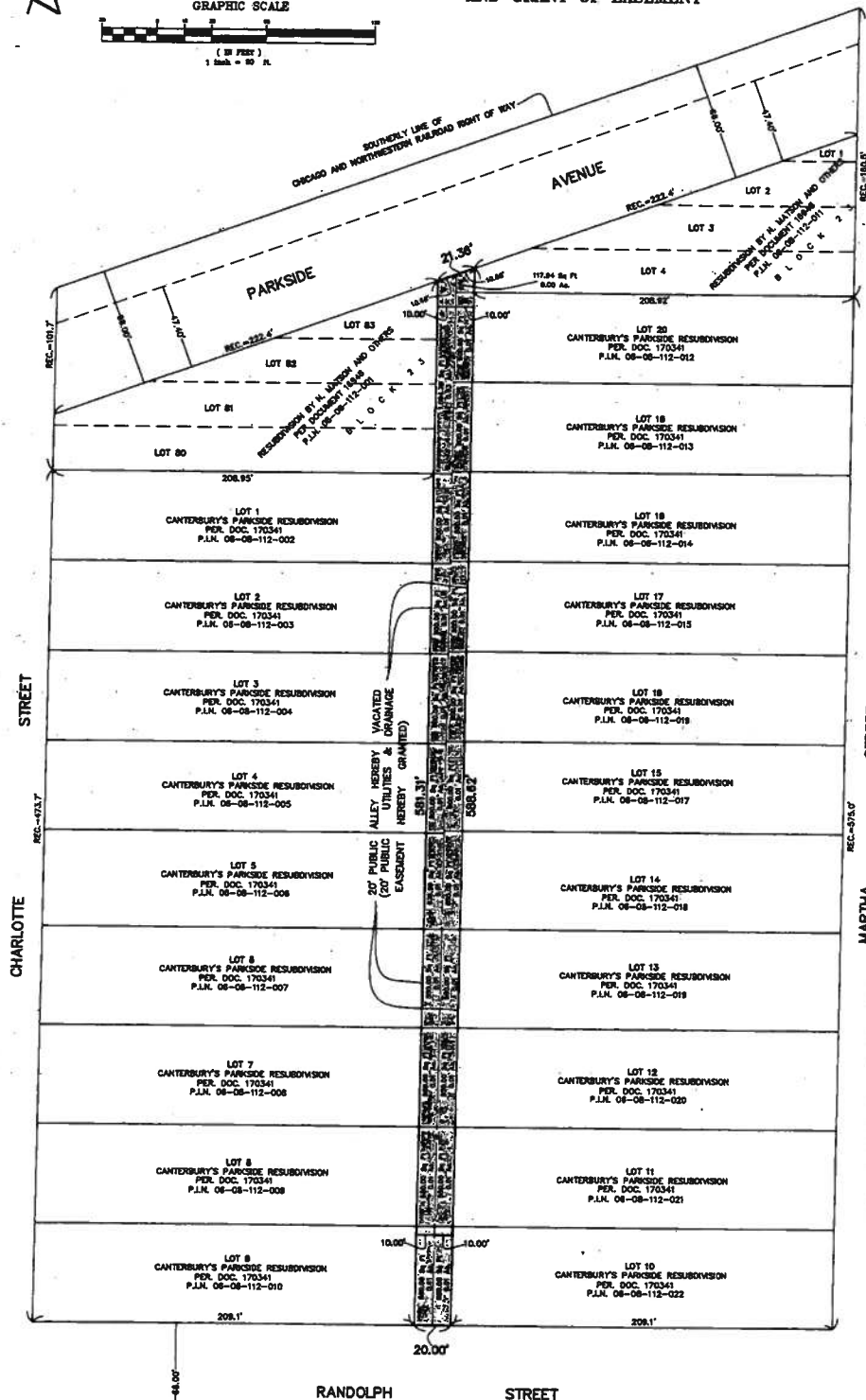
Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2011.

Brigitte O'Brien, Village Clerk

PLAT OF VACATION AND GRANT OF EASEMENT

P.L.N. 08-08-112-001
08-08-112-002
08-08-112-003
08-08-112-004
08-08-112-005
08-08-112-006
08-08-112-007
08-08-112-008
08-08-112-009
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08-08-112-020
08-08-112-021
08-08-112-022



