

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda


 X Resolution or Ordinance (Blue) X Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE : January 10, 2018 (BOT) Date: January 18, 2018

SUBJECT: Alley Vacation to 314 S. Westmore-Meyers Road; North of Division Street,
South Section (3/4 vote of the Trustees required 5 of 6)

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Attached please find an ordinance vacating a portion of an unnamed alley north of Division Street. The vacated area would be given in its entirety to the owner of 314 S. Westmore/Meyers Road, as it is being exclusively utilized by the owner for parking purposes. The vacation request is consistent with the Village's Alley Vacation Policy.

The vacation request is being made because the alley no longer serves the transportation needs of the Village. The Village would benefit by transferring the future maintenance responsibilities to the adjacent property owners. DISTRICT #5

This matter was originally placed on the January 4, 2018 Village Board meeting agenda. The matter was continued to January 18 in order to address changes to the companion plat of vacation, for clarity purposes.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ 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 *WJH*

MEETING DATE: January 18, 2018

SUBJECT: **Alley Vacation to 314 S. Westmore-Meyers Road; North of Division Street, South Section**

Attached please find an ordinance vacating a portion of an unnamed alley (Exhibit A), north of Division Street between an unvacated unnamed alley with direct access to Division Street to remain and south of a fifty-two foot section (North Section to be vacated).

The vacation request is being made because the alley no longer serves the transportation needs of the Village. The Village would benefit by transferring the future maintenance responsibilities to the adjacent property owner and maintaining the only street access of the property.

There is a small parking area (room for approximately three cars) behind the building located at 314 S. Westmore-Meyers Road that is accessed by the alley. Per Section 155.601, Off-Street Parking and Loading Requirements, the building with approximately 2,800 square feet would be required to provide a minimum of eight parking spaces. The building was established prior to 1956 and therefore the parking circumstances are considered legal nonconforming. Vacating the entire alley segment of the commercial property of 314



S. Westmore Meyers Road would greatly improve the availability of parking for the overall B2 Neighborhood Shopping District. Dividing the alley between 314 S. Westmore- Meyers and 924 Division Street would negatively impact access to this parking area while providing very minimal improvement to the residential property. It is vital to protect the economic viability of current and futures businesses when the opportunity is available. In addition, the property owner of 314 S. Westmore Meyers Road proposes to improve the gravel alley by paving the area.

January 18, 2018
Re: Alley Vacation South
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Public Works staff supports the vacation request as it would remove the Village's obligation to maintain the alley.

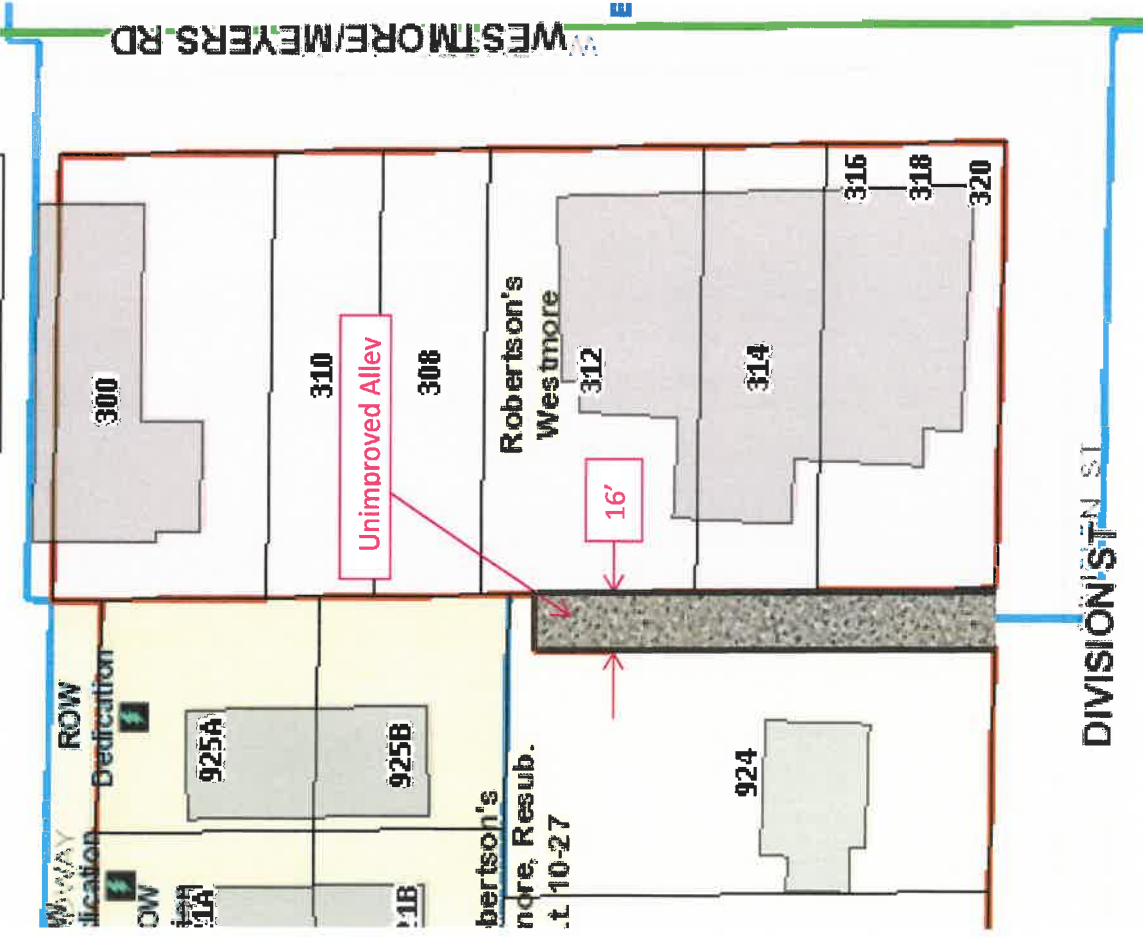
Community Development Department staff has sent letters of notification to the abutting property owners informing them of the proposed vacation.

