

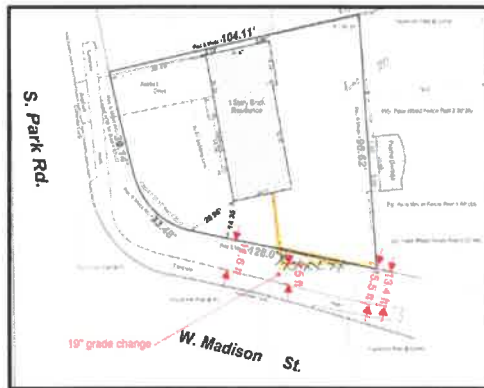




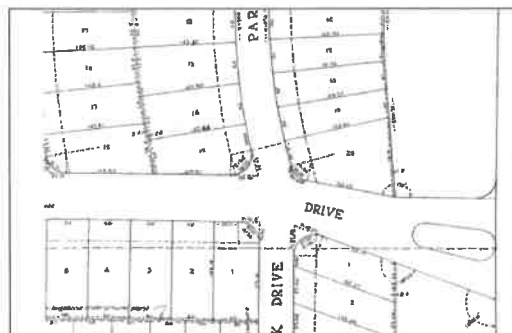
February 18, 2022

**TO:** Village Board of Trustees  
**THROUGH:** Scott Niehaus, Village Manager  
**FROM:** Carl Goldsmith, Director of Public Works *g*  
**SUBJECT:** Vacation of a Portion of Madison Street Right-of-Way west of Main Street and east of S. Park Avenue

This past summer the property owner(s) of 591 S. Park Avenue replaced an existing six (6) foot fence along the perimeter of the property, as depicted in the images below. The Code Enforcement Division of Community Development determined that the fence had been constructed without a permit and that furthermore a portion of the fence had been constructed in the Madison Street right-of-way (ROW). As the new fence was constructed in the same location of the existing fence, Community Development Department staff determined that the most effective way to address this issue is for the Village Board of Trustees to vacate a portion of the Madison Street ROW.



In review of the Plat of Subdivision for the Green Valley Subdivision (circa 1946), it appears as though a median was contemplated for the west leg of the intersection of Main and Madison, as depicted in the image below.



Based upon the current configuration of the intersection of Madison Street and Main Street it is unlikely that the Village would ever proceed with the construction of the raised median as contemplated in 1946. As such, the vacation of a portion of the Madison Street ROW adjacent to 591 S. Park Avenue, as well as the property located at 20 W. Madison will not negatively impact the public's use of the Village's roadway network.

The area that is being considered for the vacation has overall dimensions of 128.62' by approximately 29.45', as depicted on the attached Plat of Vacation.

Pursuant to Section 97.100 of the Lombard Village Code (attached) staff has determined that the vacation of the property is acceptable and that the Village Manager has determined that the portion of the ROW that is being considered does not have any value. As such, the Village is not seeking compensation for the vacation. The property is currently being maintained by the adjacent property owner. From the Public Works Department's perspective, the vacation is not anticipated to affect utility operations as no Village owned/maintained utilities are present in the area of the contemplated vacation.

Please place this item on the March 3, 2022 Village Board agenda for Approval of Ordinances vacation a portion of the Madison Street public right-of-way to the adjacent properties located at 591 S. Park Avenue and 20 W. Madison Street. These items should be placed on Separate Action as the requested action requires passage by a three-fourths (3/4ths) vote of the Trustees holding office.

### **RECOMMENDATION**

Staff recommends that the Village President and Board of Trustees take the following actions relative to this matter:

Adopt ORDINANCE VACATING A PORTION OF PUBLIC RIGHT OF WAY NORTH OF MADISON STREET - 20 West Madison Street

Adopt ORDINANCE VACATING A PORTION OF PUBLIC RIGHT OF WAY NORTH OF MADISON STREET – 591 S. Park Avenue



# Lombard Village Code

## ARTICLE IV. VACATION OF STREETS

### **§ 97.100 Vacation in accordance with state statutes.**

Any request for vacation of a street or public alley located within the corporate limits of the village shall be presented to the Board of Trustees for their action in accordance with Ill. Rev. Stat., Ch. 24, §§ 11-91-1 et seq.

