

**ORDINANCE NO. 5539**

**AN ORDINANCE GRANTING A VARIATION OF THE LOMBARD CODE OF ORDINANCES CHAPTER 151 "FLOOD CONTROL"; SUBSECTION 151.55 "RETENTION/DETENTION BASINS"**

(BOT 04-14: 1111 N. DuPage Avenue, Lombard, IL)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Code of Lombard, Illinois, and;

WHEREAS, a request has been made for the Village of Lombard to grant a variation from Chapter 151 "Flood Control"; Subsection 151.55 "Retention/Detention Basins", and;

WHEREAS, a public hearing has been conducted by the Board of Trustees on September 2, 2004 pursuant to appropriate and legal notice; and

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of staff and incorporate such findings and recommendations herein by reference as if they were fully set forth herein:

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 a variation is hereby granted from the provisions of Chapter 151 of the Code of Lombard, Illinois, for the property described in Section 2 below to waive the requirement to provide 0.032 ac-ft of detention on the subject property.

Section 2: That this ordinance is limited and restricted to the property located at 1111 N. DuPage Avenue, Lombard, IL and legally described as follows:

**PARCEL 1:**

THAT PART OF THE SOUTHEAST ¼ SECTION 31, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF DUPAGE AVENUE (SAID EAST LINE BEING A LINE 616.35 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST ¼) AND A LINE DRAWN AT RIGHT ANGLES TO THE EAST LINE OF SAID SOUTHEAST ¼, THROUGH A POINT ON SAID EAST LINE 411.12 FEET SOUTH OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID RIGHT ANGLE LINE 195.10 FEET TO A POINT ON SAID LINE 421.25 FEET WEST AS MEASURED ALONG SAID RIGHT ANGLE LINE, OF SAID EAST LINE OF THE SOUTHEAST ¼; THENCE NORTHEASTERLY ALONG A CURVED LINE CONVEX NORTHWESTERLY AND HAVING A RADIUS OF 456.68 FEET, A DISTANCE OF 150.78 FEET TO A POINT ON THE WESTERLY LINE OF RAILROAD RIGHT OF WAY; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE, SAID LINE BEING A CURVED LINE, CONVEX

WESTERLY AND HAVING A RADIUS OF 456.68 FEET, A DISTANCE OF 205.144 FEET TO A POINT OF TANGENCY WITH A LINE 401.35 FEET WEST OF AND PARALLAL WITH SAID EAST LINE OF THE SOUTHEAST ¼ OF SECTION 31, AFORESAID; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID PARALLEL LINE, SAID PARALLEL LINE BEING THE WEST LINE OF SAID RAILROAD RIGHT OF WAY, A DISTANCE OF 400.05 FEET MORE OR LESS TO AN INTERSECTION WITH A LINE DRAWN AT RIGHT ANGLES TO SAID EAST LINE OF DUPAGE AVENUE, THROUGH A POINT ON SAID EAST LINE 463.17 FEET SOUTH OF THE POINT OF BEGINNING; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE LAST DESCRIBED RIGHT ANGLE LINE 215.00 FEET TO SAID EAST LINE OF DUPAGE AVENUE; THENCE NORTH 00 MINUTES 00 SECONDS EAST ALONG SAID EAST LINE OF DUPAGE AVENUE, 463.17 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS LOT 2 IN SAM B. GOTTLIEB DEVELOPMENT CORPORATION ASSESSMENT PLAT NUMBER 1 BEING IN THE SOUTHEAST ¼ OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1973 AS DOCUMENT R73-58487, IN DUPAGE COUNTY, ILLINOIS.