This matter was originally placed on the January 4, 2018 Village Board meeting agenda. The matter was continued to January 18 in order to address changes to the companion plat of vacation, for clarity purposes.

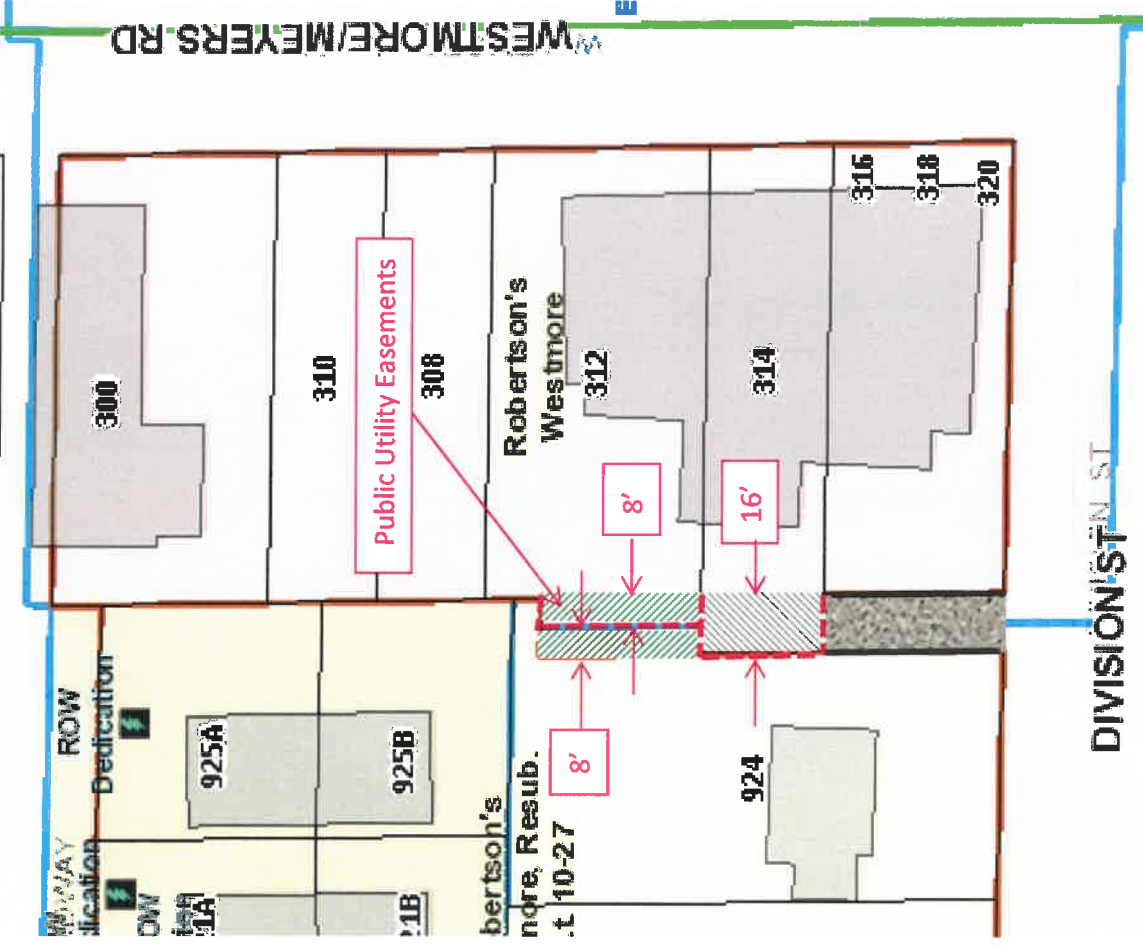
ACTION REQUESTED

Please place this item on the January 18, 2018 Village Board agenda for consideration. Staff recommends approval of the attached Ordinance, along with a waiver of first reading.

Existing Conditions



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



ORDINANCE NO. _____

**ORDINANCE VACATING A PORTION OF THE FIRST
ALLEY WEST OF WESTMORE MEYERS ROAD, BETWEEN
SOUTH BROADWAY AVENUE AND DIVISION STREET
(SOUTH SEGMENT)**

WHEREAS, the Village of Lombard (hereinafter the “VILLAGE”) maintains a public alley right-of-way, of sixteen feet (16) in width, immediately west of Westmore Meyers Road, between South Broadway Avenue and Division Street (hereinafter the “ALLEY”); and

WHEREAS, the Corporate Authorities find that the portion of the ALLEY, situated between a point 37 North of the North line of Division Street and a point 71 North of the North line of Division 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 the property owner to the East of the SUBJECT RIGHT-OF-WAY (hereinafter the “EAST ABUTTING OWNER”) currently takes access from the SUBJECT RIGHT-OF-WAY; and

WHEREAS, the Corporate Authorities find that the property to the East of the SUBJECT RIGHT-OF-WAY is an improved commercial property, and cannot be accessed from Division Street without use of the SUBJECT RIGHT-OF-WAY; and

WHEREAS, the Corporate Authorities find that the property to the West of the SUBJECT RIGHT-OF-WAY, is currently an improved single-family residential property with access thereto from Division Street; and

