

CP

**ORDINANCE NO. 5596**

**AN ORDINANCE GRANTING VARIATIONS OF THE LOMBARD CODE OF ORDINANCES CHAPTER 50; SECTION 50.026 AND CHAPTER 151; SECTION 151.55**

(BOT 04-18: 400 & 500 E. St. Charles Road, 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 variations from Chapter 50 "Combined Water and Sewer System"; Section 50.026 "Prohibited Connections" and from Chapter 151 "Flood Control"; Section 151.55 "Retention/Detention Basins", and;

WHEREAS, a public hearing has been conducted by the Board of Trustees on December 16, 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 50 "Combined Water and Sewer System", Section 50.026 "Prohibited Connections", of the Code of Lombard, Illinois, for the property described in Section 3 below, as to allow connection of the proposed storm sewer to the combined sewer system.

Section 2: 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 0.72 ac-ft of the 0.90 ac-ft of total required detention, for the property described in Section 3 below.

Section 3: That this ordinance is limited and restricted to the property located at 400 & 500 E. St. Charles Road, Lombard, IL and legally described as follows:

PARCEL 1: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 5 AND THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF ST. CHARLES ROAD, WHICH IS 275 FEET EAST OF A POINT WHERE SAID ROAD TURNS EASTERLY NEAR THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 8; THENCE NORTHERLY AT RIGHT ANGLES WITH ST. CHARLES ROAD TO THE SOUTH LINE OF THE RIGHT OF WAY OF

CHICAGO AND NORTHWEST RAILROAD COMPANY; THENCE EASTERLY ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF CHICAGO AND NORTHWEST RAILROAD COMPANY TO THE WEST LINE OF THE PROPERTY CONVEYED TO AUGUSTA BIRR, (SAID WEST LINE BEING DRAWN NORTH 8 ½ DEGREES WEST AND SOUTH 8 ½ DEGREES EAST THROUGH A POINT 7.64 CHAINS EAST OF QUARTER SECTION POST BETWEEN SECTIONS 5 AND 8 AFORESAID); THENCE SOUTHERLY ALONG THE WEST LINE OF THE AUGUSTA BIRR PROPERTY TO NORTH LINE OF ST. CHARLES ROAD; THENCE WESTERLY ALONG THE NORTH LINE OF ST. CHARLES ROAD, 200 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5 AND PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT A STAKE IN SECTION LINE 764 LINKS EAST OF THE QUARTER SECTION POST BETWEEN SECTIONS 5 AND 8 AND RUNNING THENCE NORTH 8 ½ DEGREES WEST 1.86 CHAINS TO THE SOUTH BOUNDARY OF THE CHICAGO AND NORTHWEST RAILROAD LAND; THENCE NORTH 68 DEGREES EAST 1.52 CHAINS TO A STAKE; THENCE SOUTH 8 ½ DEGREES EAST 2.48 CHAINS TO A STAKE IN THE CENTER OF SECTION LINE; THENCE SOUTH 8 ½ DEGREES EAST 1.07 CHAINS TO A STAKE IN THE CENTER OF ST. CHARLES AND CHICAGO STATE ROAD ON SECTION 8; THENCE SOUTH 82 ¼ DEGREES WEST 1.52 CHAINS ALONG CENTER OF SAID STATE ROAD TO A STAKE; THENCE NORTH 8 ½ DEGREES WEST 1.26 CHAINS TO THE NORTH LINE OF SECTION 8 AND THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3: THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF ST. CHARLES ROAD WHICH IS 565.62 FEET EAST OF THE EAST LINE OF GRACE STREET; THENCE NORTH MAKING AN ANGLE OF 268 DEGREES 14 MINUTES TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 34.3 FEET FOR A PLACE OF BEGINNING; THENCE EXTENDED NORTHERLY, ALONG THE SAME LINE A DISTANCE OF 153.1 FEET, TO A STAKE IN THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO GREAT WESTERN RAILROAD RIGHT OF WAY; THENCE SOUTH EASTERLY ALONG THE SOUTH LINE OF SAID RAILROAD RIGHT OF WAY, A DISTANCE OF 250.33 FEET TO A STAKE IN THE WEST LINE OF THE HIGHWAY; THENCE SOUTHWESTERLY, ALONG THE NORTHWEST PROPERTY LINE OF THE HIGHWAY, A DISTANCE OF 255.4 FEET, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 4: THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AS FOLLOWS: ON THE NORTHERLY SIDE BY A LINE PARALLEL WITH AND DISTANT 50 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY (FORMERLY THE CHICAGO AND GREAT WESTERN RAILWAY COMPANY), AS SAID MAIN TRACK IS NOW LOCATED; ON THE WESTERLY OR NORTHWESTERLY SIDE BY A LINE PARALLEL WITH AND DISTANT 50 FEET SOUTHEASTERLY, MEASURED AT RIGHT ANGLES OR RADIALLY, FROM THE CENTERLINE OF THE MOST SOUTHEASTERLY MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY (FORMERLY THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, AND ORIGINALLY THE GALENA AND CHICAGO UNION RAILROAD COMPANY), AS NOW LOCATED, ON THE SOUTHERLY SIDE BY A LINE PARALLEL WITH AND DISTANCE 100 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE MAIN TRACK OF THE MINNESOTA AND NORTHWESTERN RAILROAD COMPANY (LATER THE CHICAGO GREATWESTERN RAILWAY COMPANY, NOW THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY) AS SAID MAIN TRACK CENTERLINE WAS ORIGINALLY LOCATED AND ESTABLISHED ACROSS SAID SECTION 5; AND ON THE EASTERLY OR SOUTHEASTERLY SIDE BY THE NORTHWESTERLY LINE OF ST. CHARLES ROAD, AS PRESENTLY LOCATED, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 5: THAT PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8 AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF ST. CHARLES ROAD, WHERE THE SAME INTERSECTS THE SOUTHERLY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY, NEAR THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN: THENCE IN A SOUTHERLY DIRECTION ALONG THE EAST LINE OF ST. CHARLES TO A POINT WHERE SAID ROAD TURNS EASTERLY; THENCE FOLLOWING THE NORTH LINE OF ST. CHARLES ROAD EASTERLY 275 FEET; THENCE NORTHERLY AT A RIGHT ANGLE WITH ST. CHARLES ROAD TO THE SOUTHERLY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY'S RIGHT OF WAY TO A PLACE OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN FOR HIGHWAY PER DOCUMENT R2002-072762, IN DUPAGE COUNTY, ILLINOIS.

Parcel Numbers: 06-08-200-001, 06-08-200-002, 06-05-426-001 through -005

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

- A. That a detention fee of \$116,640 shall be paid into the Village's stormwater account for the East Branch DuPage River watershed.
- B. That the normal fee of \$650.00 to process the variation (151.56.D) shall be required and deposited into the Village's Stormwater Fund for the East Branch DuPage River Watershed.
- C. That stormwater quality filters be required in each catch basin and that they be maintained in perpetuity.

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 \_\_\_\_\_, 2005.

First reading waived by action of the Board of Trustees this 6th day of January, 2005.

Passed on second reading this 6th day of January, 2005.

Ayes: Trustees Williams, Tross, Koenig, Florey and Soderstrom

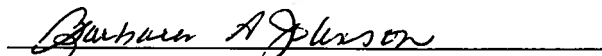
Nayes: None

Absent: Trustee Sebby

Approved this 6th day of January, 2005.

  
William J. Mueller, Village President

ATTEST:

  
Barbara A. Johnson, Deputy Village Clerk