

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: William T. Lichter, Village Manager

DATE: April 7, 2004 (B of T) Date: April 15, 2004

TITLE: Alley Vacation east of the 400 block of South Edson Street between Hickory Street and Madison Street

SUBMITTED BY: Department of Community Development *Patt.*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development submits for your consideration an ordinance approving the vacation of an unnamed public right-of-way east of South Edson Street, between Hickory Street and Madison Street and granting a public utility easement over a portion of the vacated right-of-way. (3/4 Vote of the Trustees Required - 5 of 6) (DISTRICT #1)

Staff is requesting waiver of first reading

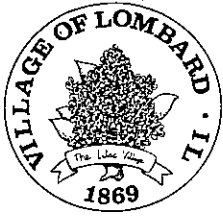
Please place this item on the April 15, 2004 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *William T. Lichter* \_\_\_\_\_ Date *4/8/04*

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:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP, Director of Community Development *DH*

**DATE:** April 7, 2004

**SUBJECT:** Alley Vacation

Attached please find an Ordinance vacating a portion of an unnamed alley, east of the 400 block of South Edson Street, between Hickory Street and Madison Street. Upon approval of the vacation, the vacated right-of-way will be consolidated through an administrative plat of resubdivision, and made a part of the lots to the north (443 S. Edson Street) and south (501 S. Edson Street) respectively.

### **BACKGROUND**

The property owner of 443 S. Edson applied for a building permit to construct a second story addition to his residence. Upon review, staff noted that the existing residence is located over the property line and encroaches approximately one foot into the public alley. Also noted, was the fact that the lots at 443 and 501 S. Edson were forty (40) feet and forty-five (45) feet in width respectively which is less than 80 percent of the required lot width. Due to this circumstance neither property owner would be able to rebuild their residences in the event of severe damage or destruction. Staff recommended the vacation of the alley to the property owners to the north and south to facilitate the construction of the addition as well as allow the property owner's lots to be recognized as buildable lots. The public alley is currently utilized as a pedestrian walkway with barriers within the alley to prevent vehicular traffic. If the alley were vacated to the property owners, a nineteen foot easement would be maintained for public access and utilities. A revised plat of vacation is being prepared to reflect the nineteen foot public access and utility easement.

### **RECOMMENDATION**

Staff recommends approval of the Ordinance.

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

**ORDINANCE VACATING THE UNNAMED PUBLIC RIGHT-OF-WAY  
EAST OF SOUTH EDSON STREET,  
BETWEEN HICKORY STREET AND MADISON STREET  
AND GRANTING A PUBLIC UTILITY EASEMENT  
OVER A PORTION OF THE VACATED RIGHT-OF-WAY**

**WHEREAS**, a twenty foot wide public right-of-way exists between the residential properties located at 443 and 501 South Edson Street; and

**WHEREAS**, said right-of-way is improved with an asphalt surface to provide for vehicular access to private detached garages on the abutting properties; and

**WHEREAS**, said right-of-way is improved with an asphalt surface to provide for vehicular access to private detached garages on the abutting properties; and

**WHEREAS**, a public watermain is located within the public-right-of-way; and

**WHEREAS**, barriers have been placed within the alley to prevent motor vehicle access between Edson Street and Brewster Avenue; and

**WHEREAS**, the public-right-of-way no longer serves the motor vehicle transportation needs of the Village; and

**WHEREAS**, the public-right-of-way still serves the pedestrian needs of the Village; and

**WHEREAS**, the public-right-of-way still serves the utility needs of the Village; and

**WHEREAS**, the Corporate Authorities of the Village of Lombard have received a Plat of Vacation, as attached hereto and marked Exhibit "A" from the property owner abutting the right-of-way to be vacated; and,

**WHEREAS** the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the right-of-way vacation, provided that easements for public pedestrian access and for public utilities are granted over the right-of-way proposed to be vacated..

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 east of South Edson Avenue, between Hickory Street and Madison Street hereinafter described.

SECTION 2: The following described portion of the unnamed alley:

THAT PART OF THE EAST/WEST 20 FOOT PUBLIC ALLEY LYING WEST OF THE EAST LINE OF LOT 6 AND ITS SOUTHERLY EXTENSION AND EAST OF THE WEST LINE OF LOT 6 AND ITS SOUTHERLY EXTENSION IN BLOCK 4 IN LOMBARD FARMS SUBDIVISION, BEING A SUBDIVISION IN THE SOUTH HALF OF SECTION 7, AND THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, 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 3: Pursuant to 65ILCS 5/11-91-1, the following parcels shall each acquire title to the half of the vacated street or vacatted alley that lies immediately adjacent thereto:

06-07-406-010 - 443 S. Edson Street, Lombard, IL

06-07-406-011 - 501 S. Edson Street, Lombard, IL

SECTION 4: That an easement for public pedestrian access and for public utilities is hereby granted for the right-of-way as described in Section 2 above.

SECTION 5: 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 6: 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