WHEREAS, the Corporate Authorities have determined that the SUBJECT RIGHT-OF-WAY would primarily be for the use and benefit of the EAST ABUTTING OWNER, and would not serve the transportation needs of the VILLAGE or the access needs of the property to the west thereof; and

WHEREAS, the VILLAGE would benefit by maintaining the economic vitality of a commercial property, within the VILLAGE if the SUBJECT RIGHT-OF-WAY was vacated, with title thereto vesting solely in the EAST ABUTTING OWNER; and

WHEREAS, the owner of the property to the West of the SUBJECT RIGHT-OF-WAY does not desire to obtain title to any portion of the SUBJECT RIGHT-OF-WAY upon any vacation thereof; 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; and

WHEREAS, the EAST ABUTTING OWNER'S commitment to incorporate the SUBJECT RIGHT-OF-WAY into the commercial enterprise operated by the EAST ABUTTING OWNER to the East thereof serves as the compensation to the VILLAGE for the vacation of the SUBJECT RIGHT-OF-WAY, because of the importance to the VILLAGE of maintaining the economic vitality of the commercial sector of the VILLAGE;

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.

SECTION 2: The SUBJECT RIGHT-OF-WAY, which is legally described as follows:

THAT PART OF THE NORTH AND SOUTH ALLEY, ADJACENT TO LOT 7 IN ROBERTSON'S WESTMORE, BEING A SUBDIVISION IN PART OF THE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE THEREOF RECORDED JUNE 1ST, 1922 AS DOCUMENT NO. 156381, THE NORTH TERMINUS BEING THE NORTH LINE OF LOT 7 EXTENDED WEST TO THE EAST LINE OF LOT 23 IN ROBERTSON'S WESTMORE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE BEING IN PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, RECORDED NOVEMBER 2, 1925 AS DOCUMENT NUMBER 202421. THE SOUTH TERMINUS BEING THE SOUTH LINE OF THE NORTH 4.00 FEET OF LOT 8 EXTENDED WEST TO THE EAST LINE OF LOT 23 IN THE AFORESAID ROBERTSON'S WESTMORE, ALL BEING IN DUPAGE COUNTY, ILLINOIS.

