



**FRED BUCHOLZ**

**DUPAGE COUNTY RECORDER**

**MAY 16, 2017 8:29 AM**

**PLAT \$48.00 06-18-420-027**

**PLAT PAGE COUNT: 1**

**010 PAGES R2017-047173**

**ORDINANCE 7362**

**VACATING A PORTION OF  
ELIZABETH STREET, IMMEDIATELY NORTH OF  
ROOSEVELT ROAD**

**PIN(s): 06-18-420-027**

**ADDRESS: 244 West Roosevelt Road, Lombard, IL 60148**

**Prepared by and Return To:**

**(Village of Lombard)  
255 E. Wilson Avenue  
Lombard, IL 60148**



I, **Janet Downer**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a copy of

ORDINANCE 7362

VACATING A PORTION OF  
ELIZABETH STREET, IMMEDIATELY NORTH OF ROOSEVELT ROAD

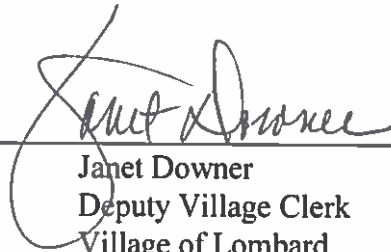
PIN(s): 06-18-420-027

ADDRESS: 244 West Roosevelt Road, Lombard, IL 60148

of the said Village as it appears from the official records  
of said Village duly approved this 20th  
day of April, 2017.

**In Witness Whereof**, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 11th day of May, 2017.



  
\_\_\_\_\_  
Janet Downer  
Deputy Village Clerk  
Village of Lombard  
DuPage County, Illinois

**ORDINANCE 7362  
PAMPHLET**

**VACATION OF ELIZABETH STREET RIGHT-OF-WAY  
NORTH OF ROOSEVELT ROAD, RELATIVE TO PC 17-11,  
CARRIAGE ANIMAL CLINIC, 244 W. ROOSEVELT ROAD**



**PUBLISHED IN PAMPHLET FORM THIS 21<sup>st</sup> DAY OF APRIL, 2017, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE  
COUNTY, ILLINOIS.**

*Sharon Kuderna*

**Sharon Kuderna  
Village Clerk**

**ORDINANCE NO. 7362**

**AN ORDINANCE VACATING A PORTION OF  
ELIZABETH STREET, IMMEDIATELY NORTH OF ROOSEVELT ROAD**

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

**SECTION 1:** That the President and Board of Trustees of the Village of Lombard (hereinafter the "Village") 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(s) of the property abutting the right-of-way, or the owner(s) of a particular parcel of property abutting the right-of-way, to be vacated, pay(s) 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(s) 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 dedicated, but unimproved, right-of-way, as described in Section 3 below (hereinafter, the "Vacated Street") is Seventy-Five Thousand and No/100 Dollars (\$75,000.00).
- D. That Seventy-Five Thousand and No/100 Dollars (\$75,000.00) is only the fair market value of the Vacated Street when the vacation of said Vacated Street is made subject to the conditions set forth in Section 4 below.
- E. That the owner of the following-described property:

Lot 1 in Hearle's Consolidation Plat, a part of the Southeast 1/4 of Section 18, Township 39 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois;

P.I.N.: 06-18-420-027;

Common Address: 244 West Roosevelt Road,  
Lombard, Illinois 60148;

(hereinafter the "Abutting Property Owner") shall make payment to the Village for the entire compensation due relative to the street vacation referenced in Section 3 below, as more specifically set forth in Section 4 below.

**SECTION 2:** It is hereby determined that the public interest will be subserved by vacating the Vacated Street, as hereinafter described, subject to the conditions set forth in Section 4 below.

**SECTION 3:** The following-described right-of-way:

That portion of the sixty-six (66) foot wide Elizabeth Street right-of-way lying East of and adjacent to Lot 1 in Hearle's Consolidation Plat, a part of the Southeast 1/4 of Section 18, 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 made part hereof, [an original thereof to be provided by the Village, in final form, suitable for recording, upon the Abutting Property Owner depositing with the Village the amount estimated by the Village to cover the costs for document and plat preparation, recording costs and all third party fees necessary to complete the vacation], and designated "hereby vacated" on said plat of vacation, be and the same hereby is vacated, subject to the conditions listed in Section 4 below.

