

**Exhibit C**

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

**AN ORDINANCE VACATING A PORTION OF THE VIEW STREET  
RIGHT-OF-WAY EAST OF ELIZABETH STREET**

**WHEREAS**, the Village of Lombard (hereinafter the “VILLAGE”) has jurisdiction over and maintains a right-of-way of sixty-six (66) feet in width for that portion of View Street which is located within the corporate limits of the VILLAGE; and

**WHEREAS**, the VILLAGE finds that an existing elementary school (hereinafter the “SCHOOL”) has been developed by School District 44 (hereinafter the “SCHOOL DISTRICT”), North of the View Street right-of-way at 341 North Elizabeth Street, Lombard Illinois; and

**WHEREAS**, the VILLAGE finds that the View Street right-of-way, East of Elizabeth Street (hereinafter referred to as the “SUBJECT RIGHT-OF-WAY”) extends for a length of 140.00 feet, before terminating at a dead-end; and

**WHEREAS**, the SUBJECT RIGHT-OF-WAY is currently unimproved; and

**WHEREAS**, the VILLAGE owns and maintains public utilities within the SUBJECT RIGHT-OF-WAY; and

**WHEREAS**, the VILLAGE finds that no abutting property owners currently take access from the SUBJECT RIGHT-OF-WAY; and

**WHEREAS**, on November 1, 1973, the VILLAGE approved Ordinance 1749 which vacated a portion of View Street, East of the SUBJECT RIGHT-OF-WAY; said vacation being recorded as R73-73415; and

**WHEREAS**, the property East of the existing Eastern terminus of the SUBJECT RIGHT-OF-WAY is currently owned by the SCHOOL DISTRICT; and

**WHEREAS**, the VILLAGE finds that environmental constraints consisting of a community park and lake precludes the possibility the SUBJECT RIGHT-OF-WAY ever being used by the VILLAGE as an improved roadway; and

**WHEREAS**, the VILLAGE has determined that the SUBJECT RIGHT-OF-WAY will not serve the transportation needs of the Village; and

**WHEREAS**, the VILLAGE would benefit by transferring the future maintenance responsibilities relative to the SUBJECT RIGHT-OF-WAY from the VILLAGE to the SCHOOL

DISTRICT; and

**WHEREAS**, the VILLAGE has determined that the SUBJECT RIGHT-OF-WAY is still needed for public utility purposes; and

**WHEREAS**, the Corporate Authorities of the VILLAGE have received a Plat of Right of Way Vacation and Easement Dedication for the SUBJECT RIGHT-OF-WAY, attached hereto as “Exhibit A” and made part hereof; and

**WHEREAS**, the Corporate Authorities of the VILLAGE deem it to be in the best interest of the VILLAGE to authorize vacation and easement dedication as depicted on “Exhibit A”, if, as consideration for such vacation, the SCHOOL DISTRICT meets the conditions contained herein.

**NOW THEREFORE BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: The President and Board of Trustees find as follows:

- A. Pursuant to 65 ILCS 5/11-91-1, an ordinance vacating a street can provide that it shall not become effective until the owner of a particular parcel of property abutting upon the street 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 street provides that only the owner of a particular parcel abutting upon the street to be vacated shall make the aforementioned compensation payment, then said owner of said particular parcel shall acquire title to the entire vacated street.
- C. That the fair market value of the SUBJECT RIGHT-OF-WAY, as determined by an M.A.I. appraiser and as described in Section 3 below, is \$7,500.00.
- D. That the SCHOOL DISTRICT shall compensate the VILLAGE for the SUBJECT RIGHT-OF-WAY vacation referenced in Section 2 below, as more specifically set forth in Section 4 below.

SECTION 2: It is hereby determined that the public interest will be served by vacating the SUBJECT RIGHT-OF-WAY as hereinafter described:

THAT PART VIEW STREET FROM THE EAST RIGHT-OF-WAY LINE OF ELIZABETH STREET TO A POINT ONE HUNDERED FORTY (140) FEET

EAST OF THE EAST RIGHT-OF-WAY LINE OF ELIZABETH STREET. BOUNDED BY NORTHERLY EXTENSIONS OF THE EAST AND THE WEST LINES OF LOT 3 IN KEMPER'S DIVISION, RECORDED NOVEMBER 10, 1927 AS DOCUMENT NO. 246494 IN BOOK 18, PAGE 20 IN DU PAGE COUNTY, ILLINOIS.

as shown on the plat attached hereto as Exhibit "A" and designated "hereby vacated" be and the same hereby is vacated subject to the conditions listed in Sections 3 and 4 below.

SECTION 3: That an easement for public utilities over, above, under, upon and across said vacated area described in Section 2 above is hereby reserved by and dedicated to the VILLAGE.

SECTION 4: That this Ordinance shall be subject to the payment by the SCHOOL DISTRICT to the VILLAGE, as set forth in Section 1 above, of compensation in the amount of \$7,500.00. Said compensation amount shall consist of compliance with the following conditions, in lieu of the \$7,500.00:

- A. The SCHOOL DISTRICT shall reimburse the VILLAGE for all appraisal costs associated with the street vacation provided for by the Ordinance.
- B. The SCHOOL DISTRICT shall reimburse the VILLAGE for all costs borne by the VILLAGE in the preparation and creation of the Plat of Vacation and Easement Dedication.
- C. The SCHOOL DISTRICT shall reimburse the VILLAGE for attorneys fees incurred by the VILLAGE relative to the preparation of the Plat of Vacation and Easement Dedication and this Ordinance.
- D. The SCHOOL DISTRICT shall submit to the VILLAGE for review and approval, a Plat of Resubdivision, consolidating the SUBJECT RIGHT-OF-WAY with all abutting properties under ownership by the SCHOOL DISTRICT. All costs associated with the creation of the Plat of Resubdivision shall be paid for by the SCHOOL DISTRICT.

SECTION 5: That in further consideration of this Ordinance, the SCHOOL DISTRICT further agrees to enter into a redevelopment agreement between the VILLAGE and the SCHOOL DISTRICT in regard to student reimbursements for residential redevelopment activity within the Lombard St. Charles Road Corridor Tax Increment Financing District I (West).

SECTION 6: That the Department of Community Development is hereby directed to record a certified copy of this Ordinance, along with the original Plat of Vacation and Easement

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Dedication upon confirmation by the Department of Community Development that the VILLAGE has received the payments referenced in Section 3 above.

SECTION 7: 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 \_\_\_\_\_ 2004.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

ABSENT \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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

ATTEST:

\_\_\_\_\_  
Barbara A. Johnson  
Deputy Village Clerk

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\_\_\_\_\_, 2004  
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