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 SUBJECT RIGHT-OF-WAY upon the vacation thereof:

PIN: 06-09-303-010; Common Address: 314 S Westmore 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 (3/4ths) vote of the Trustees holding office, approval and publication in pamphlet form, as provided by law.

Passed on first reading this ____ day of _____, 2018.

First reading waived by action of the Board of Trustees this ____ day of _____, 2018.

Passed on second reading this ____ day of _____, 2018, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

Approved by me this ____ day of _____, 2018.

Keith T. Giagnorio
Village President

Ordinance _____
January 4, 2018
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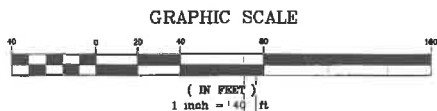
ATTEST:

Sharon Kuderna
Village Clerk

Published by me in pamphlet form this ____ day of _____, 2018.

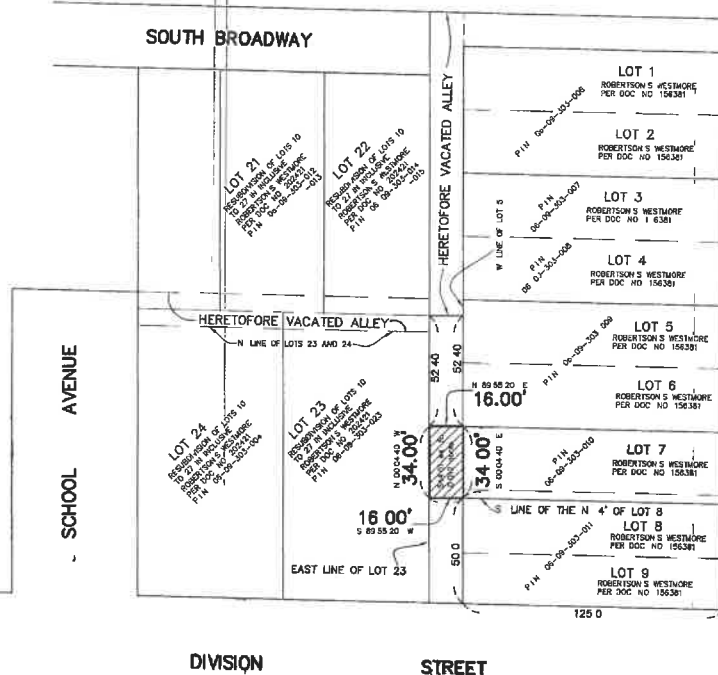
Sharon Kuderna
Village Clerk

Exhibit “A” Plat of Vacation



PLAT OF VACATION AND EASEMENT RETAINMENT

PIN 06-09-303-010



UTILITY AND DRAINAGE EASEMENT PROVISIONS

EASEMENTS ARE RETAINED FOR THE VILLAGE OF LOMBARD AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISES FROM THE VILLAGE OF LOMBARD INCLUDING BUT NOT LIMITED TO COMMONWEALTH EDISON COMPANY, AMERITECH, NICOR GAS, MEDIALONE, AND THEIR SUCCESSORS AND ASSIGNS OVER ALL AREAS MARKED "EASEMENT FOR PUBLIC UTILITIES AND DRAINAGE" ON THE PLAT FOR THE PERPETUAL RIGHT PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS AND INCLUDING OVERLAND DRAINAGE, STORM AND/OR SANITARY SEWERS TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE AND/OR UTILITY COMPANIES OVER UPON ALONG UNDER AND THROUGH SAID INDICATED EASEMENT TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO RETAINED TO CUT DOWN AND TRIM OR REMOVE ANY FENCES, TEMPORARY STRUCTURES, TREES, SHRUBS OR OTHER PLANTS WITHOUT NEED FOR PROVIDING COMPENSATION THEREFORE ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS AND/OR STRUCTURES SHALL BE PLACED ON SAID EASEMENT BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. WHERE AN EASEMENT IS USED FOR BOTH SEWER AND OTHER UTILITIES THE OTHER UTILITY INSTALLATION SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF LOMBARD.

