

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: David A. Hulseberg, Village Manager  
DATE: June 12, 2013 (B of T) Date: June 20, 2013  
TITLE: Vacating an Unimproved Alley Located North of 300 South Westmore-  
Meyers Road  
SUBMITTED BY: Department of Community Development *WA*

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an Ordinance vacating a portion of an unnamed alley, West of Westmore-Meyers Road, East of South Broadway and North of the property located at 300 S. Westmore-Meyers Road.  
(DISTRICT #5)

This Ordinance will require the approval of 5 of the 6 Trustees (the Village President cannot be the fifth vote).

Staff requests a waiver of first reading of the Ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):  
Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X \_\_\_\_\_ 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:** David A. Hulseberg, AICP, ICMA-CM, Village Manager  
**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*  
**DATE:** June 20, 2013  
**SUBJECT:** Alley Vacation – North of 300 S. Westmore-Meyers Road

Attached please find an Ordinance vacating a portion of an unnamed alley, West of Westmore-Meyers Road, East of South Broadway and North of the property located at 300 S. Westmore-Meyers Road.

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 providing the opportunity for additional parking in the area. This proposed vacation is consistent with the objectives set forth in the alley study undertaken by the Public Works Department.

The Village finds that it would be in its best interest to vacate the alley in its entirety to the property owner to the South (Mr. Bestwrench), as such a division would provide the opportunity for the adjacent property owner to construct additional employee parking on the vacated alley. This, in turn, will help alleviate a public concern regarding the lack of parking in the area, and will reduce parking demand in the public parking lot located North of the subject alley. If the alley was divided in half, neither abutting property owner would be able to reasonably utilize the portion they receive to address the parking issue. DuPage County staff is aware of the approach being proposed by the Village, and does not object to the vacation as proposed.

The subject alley is improved with a publicly dedicated water main. As such, a public utility easement will be retained over the area to be vacated.

### **ACTION REQUESTED**

Please place this item on the June 20, 2013 Village Board meeting for consideration and approval. This Ordinance will require the approval of 5 of the 6 Trustees (the Village President cannot be the fifth vote). Staff also requests a waiver of first reading of the Ordinance.

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

**AN ORDINANCE VACATING AN UNIMPROVED ALLEY LOCATED  
NORTH OF 300 SOUTH WESTMORE-MEYERS ROAD**

**WHEREAS**, the Village of Lombard (hereinafter the “VILLAGE”) maintains a right-of-way of sixteen (16) feet in width for that portion of an unimproved alley which is located within the corporate limits of the VILLAGE; and

**WHEREAS**, the President and Board of Trustees of the Village (hereinafter the “CORPORATE AUTHORITIES”) find that the unimproved alley, extending East of South Broadway and terminating at the west edge of Westmore-Meyers Road (hereinafter referred to as the “SUBJECT RIGHT-OF-WAY”) extends for a length of one hundred twenty-five (125) feet; 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 find that the existing lot, to the South of the SUBJECT RIGHT-OF-WAY, is an improved commercial property, addressed 300 South Westmore Meyers Road, and can be accessed from Westmore-Meyers Road; and

**WHEREAS**, the CORPORATE AUTHORITIES have determined that the SUBJECT RIGHT-OF-WAY would primarily be for the use and benefit of the owner of the parcel to the South of the SUBJECT RIGHT-OF-WAY, and would not serve the transportation needs of the VILLAGE; and

**WHEREAS**, the CORPORATE AUTHORITIES find that the existing lot, to the North of the SUBJECT RIGHT-OF-WAY, is land owned by DuPage County, and is improved with the Illinois Prairie Path and a public parking lot; and

**WHEREAS**, the CORPORATE AUTHORITIES find that the commercial area surrounding the SUBJECT RIGHT-OF-WAY was developed prior to the establishment of the Lombard Zoning Ordinance, and is deficient in parking opportunities for the general public; and

**WHEREAS**, the CORPORATE AUTHORITIES find that such deficiencies result in public right-of-way owned and maintained by the VILLAGE, as well as the public parking lot owned and maintained by DuPage County, being used to meet this parking deficiency; and

**WHEREAS**, the CORPORATE AUTHORITIES find that the providing of additional parking opportunities for private property owners decreases the parking demand on public streets and properties, and can improve traffic flow within the Westmore-Meyers Road corridor; and

