

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: William T. Lichter, Village Manager

DATE: November 29, 2006 (B of T) Date: December 7, 2006

TITLE: Brewster/Edson Alley Vacation and Grant of Easement

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development submits for your consideration an ordinance vacating the unnamed public right-of-way south of Maple Street, between Brewster Avenue and Edson Street and granting of a public utility easement. (DISTRICT #1)

Staff recommends approval of this request.

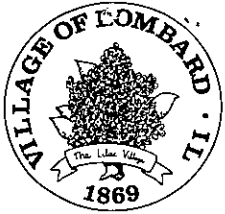
Please place this item on the December 7, 2006 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *W.T. Lichter* \_\_\_\_\_ Date *11/29/06*

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:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP *DH*  
Assistant Village Manager/Director of Community Development

**DATE:** December 7, 2006

**SUBJECT: BREWSTER/EDSON ALLEY VACATION AND GRANT OF EASEMENT**

Attached is an Ordinance vacating the Brewster/Edson alley and also granting a public utility easement over the proposed area to be vacated. The north-south leg of the alley is unimproved and the abutting residents have historically used it as part of their back yards. The east-west portion of the alley is improved with a shared driveway between the two homes at 212 and 216 South Brewster Avenue. While there are no Lombard utilities located within the alley right-of-way, there are overhead power lines, thus the reason for keeping an easement over the north-south portion of the alley. Public Works staff supports the vacation request as it would remove the Village's obligation to maintain the alley.

Community Development Department staff has sent letters of notification to the abutting property owners informing them of the proposed vacation.

### ACTION REQUESTED

Please place this item on the December 7, 2006 Village Board agenda for consideration. Staff recommends approval of the attached Ordinance.

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

**ORDINANCE VACATING THE UNNAMED PUBLIC RIGHT-OF-WAY  
SOUTH OF MAPLE STREET, BETWEEN BREWSTER AVENUE  
AND EDSON STREET AND GRANTING OF A PUBLIC UTILITY EASEMENT**

WHEREAS, a twenty foot (20') wide public right-of-way exists between the residential properties located along the rear or side yards of 212 to 252 S. Brewster Avenue, 213 to 247 S. Edson Street and 353 W. Maple Street; and

WHEREAS, said right-of-way is unimproved or underimproved; and

WHEREAS, the public-right-of-way no longer serves the pedestrian or motor vehicle transportation needs of the Village; and

WHEREAS, the public-right-of-way does not serve the utility needs of the Village; and

WHEREAS, an easement for public utilities and drainage will still be required over the area to be vacated; 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 the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the right-of-way 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 south of Maple Street, between Brewster Avenue and Edson Street hereinafter described:

THE EAST WEST 20 FOOT PUBLIC ALLEY LYING WEST OF THE WESTLINE OF BREWSTER AVENUE, SOUTH OF LOTS 1,2,3 AND 4 IN WEST LOMBARD RESUBDIVISION AND LYING NORTH OF LOT 8 IN

WEST LOMBARD SUBDIVISION; TOGETHER WITH THE 20 FOOT NORTH SOUTH PUBLIC ALLEY LYING WEST OF LOTS 19,20,25 AND 26 IN WEST LOMBARD SUBDIVISION, LYING EAST OF LOTS 1, 2, AND 3 IN SMYTH-NORMAN RESUBDIVISION AND LYING EAST OF LOT 5 IN WEST LOMBARD RESUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 7, 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: Pursuant to 65ILCS 5/11-91-1, the owners of the following parcels shall acquire title to the vacated street or vacated alley that lies immediately adjacent to their respective properties, as depicted on Exhibit "B" attached hereto:

<u>Parcel Identification No.</u>	<u>Address</u>	<u>Owner</u>
06-07-214-024	252 S. Brewster Av.	PRIMAS, JAY & J E GORSKI
06-07-214-023	248 S. Brewster Av.	TERLEP, RICHARD H
06-07-214-027	240 S. Brewster Av.	PREINS, STEPHEN & JOEY
06-07-214-020	234 S. Brewster Av.	KNOOP, DOROTHY CHARLOTTE
06-07-214-019	230 S. Brewster Av.	JEPSEN, SUSAN M
06-07-214-029	226 S. Brewster Av.	O'DONNELL, JORDAN & LYNN
06-07-214-016	222 S. Brewster Av.	SMITH, ROSALIE L
06-07-214-015	216 S. Brewster Av.	ROTH, MARTIN E
06-07-214-014	212 S. Brewster Av.	PRELL, DENNIS A & MARIAN
06-07-214-026	353 W. Maple St.	BECK, GARY S
06-07-214-003	213 S. Edson St.	WILTJER, KYLIE
06-07-214-028	221 S. Edson St.	SINGER, JOHN & MARY BETH
06-07-214-006	225 S. Edson St.	ALBRIGHT, DEAN & KATHLEEN
06-07-214-007	229 S. Edson St.	CONTOS, PETER B
06-07-214-008	233 S. Edson St.	SATURNO, SHAUN
06-07-214-009	241 S. Edson St.	WATSON, JAMES & IRENE
06-07-214-010	247 S. Edson St.	IDASEK, GREG E