EASEMENTS ARE HEREBY RETAINED BY THE VILLAGE OF LOMBARD AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THIS ENTIRE EASEMENT AREA FOR INGRESS, EGRESS AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES INCLUDING WATER, STORM AND SANITARY SEWER SERVICE AND MAINTENANCE.

EASEMENTS ALSO ARE RETAINED 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 GRANTEEES AND THE VILLAGE OF LOMBARD OR PAGE COUNTY, ILLINOIS. WHERE A CONFLICT EXISTS BETWEEN THE EASEMENT RETAINMENT AND ANY SUCH FRANCHISE AGREEMENT OR WHERE THE PROVISIONS OF ANY SUCH FRANCHISE AGREEMENT ARE MORE RESTRICTIVE THAN THE LANGUAGE OF THIS EASEMENT RETAINMENT, THE LANGUAGE OF SAID FRANCHISE AGREEMENT SHALL BE CONTROLLING UPON EACH OF THE GRANTEEES.



16' PUBLIC ALLEY HEREBY VACATED



16' PUBLIC UTILITIES & DRAINAGE
EASEMENT HEREBY RETAINED

STATE OF ILLINOIS) SS
COUNTY OF DuPAGE)

THIS INSTRUMENT NUMBER _____ WAS FILED FOR RECORD IN THE
RECORDER'S OFFICE OF DuPAGE COUNTY, ILLINOIS,
AFORESAID ON THE _____ DAY OF _____ A.D. 20____ AT _____
O'CLOCK _____ M.

DuPAGE COUNTY RECORDER OF DEEDS

STATE OF ILLINOIS) SS
COUNTY OF DuPAGE)

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD
ILLINOIS THIS _____ DAY OF _____ A.D. 20____

PRESIDENT

VILLAGE CLERK

G **GENTILE & ASSOCIATES, INC.**
PROFESSIONAL LAND SURVEYORS
550 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60148
PHONE (630) 516-8282

PREPARED FOR VILLAGE OF LOMBARD-DEPT OF COMMUNITY DVLPMNT
DRAWN BY VAF/MMG/VF ILLINOIS PROFESSIONAL DESIGN
ORDER NO 12-20274-17 VAC S REV2 FIRM LICENSE NO 184 002870



STATE OF ILLINOIS) SS
COUNTY OF DuPAGE)

APPROVED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF THE VILLAGE OF
LOMBARD, ILLINOIS, THIS _____ DAY OF _____ A.D. 20____

DIRECTOR OF COMMUNITY DEVELOPMENT

STATE OF ILLINOIS) SS
COUNTY OF DuPAGE)

THIS IS TO CERTIFY THAT I, JOSEPH GENTILE, ILLINOIS PROFESSIONAL LAND SURVEYOR
NUMBER 2925 HAVE PLATTED FROM AVAILABLE RECORDS THE FOLLOWING DESCRIBED
PROPERTY FOR THE PURPOSE OF VACATING A CERTAIN PUBLIC ALLEY (AS SHOWN
HEREON) DESCRIBED AS FOLLOWS

THAT PART OF THE NORTH AND SOUTH ALLEY ADJACENT TO LOT 7 IN ROBERTSON'S WESTMORE BEING A
SUBDIVISION IN PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9 TOWNSHIP 38 NORTH
RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE THEREOF RECORDED JUNE 1ST 1922
AS DOCUMENT NO 156381 THE NORTH TERMINUS BEING THE NORTH LINE OF LOT 7 EXTENDED WEST TO THE
EAST LINE OF LOT 23 IN ROBERTSON'S WESTMORE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE BEING IN
PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9 TOWNSHIP 38 NORTH RANGE 11
RECORDED NOVEMBER 2 1925 AS DOCUMENT NUMBER 202421 THE SOUTH TERMINUS BEING THE SOUTH LINE
OF THE NORTH 4.00 FEET OF LOT 8 EXTENDED WEST TO THE EAST LINE OF LOT 23 IN THE AFORESAID
ROBERTSON'S WESTMORE ALL BEING IN DuPAGE COUNTY ILLINOIS

CONTAINING 544.01 sq ft (0.012 acres)

ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF

GIVEN UNDER MY HAND AND SEAL THIS 2ND DAY OF NOVEMBER A.D. 2017

ILLINOIS PROFESSIONAL LAND SURVEYOR NO 2925
MY LICENSE EXPIRES NOVEMBER 30, 2018