**WHEREAS**, the VILLAGE would benefit by transferring the future maintenance responsibilities, relative to the SUBJECT RIGHT-OF-WAY, from the VILLAGE to the owner of the parcel to the South of the SUBJECT RIGHT-OF-WAY; and

**WHEREAS**, the VILLAGE would benefit by requiring the SUBJECT RIGHT-OF-WAY to be used as parking by the owner of the parcel to the South of the SUBJECT RIGHT-OF-WAY in order to alleviate the parking demands on the public parking lot to the North and to provide additional parking in an area the is currently deficient in parking opportunities; and

**WHEREAS**, the CORPORATE AUTHORITIES 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 deem it to be in the best interests of the VILLAGE to vacate the SUBJECT RIGHT-OF-WAY, 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 portion of the alley located West of Westmore-Meyers Road, and North of the property located at 300 South Westmore-Meyers Road, as hereinafter more fully described in Section 3 below.

**SECTION 2:** The CORPORATE AUTHORITIES find as follows:

- A. Pursuant to 65 ILCS 5/11-91-1, an ordinance vacating a right-of-way can provide that it shall not become effective until the owner of a particular parcel of property abutting upon the right-of-way to be vacated pays compensation to the municipality in an amount which, in the judgment of the corporate authorities, shall be the fair market value of the property acquired or of the benefits which will accrue to said owner by reason of the vacation.
- B. Pursuant to 65 ILCS 5/11-91-1, if the ordinance vacating a right-of-way provides that only the owner of a particular parcel abutting upon the right-of-way to be vacated shall make the aforementioned compensation payment, then said owner of said particular parcel shall acquire title to the entire vacated right-of-way.
- C. That the owner of the property commonly known as 300 South Westmore-

Meyers Road, Lombard, IL; permanent tax index number 06-09-303-006, hereinafter the "ABUTTING PROPERTY OWNER") shall make payment to the Village for the entire compensation due relative to the right-of-way vacation referenced in Section 3 below, as more specifically set forth in Section 4 below.

**SECTION 3:** The following described portion of an unimproved alley:

THE EAST AND WEST 16 FOOT ALLEY LYING NORTHERLY OF LOT 1, LYING EASTERLY OF THE WEST LINE OF LOT 1 AND ITS NORTHERLY EXTENSION, LYING WESTERLY OF THE EAST LINE OF LOT 1 AND ITS NORTHERLY EXTENTION IN ROBERTSON'S WESTMORE IN SECTION 9, TOWNSHIP 39, NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS;

as shown on the plat of vacation attached hereto as Exhibit "A", and designated "hereby vacated", be and the same hereby is vacated, (hereinafter the VACATED RIGHT-OF-WAY) subject to the retention of a public utility and drainage easement over the VACATED RIGHT-OF-WAY.

**SECTION 4:** That in lieu of the payment of compensation by the ABUTTING PROPERTY OWNER, the ABUTTING PROPERTY OWNER shall complete construction of a driveway and parking spaces on the VACATED RIGHT-OF-WAY, in conformance with all applicable Village Codes, Ordinances and regulations hereinafter the ("PARKING IMPROVEMENTS"). Said PARKING IMPROVEMENTS shall be constructed and approved by the VILLAGE prior to the recording of the Plat of Vacation attached hereto and made a part hereof.

**SECTION 5:** The owner of the following parcel shall acquire title to the VACATED RIGHT-OF-WAY upon completion of the PARKING IMPROVEMENTS:

PIN: 06-09-303-006                      Commonly known as Jeffrey A. Beck, 300 South  
Westmore-Meyers Road, Lombard, Illinois.

**SECTION 6:** In the event that the PARKING IMPROVEMENTS are not completed within six (6) months of the date of this Ordinance, this Ordinance shall be null and void, without need of any further action by the Corporate Authorities, and the action, as set forth in Section 7 below, shall not take place.