('70 Code, § 12.26.010) (Ord. 3013, passed 12-17-87)

### **§ 97.101 Written request required; fee.**

Any request for vacation of a street or alley within the corporate limits of the village shall first be submitted to the Village Manager in written form clearly designating the area which is to be vacated. A fee of \$100.00 shall accompany each request for vacation. The Village Manager after review and consultation with the appropriate department heads shall advise the person requesting the vacation whether or not the staff will recommend said vacation.

('70 Code, § 12.26.020) (Ord. 3013, passed 12-17-87)

### **§ 97.102 Determination of village manager; deposit.**

Upon a determination of the Village Manager to recommend or not recommend said vacation, the property owner shall have the right to present the request to the corporate authorities. In the event the petitioner or property owner continues to request the vacation, said person shall deposit with the village sufficient monies as determined by the Director of Planning to cover any costs associated with an appraisal of the property. Any monies held above the cost of the appraisal shall be refunded to the petitioner when the process is complete.

('70 Code, § 12.26.030) (Ord. 3013, passed 12-17-87)

### **§ 97.104 Appraisal of value of property.**

It shall be the burden of the person requesting the vacation to present his request to the corporate authorities for vacation of the street or alley. The Village Manager's office shall make its recommendation and present any evidence as to the value of the property which was received from the appraiser.

('70 Code, § 12.26.050) (Ord. 3013, passed 12-17-87)

### **§ 97.105 Vacation ordinance required; contents.**

In the event the corporate authorities wish to vacate said property, an ordinance shall be passed by an affirmative vote of at least three-fourths of the Board of Trustees holding office. This ordinance shall contain any conditions or requirements of said vacation of property.

('70 Code, § 12.26.060) (Ord. 3013, passed 12-17-87, Ord 4652, passed 6/17/99)

### **§ 97.106 Single family areas.**

The provisions of §§ 97.101 through 97.105 of this Code may be waived by a majority vote of the Corporate Authorities relative to any vacation in regard to which all the property abutting the area to be vacated is zoned for single-family residential use.

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

**ORDINANCE VACATING A PORTION OF PUBLIC  
RIGHT OF WAY NORTH OF MADISON STREET  
591 SOUTH PARK ROAD**

**WHEREAS**, the Village of Lombard (hereinafter the “VILLAGE”) maintains a public right-of-way, of X feet (X) in width, immediately north of Madison Street, between 591 South Park and Madison Street (hereinafter the “PUBLIC ROW”); and

**WHEREAS**, the Corporate Authorities find that the portion of the PUBLIC ROW, situated between a point X East of the North line of Madison Street and a point X West of the North line of Madison Street (hereinafter the “SUBJECT RIGHT-OF-WAY”) is no longer needed by the Village for right-of-way purposes; and

**WHEREAS**, the Corporate Authorities find that no abutting property owners currently take access from the SUBJECT RIGHT-OF-WAY; and

**WHEREAS**, the Corporate Authorities have determined that the SUBJECT RIGHT-OF-WAY does not serve the transportation needs of the VILLAGE; and

**WHEREAS**, the Corporate Authorities of the VILLAGE have received a Plat of Right-of-Way Vacation for the SUBJECT RIGHT-OF-WAY, a copy of which is attached hereto as “Exhibit A” and made part hereof (hereinafter the “Plat of Vacation”); and

**WHEREAS**, the Corporate Authorities of the VILLAGE deem it to be in the best interests of the VILLAGE to authorize that the SUBJECT RIGHT-OF-WAY be vacated, as set forth herein, subject to the retention of a public utility easement over the SUBJECT RIGHT-OF-WAY;

