



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: David A. Hulseberg, Village Manager 
DATE: December 15, 2010 (B of T) Date: January 6, 2011
TITLE: Alley Vacation and Granting of Public Utility Easement - Main/Graham/Wilson
SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

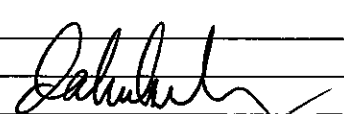
The Department of Community Development transmits for your consideration an ordinance vacating a 20' wide portion of an unimproved alley and granting a public utility easement over the area to be vacated. The properties receiving portions of the unimproved alley include: 5 and 19 West Graham, 16 W. Wilson, 930, 936, 940, 944 and 948 S. Main Street.

Staff recommends approval of this request.

Please place this item on the January 6, 2011 Board of Trustees consent agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X 	Date <u>12/22/10</u>

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, Village Manager

FROM: William Heniff, AICP, Director of Community Development *WH*

DATE: January 6, 2011

SUBJECT: Alley Vacation/Easement Dedication: Wilson Ave. & Graham Ave.

Attached is an Ordinance vacating a twenty foot (20') wide portion of an unimproved alley and also granting a public utility easement over the proposed area to be vacated. The unimproved public alley exists west of Main Street, between Graham Avenue and Wilson Avenue. This request is being brought forward by the Village of Lombard, per the past recommendation of the Public Works Committee through its Alley Maintenance Program. The alley is unimproved and the abutting residents have functionally used it as part of their rear or interior side yard in the past. While there are no Lombard utilities located within the alley right-of-way, staff suggests that a public utilities and drainage easement be granted over the area to be vacated. Public Works staff supports the vacation request as it does not serve the transportation needs of the Village.

A neighborhood meeting was held on October 26, 2010 regarding the proposed alley vacation. One resident attended the meeting to hear more about the pending vacation. To date, staff has not received any comments in opposition of the vacation. Should the vacation be approved by the Village Board, each abutting property owner will receive the abutting ten (10) feet of the vacated alley as depicted on the attached plat of vacation.

ACTION REQUESTED

Please place this item on the January 6, 2011 Village Board agenda for consideration. Staff recommends approval of the attached Ordinance.

ORDINANCE NO. _____

**ORDINANCE VACATING A PORTION OF THE UNNAMED PUBLIC ALLEY
WEST OF MAIN STREET, BETWEEN GRAHAM AVE AND WILSON AVE
AND GRANTING OF A PUBLIC UTILITY EASEMENT**

WHEREAS, a twenty foot (20') wide unimproved public alley exists west of Main Street, between Graham Avenue and Wilson Avenue; and

WHEREAS, the public alley does not serve the transportation needs of the Village; 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, said plat proposes to vacate the twenty foot (20') of the aforementioned alley to the adjacent property owners to the east and west of the proposed area to be vacated; and

WHEREAS, a twenty (20) foot easement for public utilities and drainage will still be required over the area to be vacated; and

WHEREAS the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the alley 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 west of Main Street, between Graham Avenue and Wilson Avenue hereinafter described:

THE NORTH AND SOUTH 20 FOOT ALLEY IN BLOCK 16 IN SUBDIVISION NAMED LOMBARD PARK MANOR BEING IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF LOMBARD, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1924 AS DOCUMENT NO. 183452, 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: That a twenty foot (20') easement for public utilities and drainage purposes is hereby granted over the vacated alley, as depicted on Exhibit "A" attached hereto.

SECTION 3: Pursuant to 65ILCS 5/11-91-1, the owners of the following parcels shall acquire title to the respective ten feet (10.0') of the vacated alley that lies immediately adjacent to their property thereto:

06-18-221-010 – Stephens, Daniels & J, 19 W. Graham Ave., Lombard, IL
06-18-221-020 – ALzona, Arsenio C, 16 W. Wilson Ave., Lombard, IL
06-18-221-021 – Scudieri, Jane, 5 W. Graham Ave., Lombard, IL
06-18-221-022 – Dixon, Robert L, 930 S. Main St., Lombard, IL
06-18-221-023 – Hayes, Keith, 936 S. Main St., Lombard, IL
06-18-221-024 – Chaudry, Amer, 940 S. Main St., Lombard, IL
06-18-221-025 – Chaudry, Amer, 940 S. Main St., Lombard, IL
06-18-221-026 – Stover, Anthony J, 944 S. Main St., Lombard, IL
06-18-221-028 – Marquette Bank Trust #18429, 948 S. Main St., Lombard, IL

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 4: 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 _____, 2011.

First reading waived by action of the Board of Trustees this _____ day of _____, 2011.

Passed on second reading this _____ day of _____, 2011.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2011.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2011.