**SECTION 7:** 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, upon the completion of the PARKING IMPROVEMENTS.

**SECTION 8:** That 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 \_\_\_\_\_ 2013.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2013.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013, pursuant to a roll call vote as follows:

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

ABSENT \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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Keith T. Giagnorio  
Village President

ATTEST:

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Sharon Kuderna  
Village Clerk

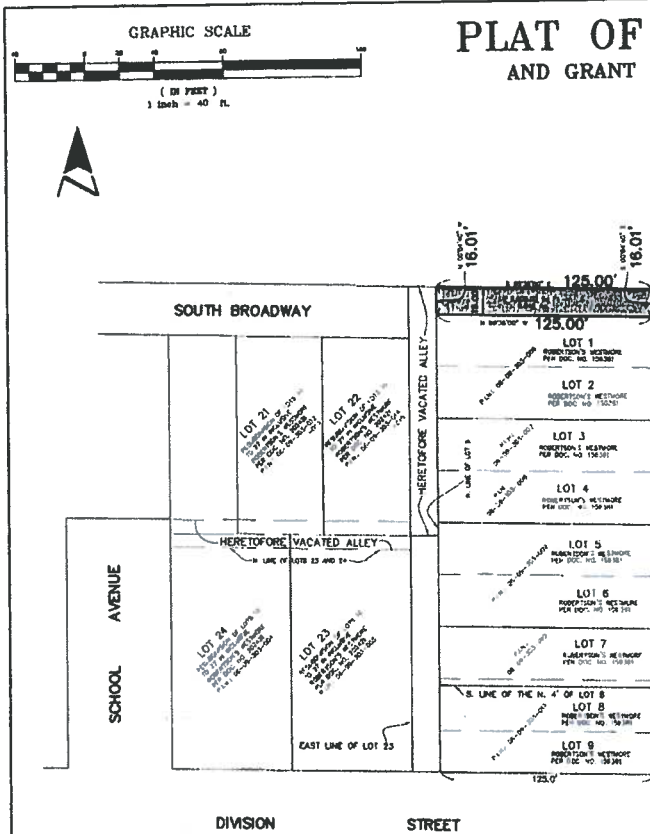
Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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Sharon Kuderna  
Village Clerk

# Exhibit "A"

P.L.N. 06-08-303-008



**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, COMMONWEALTH Edison COMPANY, AMERICAN INDOOR GAS, NEDRIDGE, 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, 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 VACATED 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 GRANTED TO CUT DOWN AND TRIM OR REMOVE ANY TREES, TEMPORARY STRUCTURES, TREES, SHRUBS, OR OTHER PLANTS AND 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.

EASEMENT ARE HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF LOMBARD AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SURVEYED HEREBY, OVER THE ENTIRE EASEMENT AREA FOR ACCESS, EGRESS, AND THE PERFORMANCE OF MUNICIPAL 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 GRANTEEES AND THE VILLAGE OF LOMBARD OR 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 GRANTEEES.

STATE OF ILLINOIS ) S.S.  
COUNTY OF DU PAGE )

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

DUPAGE COUNTY RECORDER OF DEEDS

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 \_\_\_\_

DIRECTOR OF COMMUNITY DEVELOPMENT

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 \_\_\_\_\_

STATE OF ILLINOIS ) S.S.  
COUNTY OF DU PAGE )

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:

THE EAST AND WEST 16 FOOT ALLEY, LYING NORTHERLY OF LOT 1, LYING EASTERLY OF  
THE WEST LINE OF LOT 1 AND ITS NORTHERLY EXTENSION, LYING WESTERLY OF THE  
EAST LINE OF LOT 1 AND ITS NORTHERLY EXTENSION IN ROBERTSON'S WESTMORE, IN  
SECTION 9, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
IN DU PAGE COUNTY, ILLINOIS.

CONTAINING: 2,000.00 Sq Ft (0.046 Ac)

**GENTILE & ASSOCIATES, INC.**  
PROFESSIONAL LAND SURVEYORS  
550 E. 57 CHARLES PLACE  
LOMBARD, ILLINOIS 60148  
PHONE (630) 918-6282  
FAX (630) 918-6284

PREPARED FOR: VILLAGE OF LOMBARD-DEPT. OF COMMUNITY DEVT. (4 1014)

DRAWN BY: MNG ORDER NO. 13-20312 (VACATION) ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184 007870



ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL THIS 3TH DAY OF APRIL, A.D. 20 13

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2925  
MY LICENSE EXPIRES NOVEMBER 30, 2014