

J.P. "RICK" CARNEY
DUPAGE COUNTY RECORDER
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PLAT
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ORDINANCE 5021

**CONFIRMING THE RECEIPT OF THE COMPENSATION
REQUIRED BY ORDINANCE NO. 4482, ADOPTED JUN 4,
1998, AS AMENDED, AND AUTHORIZING STAFF TO
RECORD AND FILE THE PLAT OF VACATION,
VACATING A PORTION OF THE EDSON STREET
RIGHT-OF-WAY NORTH OF ROOSEVELT ROAD, WITH
THE COUNTY OF DUPAGE**

Return To:

**Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148**

ORDINANCE NO. 5021

**AN ORDINANCE CONFIRMING THE RECEIPT OF THE COMPENSATION
REQUIRED BY ORDINANCE NO. 4482, ADOPTED JUNE 4, 1998, AS AMENDED,
AND AUTHORIZING STAFF TO RECORD AND FILE THE PLAT OF VACATION,
VACATING A PORTION OF THE EDSON STREET RIGHT-OF-WAY NORTH
OF ROOSEVELT ROAD, WITH THE COUNTY OF DUPAGE**

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. Pursuant to Ordinance No. 4482, adopted June 4, 1998, the fair market value of that portion of Edson Street, as described in subsection E below was established at \$30,000.00.
- D. Pursuant to Ordinance No. 4482, adopted June 4, 1998, the owner of Lot 18 in Block 13 in Roosevelt Crest, a subdivision of the Southeast Quarter of Section 18, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois, (hereinafter the "Abutting Property Owner") was directed to make payment to the Village for the entire compensation due relative to the street vacation referenced in subsection E below, as more specifically set forth in subsection F below.
- E. Pursuant to Ordinance No. 4482, adopted June 4, 1998, the following described street:

That portion of Edson Street located East of and adjacent to Lot 18, and the south one-half (1/2) of the twenty (20) foot East/West vacated alley lying North of and adjacent to Lot 18, in Block 13 in Roosevelt Crest, a subdivision of the Southeast Quarter of Section 18, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded June 12, 1930 as Document 298665, in DuPage County, Illinois;

Ordinance 5021

as shown on the plat attached hereto as Exhibit "A" and designated "hereby vacated", was vacated by the Village subject to the conditions listed in Section 4 of the aforementioned Ordinance and as set forth in subsection F below.

- F. That the street vacation provided for in Ordinance No. 4482, adopted June 4, 1998, was made subject to the payment by the Abutting Property Owner, of compensation in the amount of \$30,000.00, with said compensation amount consisting of \$10,000.00 in cash and compliance with the following additional conditions, in lieu of the remaining \$20,000.00; the Abutting Property Owner and the Village acknowledging that the minimum fair cash value of said conditions was \$20,000.00:
- (i) A six (6) foot high, board-on-board fence was to be constructed across the north end of the vacated right-of-way of Edson Street and Lots 16, 17 and 18 in Block 13 in Roosevelt Crest Subdivision; to provide a buffer between the R2 Single-Family Residential District and the B4 Corridor Commercial District.
 - (ii) A public sidewalk and parkway landscaping was to be provided across the entire Roosevelt Road frontage of the vacated right-of-way of Edson Street and Lots 16, 17 and 18 in Block 13 in Roosevelt Crest Subdivision, with the public sidewalk and parkway landscaping meeting all requirements of the Lombard Subdivision and Development Ordinance and the Illinois Department of Transportation.
 - (iii) A thirty (30) foot wide public utility easement was to be provided within the vacated right-of-way, with the utility easement being located over the existing sanitary sewer main and complying with the Lombard Subdivision and Development Ordinance.
 - (iv) The vacated right-of-way was to be improved in conformance with a site plan, in full conformance with all applicable Village Codes and Ordinances, with additional landscaping as requested by the Director of Community Development.
 - (v) Access from Roosevelt Road was to be subject to the review and approval of the Illinois Department of Transportation.
 - (vi) A Plat of Consolidation was to be submitted for approval by the Lombard Department of Community Development, with the Plat of Consolidation consolidating the entire vacated right-of-way of Edson Street, the adjoining Lots 16, 17, and 18 in Block 13 in Roosevelt Crest Subdivision and the South ½ of the vacated East/West alley lying North of and adjacent to said Lots 16, 17 and 18, into a single lot of record.
 - (vii) All public improvements were to be subject to the requirements of the Lombard Subdivision and Development Ordinance (Title 15, Chapter 154 of the Lombard Village Code), with the Plats of Vacation and Consolidation not being recorded and no building permits for private improvements being issued until the Department of Community Development determined that all required submittals had been made.

- (viii) Construction of all of the above improvements was to be completed by September 1, 2001 (as provided for in Ordinance No. 4926, adopted February 1, 2001, amending Ordinance No. 4482, adopted June 4, 1998, as amended).
- (ix) The Abutting Property Owner was to indemnify and hold harmless the Village with respect to any claim or loss, including but not limited to, attorney's fees, costs and expenses of litigation, claims and judgments in connection with any and all claims or suits of any kind which would arise, either directly or indirectly, as a result of the Village's adoption of Ordinance No. 4482, adopted June 4, 1998.

G. That the President and Board of Trustees are in receipt of a memorandum from the Department of Community Development confirming that the consideration to be provided by the Abutting Property Owner, as more fully set forth in subsection F above, has in fact been provided, in its entirety, to the Village.

SECTION 2: Based on the foregoing, the Department of Community Development is hereby directed to record a certified copy of this Ordinance and Ordinance No. 4482, along with the original Plat of Vacation, with the DuPage County Recorder of Deeds.

SECTION 3: 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 20th day of September, 2001.

First reading waived by action of the Board of Trustees this ___ day of _____, 2001.


Passed on second reading this 4th day of October, 2001.

AYES: Trustees DeStephano, Tross, Koenig, Sebby, Florey, Soderstrom

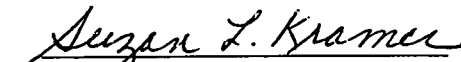
NAYS: None

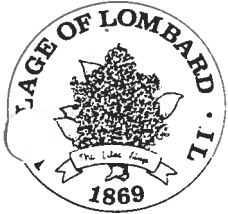
ABSENT: None

Approved this 4th day of October, 2001.


 William J. Mueller
 Village President

ATTEST:


 Suzan Kramer
 Village Clerk



I, **Suzan L. Kramer**, hereby certify that I am the duly qualified Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such 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 true
and correct copy of ORDINANCE 5021

AN ORDINANCE CONFIRMING THE RECEIPT OF THE
COMPENSATION REQUIRED BY ORDINANCE NO. 4482,
ADOPTED JUNE 4, 1998, AS AMENDED, AND
AUTHORIZING STAFF TO RECORD AND FILE THE PLAT
OF VACATION, VACATING A PORTION OF THE EDSON
STREET RIGHT-OF-WAY NORTH OF ROOSEVELT ROAD,
WITH THE COUNTY OF DUPAGE

of the said Village as it appears from the official records of said
Village, dated October 4, 2001.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate
Seal of said **Village of Lombard**, Du Page County, Illinois this 5th day of
November, 2001.



Suzan L. Kramer
Suzan L. Kramer
Village Clerk
Village of Lombard
DuPage County, Illinois
Barbara Johnson
Deputy Village Clerk