Brigitte O'Brien, Village Clerk

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

GRAHAM AVENUE

PLAT OF VACATION AND GRANT OF EASEMENT

P. L. N.: 06-18-221-010

-020

-021

-022

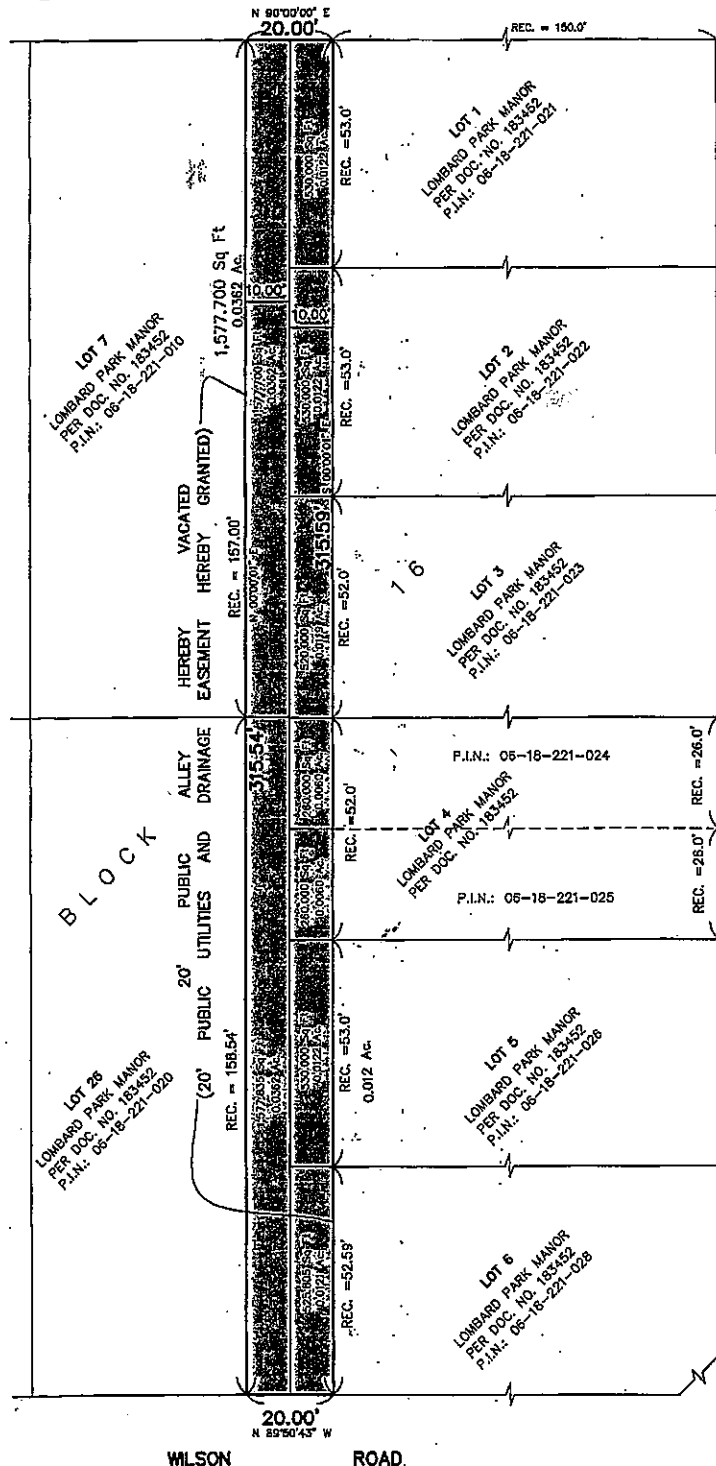
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UTILITY AND DRAINAGE EASEMENT PROVISIONS

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, AMERITECH, NICOR GAS, MEDIAONE, 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 GRANTED TO CUT DOWN AND TRIM OR REMOVE ANY FENCES, TEMPORARY STRUCTURES, TREES, SHRUBS, OR OTHER PLANTS WITHOUT NEED FOR PROVIDING COMPENSATION THEREFOR ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS 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 RESERVED FOR AND GRANTED TO THE VILLAGE OF LOMBARD AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SHOWN HEREON, OVER THE 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 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, 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 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) S.S.
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

STATE OF ILLINOIS) S.S.
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) S.S.
COUNTY OF DuPAGE)

THIS IS TO CERTIFY THAT I, JOSEPH F. 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) AND RESERVING UNTO THE VILLAGE A PUBLIC UTILITIES AND DRAINAGE EASEMENT THEREIN:

THE NORTH AND SOUTH 20 FOOT ALLEY IN BLOCK 16 IN SUBDIVISION NAMED LOMBARD PARK MANOR BEING IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF LOMBARD, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1924 AS DOCUMENT NO. 183452 IN DU PAGE COUNTY, ILLINOIS.

CONTAINING: 6,311.34 Sq Ft (0.14 Ac.)

ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL THIS 6TH DAY OF DECEMBER, A.D. 2010

Joseph F. Gentile
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2925
MY LICENSE EXPIRES NOVEMBER 30, 2012

NO.	DATE	DESCRIPTION	BY
1	11/19/2010	ADJACENT AREA FOR EACH LOT ADDED	MMG



GENTILE & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS
550 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60148
PHONE (630) 916-8282
FAX (630) 916-8284

PREPARED FOR: VILLAGE OF LOMBARD-DEPT. OF COMMUNITY DEVLPMT.
(AL TOB)
DRAWN BY: MMG/VAF ILLINOIS PROFESSIONAL DESIGN
ORDER NO.: ORDER NO. 10-20004 (VACATION)-REVI FIRM LICENSE NO. 184,002870