**SECTION 4:** That this Ordinance shall be subject to the following:

- A. The Abutting Property Owner making the monetary deposit referenced in Section 3 above, within thirty (30) days of the approval date of this Ordinance.
- B. The payment by the Abutting Property Owner of compensation to the Village in the amount of Seventy-Five Thousand and No/100 Dollars (\$75,000.00) shall be deposited with the Village within thirty (30) days of the approval date of this Ordinance.
- C. The retention of a public utility and drainage easement, in the form attached hereto as Exhibit B, and made part hereof, in, across, over and under the entire Vacated Street, with said easement language to be set forth on the plat of vacation attached hereto as Exhibit A.

**SECTION 5:** Pursuant to 65 ILCS 5/11-91-1, the Abutting Property Owner shall acquire title to the Vacated Street, upon the recording of a certified copy of this Ordinance and the plat of vacation attached hereto as Exhibit A.

**SECTION 6:** That, in the event that the payments provided for in Sections 4.A. and 4.B. above are not received by the Village within thirty (30) days of the approval date of this Ordinance, this Ordinance shall be null and void and of no further effect, the recording as referenced in Section 7 below shall not take place, and the Corporate Authorities of the Village shall take the appropriate action to formally repeal this Ordinance.

**SECTION 7:** That, upon the Village's receipt of the payments referenced in Sections 4.A. and 4.B. above, the Director of Community Development is hereby directed to record the original signature copy of this Ordinance, along with the original plat of vacation and a certification by the Village Clerk as to the Ordinance being the original Ordinance, with the DuPage County Recorder of Deeds.

**SECTION 8:** That this Ordinance shall be in full force and effect from and after its passage by a three-fourths (3/4ths) vote of the Trustees holding office, and approval, as required by law.

Passed on first reading this 6<sup>th</sup> day of April, 2017.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of April, 2017.

Passed on second reading this 20<sup>th</sup> day of April, 2017.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

Nays: None


Absent: None

Approved this 20<sup>th</sup> day of April, 2017.


  
Keith T. Giagnorio  
Village President

Ordinance No. 7362  
Vacation of Elizabeth St. Right of Way  
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ATTEST:

  
Sharon Kuderna  
Village Clerk

Published by me in pamphlet form on this 21<sup>st</sup> day of April, 2017

  
Sharon Kuderna  
Village Clerk

**Exhibit A**

**Plat of Vacation**

(attached)



# PLAT OF VACATION AND EASEMENT GRANT

THE EAST 250 FEET OF LOT 11 AND THE WEST 250 FEET OF LOT 12 IN BLOCK 9 TO BE WIDENED WEST, A SUBSECTION OF THE 1800-FOOT WIDE OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 71 EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT THE EAST SOUTHWEST CORNER AND 1/2 INCH AT DOCUMENT NUMBER IN SUIPER COUNTY, ILLINOIS



**COUNTY RECORDER CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF SUIPER )  
THIS INSTRUMENT WAS FILED FOR RECORD IN THE )  
RECORDS OFFICE OF SUIPER COUNTY, ILLINOIS ON THE \_\_\_\_\_ DAY OF )  
\_\_\_\_\_ A.D. 19\_\_\_\_ AT \_\_\_\_\_ O'CLOCK, AND )  
DAS RECORDED IN BOOK \_\_\_\_\_ OF PLATS ON PAGE \_\_\_\_\_

BY \_\_\_\_\_  
RECORDER OF DEEDS  
SUIPER COUNTY

**COMMUNITY DEVELOPMENT CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF SUIPER )  
APPROVED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF THE VILLAGE )  
OF LOMBARD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_ )  
BY \_\_\_\_\_  
DIRECTOR OF COMMUNITY DEVELOPMENT, VILLAGE OF LOMBARD

**VILLAGE BOARD CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF SUIPER )  
APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE )  
OF LOMBARD, ILLINOIS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 19\_\_\_\_ )  
BY \_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
VILLAGE CLERK

**PLATABILITY STATEMENT**

"An easement is created by the Village of Lombard on the plat for the purpose of right, utility and access to adjacent, unimproved, vacant, vacant, unimproved, and vacant or partly vacant lots, vacant utility lines, and public utility lines, together with any and all necessary appurtenances as may be deemed necessary by said Village for water, sewer, gas, water and sewage and related equipment, together with right of access across the property for necessary easements and easements to all any of the above items. The right to use ground to all items and items or various any items, temporary structures, signs, sheds, or other goods which may be placed on said easement, together with the easement that extends with the easement of the road, street, utility line, and other items for permanent buildings shall be placed on said easement, but shall not be used for permanent, garden, street, landscaping and other purposes that do not bear or bear relationship with the intended use of the plat."  
Notwithstanding anything herein to the contrary, the Village of Lombard shall have the right to use the easement for any and all purposes not prohibited by law and the easement shall be subject to the same terms and conditions as the easement created by this plat.