SECTION 3: That an easement for public utilities and drainage purposes is hereby granted over the vacated right-of-way, as depicted on Exhibit "A" attached hereto.

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.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
William J. Mueller, Village President

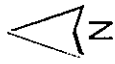
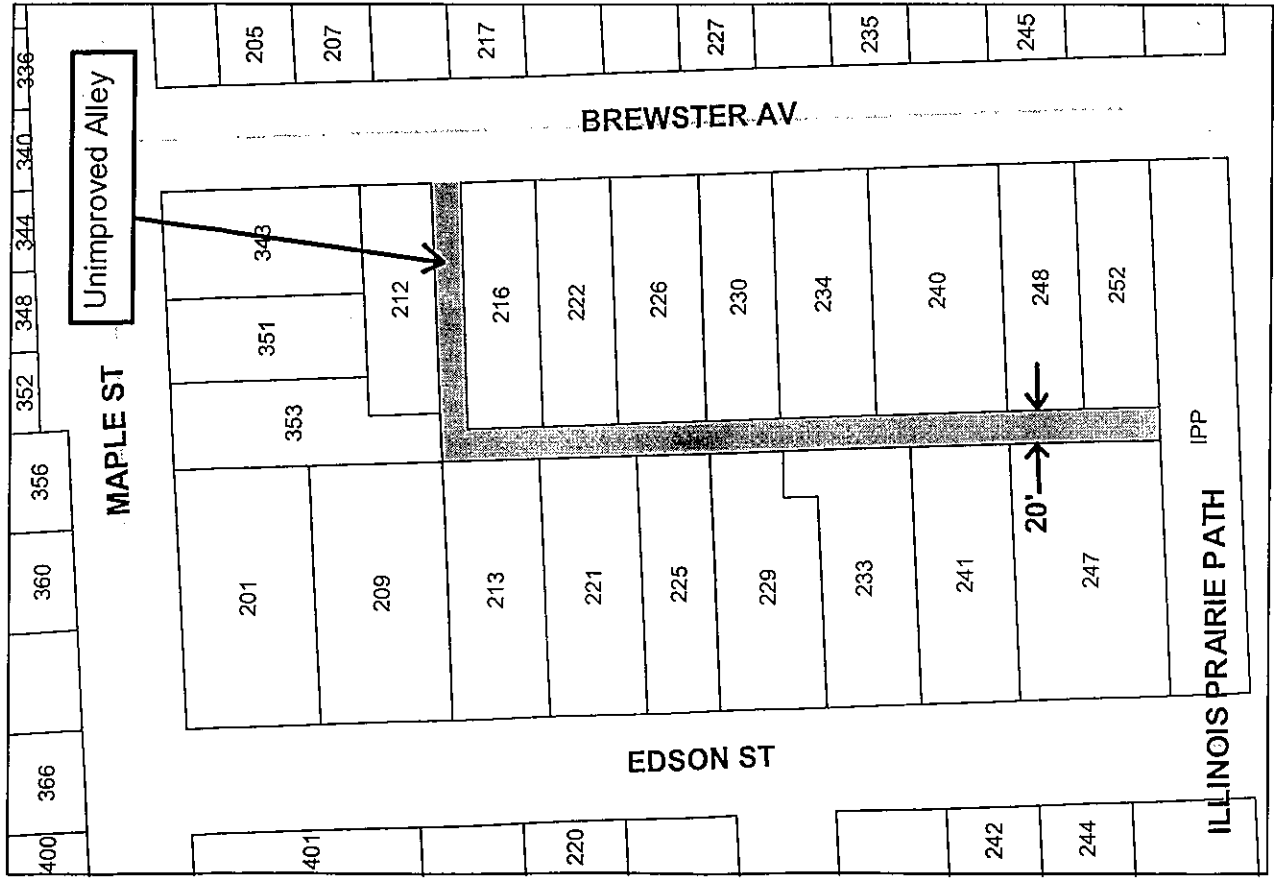
ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2006.



### Existing Property Lines



### Proposed Property Lines After Right-Of-Way Vacation