UTILITY AND DRAINAGE EASEMENT PROVISIONS

EASEMENTS ARE RESERVED FOR THE VILLAGE OF LOMBARD AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISES FROM THE VILLAGE OF LOMBARD INCLUDING, BUT NOT LIMITED TO, COMMERCE IN ENERGY COMPANY, AMERSTON, POWER SALES, MEDIANE, AND THEIR SUCCESSORS AND ASSIGNS OR ALL AGENS MARKED "ASSIGNMENT FOR PUBLIC UTILITIES AND DRAINAGE" ON THE PLAT FOR THE POWERFUL RIGHT, PERMITS AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, MAINTAIN, OPERATE, UPGRADE, REPLACE AND IMPROVE UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS AND INCLUDING OVERHEAD DRAINAGE, STORM AND SANITARY SEWERS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE REQUIRED NECESSARY BY SAID VILLAGE AND/OR UTILITY COMPANIES OVER UPON ALONG UNDER AND THROUGH SAID INDICATED EASEMENT, TOGETHER WITH RIGHT OF ACCESS ACROSS THE EASEMENT FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS GRANTED TO CUT DOWN AND THEN OR REMOVE ANY TREES, TEMPORARY STRUCTURES, FENCES, OR OTHER PLANTS WITHIN SAID EASEMENT OR ADJACENT THEREON OR ON THE BALDWIN OR STRUCTURES SHALL BE THE OPERATION OF THE SEWER OR OTHER UTILITIES, AND PERMANENT EASEMENT THAT EXTENDS INTO THE PROPERTY OF SAID EASEMENT, BUT SAME MAY BE USED FOR BALDWIN OR STRUCTURES AND OTHER PURPOSES THAT DO NOT INHIBIT OR INTERFERE WITH THE APPLICABLE USES OF RIGHTS. THIS AN EASEMENT IS GRANTED FOR BOTH SEWER AND OTHER UTILITIES, THE OTHER UTILITY INSTALLATION SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF LOMBARD.

EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF LOMBARD AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SHOWN HEREON, OVER THE ENTIRE EASEMENT AREA FOR SEWER, SEWER, AND THE PERFORMANCE OF MAINTENANCE AND OTHER GOVERNMENTAL SERVICES INCLUDING WATER, STORM AND SANITARY SEWER SERVICE AND MAINTENANCE.

EASEMENTS ALSO ARE RESERVED FOR CABLE COMMUNICATIONS COMPANIES ALONG WITH THE PUBLIC UTILITIES ALREADY REFERENCED.

NOTHING SET FORTH ABOVE IS INTENDED TO SUPERSEDE ANY REQUIREMENTS CONTAINED IN ANY FRANCHISE AGREEMENT BETWEEN THE GRANTEES AND THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, WHERE A CONFLICT EXISTS BETWEEN THE GRANT OF EASEMENT AND ANY SUCH FRANCHISE AGREEMENT, OR WHERE THE PROVISIONS OF ANY SUCH FRANCHISE AGREEMENT ARE MORE RESTRICTIVE THAN THE LANGUAGE OF THIS GRANT OF EASEMENT, THE LANGUAGE OF SAID FRANCHISE AGREEMENT SHALL BE CONTROLLING UPON EACH OF THE GRANTEES.

STATE OF ILLINOIS) S.S.
COUNTY OF DU PAGE)
APPROVED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF THE VILLAGE OF LOMBARD, ILLINOIS, THIS _____ DAY OF _____ A.D. 20____ AT _____ O'CLOCK _____ M.

STATE OF ILLINOIS) S.S.
COUNTY OF DU PAGE)
THIS INSTRUMENT NUMBER _____ WAS FILED FOR RECORD IN THE RECORDS OFFICE OF DU PAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____ A.D. 20____ AT _____ O'CLOCK _____ M.

STATE OF ILLINOIS) S.S.
COUNTY OF DU PAGE)
THIS IS TO CERTIFY THAT I, TERESA A. GENTILE, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 222,222 HAVE PLATTED FROM AVAILABLE RECORDS THE FOLLOWING DESCRIBED PROPERTY FOR THE PURPOSE OF VACATING A CERTAIN PUBLIC ALLEY (AS SHOWN HEREOF) AND RESERVING UNTO THE VILLAGE A PUBLIC UTILITIES AND DRAINAGE EASEMENT THEREON.
A 20 FOOT WIDE NORTH SOUTH PUBLIC ALLEY LYING SOUTH OF AND ABUTTING PARKSIDE AVENUE RIGHT OF WAY AS SHOWN BY THE RESUBDIVISION BY R. MATSON AND OTHERS, RECORDED OCTOBER 18, 1973 PER DOCUMENT NO. 18848, AND CANTERBURY'S PARKSIDE RESUBDIVISION, RECORDED OCTOBER 8, 1923 PER DOCUMENT NO. 117350, AND LYING NORTH OF AND ABUTTING THE RANDOLPH STREET RIGHT OF WAY AS SHOWN BY CANTERBURY'S PARKSIDE RESUBDIVISION AFFORSAID, ALL IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 28 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.

CONTAINING 011,898.33 SQ. FT. OR 0.27 AC.
ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL THIS 21ST DAY OF DECEMBER, 2012.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 222,222
MY LICENSE EXPIRES NOVEMBER 30, 2012

GENTILE & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
850 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60148
PHONE (330) 818-2323
FAX (330) 818-2324

PREPARED FOR: VILLAGE OF LOMBARD-DEPT. OF COMMUNITY DEVELOPMENT (IN 1070)
DRAWN BY: JMS
CHECK NO.: 080810-10-2008 (VACATION)
ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184,022879

STATE OF ILLINOIS) S.S.
COUNTY OF DU PAGE)
APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, ILLINOIS, THIS _____ DAY OF _____ A.D. 20____

PRESIDENT _____
VILLAGE CLERK _____



ALLEY VACATION



CHARLOTTE & MARTHA
NORTH OF RANDOLPH

SCALE:
1"=70'
DEC 2010

217 PROPOSED ALLEY VACATION
WITH SQUARE FOOTAGE



PARKSIDE AV

CHARLOTTE ST

MARTHA ST

RANDOLPH ST

205
315

162