**STATEMENTS AND NOTES**

VILLAGE OF LOMBARD  
222 EAST WILSON AVENUE  
LOMBARD, ILLINOIS 60148

**PREPARED BY STATEMENT**

STATE OF ILLINOIS )  
COUNTY OF SUIPER )  
THIS PLAT WAS PREPARED UNDER MY SUPERVISION FOR THE )  
PURPOSES HEREIN SET FORTH )  
COMPAAS SURVEYING, LTD.  
PROFESSIONAL LAND SURVEYOR  
LAND SURVEYOR CORPORATION NO. 184-002770  
LICENSE EXPIRES 4/30/2017

BY \_\_\_\_\_ DATE \_\_\_\_\_  
DAVID P. TUPPIO  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 1253  
LICENSE EXPIRES 11-30-16

**APPROPRIATIONS**

00 = 0000 Square of Ground  
100 = 1000 of Ground  
100 = 1000 sqm ground

<p><b>COMPASS SURVEYING LTD</b> ALSO IN BUSINESS OF CHARTERED PROFESSIONALS</p>	<p><b>CLIENT</b> CARRIAGE ANDIAI HOSPITAL</p>	<p>DATE: 08-14-17 AS PER: [ ] DRAWN BY: [ ] CHECKED BY: [ ] DATE: [ ]</p>	<p>DATE: 08-14-17 AS PER: [ ] DRAWN BY: [ ] CHECKED BY: [ ] DATE: [ ]</p>	<p>DATE: 08-14-17 AS PER: [ ] DRAWN BY: [ ] CHECKED BY: [ ] DATE: [ ]</p>
	<p>Address: 1100 W. 11th St., Lombard, IL 60148 Tel: 630-261-1100 Fax: 630-261-1101</p>	<p>Address: 1100 W. 11th St., Lombard, IL 60148 Tel: 630-261-1100 Fax: 630-261-1101</p>	<p>Address: 1100 W. 11th St., Lombard, IL 60148 Tel: 630-261-1100 Fax: 630-261-1101</p>	<p>Address: 1100 W. 11th St., Lombard, IL 60148 Tel: 630-261-1100 Fax: 630-261-1101</p>

## **Exhibit B**

### **Public Utility and Drainage Easement**

A perpetual easement and right-of-way for the full and free right, privilege and authority to clear, trench for, construct, install, reconstruct, replace, remove, repair, alter, inspect, maintain and operate public utilities and drainage improvements including, but not limited to, water, sanitary sewer, storm sewer, overland storm water flows, electricity, telecommunications, natural gas and cable television, and all facilities incidental thereto, is hereby retained by the Village of Lombard, any and all public utility companies, and those cable television companies/video programming providers with a franchise agreement from the Village or a permit issued by the Illinois Commerce Commission (hereinafter collectively the "Easement Recipients") in, on, upon, over, through, across and under the entire portion of vacated Stewart Avenue (hereinafter the "Easement Premises").

The officers, agents or employees of the Easement Recipients, whenever elected, appointed or hired, may at any and all times designated herein, when necessary and convenient to do so, go in, on, upon, over, through, across and under the Easement Premises, and do and perform any and all acts necessary or convenient to the carrying into effect the purposes for which the easements created hereby are retained, and the owners of the Easement Premises shall not disturb, molest, injure or in any manner interfere with, or in any way restrict access to, the aforesaid public utilities and/or drainage improvements, and all facilities and activities incidental thereto.

The owner of the Easement Premises shall have the right to make any use of the Easement Premises, whether on, above or below its surface, for any lawful purpose, except that any use shall not interfere in any manner with the easements and uses by the Easement Recipients hereby retained and authorized.

The right is also granted to the Easement Recipients to trim or remove any trees, shrubs or other plants, or remove any structures on the Easement Premises, that interfere with the operation of the public utilities and/or drainage improvements.

The perpetual easement created hereby in, on, upon, over, through, across and under the Easement Premises shall run with the land.

# PLAT C

## EASEM

THE EAST 33.0 FEET OF LC  
5 IN ROOSEVELT CREST, A  
SOUTHEAST QUARTER OF S1  
THE THIRD PRINCIPAL MERIDIAN  
JUNE 12, 1930, AS DOCUMENTED

R17-047123

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LOT 1  
ANN-ELIZABETH RESUBDIVISION  
DOC. NO. R2002-35782

10' U.E. PER