EXCEPTING THEREFROM THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2 (NORTHWEST CORNER OF LOT 2 BEING THE POINT OF INTERSECTION OF THE EAST LINE OF DUPAGE AVENUE AND A POINT 100.00 FEET SOUTH OF THE SOUTH LINE OF CLEARING INDUSTRIAL DISTRICT, INC. ASSESSMENT PLAT NO. 6); THENCE SOUTH 89 DEGREES 57 MINUTES 17 SECONDS EAST ALONG THE NORTH LINE OF LOT 2 A DISTANCE OF 195.10 FEET TO THE POINT OF BEGNNING; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 456.68 FEET AND WHOSE CHORD BEARS NORTH 25 DEGREES 45 MINUTES 05 SECONDS EAST FOR AN ARC DISTANCE OF 150.78 FEET TO A POINT; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 456.68 FEET AND WHOSE CHORD BEARS SOUTH 16 DEGREES 50 MINUTES 31 SECONDS WEST FOR AN ARC DISTANCE OF 141.84 FEET TO A POINT (SAID POINT BEING THE INTERSECTION OF THE EAST LINE OF SAID LOT 2 AND THE NORTH LINE OF SAID LOT 2 AND ITS EASTERLY EXTENSION THEREOF); THENCE NORTH 89 DEGREES 57 MINUTES 17 SECONDS WEST ALONG SAID EASTERLY EXTENSION A DISTANCE OF 24.28 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

AN EXCLUSIVE, PERPETUAL EASEMENT AND RIGHT OF WAY FOR THE FULL AND FREE RIGHT, PRIVILEGE AND AUTHORITY OF ACCESS AND PARKING OF VEHICLES TO AND FROM, IN, ON, UPON, OVER, THROUGH AND ACROSS THE FOLLOWING

DESCRIBED LAND UNDER AND BY VIRTUE OF GRANT OF PARKING EASEMENT RECORDED DECEMBER 26, 1995 AS DOCUMENT R95-182123, AS FOLLOWS: THAT PART OF THE SOUTHEAST ¼ OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 AFORESAID AND RUNNING THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHEAST ¼, A DISTANCE OF 411.12 FEET: THENCE NORTH 89 DEGREES 57 MINUTES 17 SECONDS WEST, 421.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 57 MINUTES 17 SECONDS WEST ALONG THE NORTH LINE ON SAM B. GOTTLIEB DEVELOPMENT CORP. ASSESSMENT PLAT NUMBER 1 A DISTANCE OF 195.10 FEET TO A POINT IN THE EAST LINE OF DUPAGE AVENUE; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID EAST LINE OF DUPAGE AVENUE A DISTANCE OF 24.00 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 17 SECONDS EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAM B. GOTTLIEB DEVELOPMENT CORP. ASSESSMENT PLAT NUMBER 1 A DISTANCE OF 97.11 FEET TO A POINT OF INTERSECTION WITH A CURVE; THENCE SOUTHEASTERLY ALONG SAID CURVE, CONVEX TO THE NORTHEAST, HAVING A RADIUS OF 345.97 FEET, AN ARC DISTANCE OF 102.22 FEET, WHOSE CHORD BEARS SOUTH 81 DEGREES 29 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 104.75 FEET TO A POINT OF INTERSECTION WITH A CURVED LINE; THENCE SOUTHWESTERLY ALONG SAID CURVE, CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 456.68 FEET, AN ARC DISTANCE OF 9.41 FEET, WHOSE CHORD BEARS SOUTH 16 DEGREES 52 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 9.41 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY COMMONLY KNOWN AS 1111 DUPAGE AVENUE, LOMBARD

CONTAINING 99,673.59 SQ. FT. (2.28 ACRES)

PIN: 03-31-402-006

Section 3: That this ordinance shall be subject to the following conditions:

- A. That the normal fee of \$150.00 to process the variation (151.56.D) shall be required and deposited into the Village's Stormwater Fund for the Salt Creek Watershed.

B. That the normal fee in-lieu-of detention amount of \$5,166.00 (151.57) shall be required and deposited into the Village's Stormwater Fund for the Salt Creek Watershed.

Section 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

First reading waived by action of the Board of Trustees this 2nd day of September, 2004.

Passed on second reading this 2nd day of September, 2004.

Ayes: Trustees Tross, Koenig, Sebby and Soderstrom

Nayes: None

Absent: Trustees DeStephano and Florey

Approved this 2nd day of September, 2004.

  
William J. Mueller, Village President

ATTEST:

  
Barbara A. Johnson, Deputy Village Clerk