**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 SUBJECT RIGHT-OF-WAY as hereinafter legally described:

THAT PART OF THE MADISON STREET RIGHT OF WAY HERETOFORE DEDICATED SEPTEMBER 9, 1946 PER DOCUMENT NO. 506164 DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF LOT 20} IN BLOCK 15 IN THE RESUBDIVISION OF BLOCKS 12 TO 20 IN GREEN VALLEY AND LOT 2 IN BLOCK 11 IN GREEN VALLEY, A SUBDIVISION IN SECTIONS 7 AND 18, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 9, 1946 AS DOCUMENT 506164 AND RUNNING THENCE SOUTHWESTERLY PERPENDICULAR TO THE SOUTHERLY LINE OF SAID LOT 20, 10.82 FEET TO A POINT BEING 1.0 FOOT NORTH

OF (MEASURED PERPENDICULAR THERETO) THE CONCRETE PUBLIC WALK AS EXISTING ON NOVEMBER 13, 2021; THENCE THE FOLLOWING TWO (2) COURSES, BOTH BEING LINES 1.0 FOOT NORTH OF (MEASURED PERPENDICULAR THERETO) THE CONCRETE PUBLIC WALK AS EXISTING ON NOVEMBER 13, 2021: 1) N83°45'08"W 35.44 FEET, 2) N83°38'26"W 16.30 FEET, THENCE CONTINUING ALONG THE LAST DESCRIBED COURSE A DISTANCE OF 11.68 FEET; THENCE THE FOLLOWING TWO (2) COURSES, BOTH BEING LINES 1.0 FOOT NORTH OF (MEASURED PERPENDICULAR THERETO) THE CONCRETE PUBLIC WALK AS EXISTING ON NOVEMBER 13, 2021: 1) N79°58'20"W 33.52 FEET, 2) N79°54'12"W 46.50 FEET; THENCE N17°00'41"W 29.45 FEET ALONG THE SOUTHEASTERLY EXTENSION OF THE WESTERLY PROPERTY LINE OF LOT 20 AFORESAID TO A POINT OF CURVATURE, ALSO BEING THE MOST SOUTHERLY CORNER OF THE WESTERLY LOT LINE OF SAID LOT 20; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 30 FEET, WHOSE CHORD BEARS S49°43'10"E 31.77 FEET FOR AN ARC DISTANCE OF 33.48 FEET (SAID ARC BEING THE MOST SOUTHWESTERLY LOT LINE OF SAID LOT 20) TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 20; THENCE S82°02'19"E 76.88 FEET ALONG THE SOUTHERLY LOT LINE OF SAID LOT 20 TO THE SOUTHWEST CORNER OF THE EAST 50.00 FEET (AS MEASURED PERPENDICULAR TO THE EAST LINE THEREOF) OF LOT 20; THENCE S06°21'34"E PERPENDICULAR TO THE SAID SOUTH LINE OF LOT 20 A DISTANCE OF 12.34 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

CONTAINING: 1,124.01 SQ. FT., 0.03 AC. (MORE OR LESS)

and as shown on the Plat of Vacation attached hereto as Exhibit "A" and designated "hereby vacated" be and the same hereby is vacated, subject to the retention of a public utility easement therein.

SECTION 3: The owner of the following parcel shall acquire title to the vacated SUBJECT RIGHT-OF-WAY:

PIN: 06-07-413-020;                      Common Address:    591 South Park Road, Lombard, IL  
60148

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 by a three-fourths ( $\frac{3}{4}$ ths) vote of the Trustees holding office, approval and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2022.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2022, pursuant to a roll call vote as follows:

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

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

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Keith T. Giagnorio  
Village President

ATTEST:

\_\_\_\_\_  
Elizabeth Brezinski  
Village Clerk

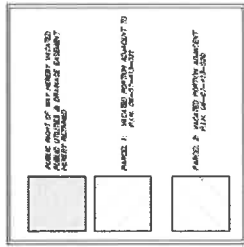
Published by me in pamphlet form this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Elizabeth Brezinski  
Village Clerk

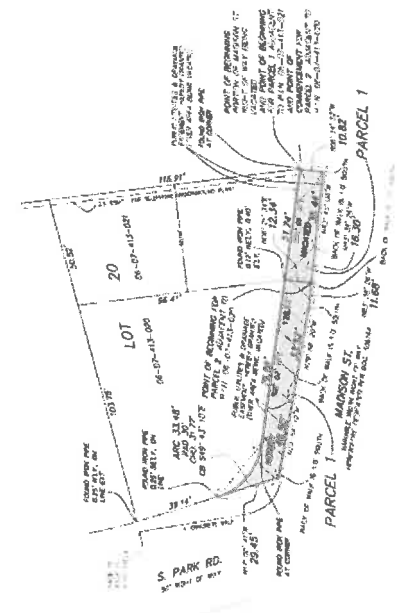


# Exhibit "A"

## PLAT OF VACATION AND GRANT OF EASEMENT



**SECTION 1. PURPOSE AND SCOPE.**  
 This plat is intended to show the location and extent of the easements to be granted and the vacation of the highway shown on the map hereon attached, and to show the location and extent of the lots to be created by the vacation of the highway.



**ARTICLE I. EASEMENT FOR THE USE OF THE HIGHWAY.**  
 THE EASEMENT FOR THE USE OF THE HIGHWAY SHALL BE GRANTED TO THE STATE OF ILLINOIS FOR THE USE OF THE HIGHWAY SHOWN ON THE MAP HEREON ATTACHED.

**ARTICLE II. EASEMENT FOR THE USE OF THE HIGHWAY.**  
 THE EASEMENT FOR THE USE OF THE HIGHWAY SHALL BE GRANTED TO THE STATE OF ILLINOIS FOR THE USE OF THE HIGHWAY SHOWN ON THE MAP HEREON ATTACHED.

**ARTICLE III. EASEMENT FOR THE USE OF THE HIGHWAY.**  
 THE EASEMENT FOR THE USE OF THE HIGHWAY SHALL BE GRANTED TO THE STATE OF ILLINOIS FOR THE USE OF THE HIGHWAY SHOWN ON THE MAP HEREON ATTACHED.

**ARTICLE IV. EASEMENT FOR THE USE OF THE HIGHWAY.**  
 THE EASEMENT FOR THE USE OF THE HIGHWAY SHALL BE GRANTED TO THE STATE OF ILLINOIS FOR THE USE OF THE HIGHWAY SHOWN ON THE MAP HEREON ATTACHED.

**ARTICLE V. EASEMENT FOR THE USE OF THE HIGHWAY.**  
 THE EASEMENT FOR THE USE OF THE HIGHWAY SHALL BE GRANTED TO THE STATE OF ILLINOIS FOR THE USE OF THE HIGHWAY SHOWN ON THE MAP HEREON ATTACHED.

**ARTICLE VI. EASEMENT FOR THE USE OF THE HIGHWAY.**  
 THE EASEMENT FOR THE USE OF THE HIGHWAY SHALL BE GRANTED TO THE STATE OF ILLINOIS FOR THE USE OF THE HIGHWAY SHOWN ON THE MAP HEREON ATTACHED.

**ARTICLE VII. EASEMENT FOR THE USE OF THE HIGHWAY.**  
 THE EASEMENT FOR THE USE OF THE HIGHWAY SHALL BE GRANTED TO THE STATE OF ILLINOIS FOR THE USE OF THE HIGHWAY SHOWN ON THE MAP HEREON ATTACHED.

**G**  
**GENSLER & ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 100 N. WASHINGTON ST., SUITE 200  
 CHICAGO, ILLINOIS 60602  
 PREPARED FOR: [Name]  
 DATE: [Date]



**STATE OF ILLINOIS**  
**COUNTY OF COCKER**  
 I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original plat of vacation and grant of easement filed for record in my office on this [Date] day of [Month], 19[Year].  
 My Commission Expires [Date]

**STATE OF ILLINOIS**  
**COUNTY OF COCKER**  
 I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing is a true and correct copy of the original plat of vacation and grant of easement filed for record in my office on this [Date] day of [Month], 19[Year].  
 My Commission Expires [Date]