


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: Scott R. Niehaus, Village Manager
DATE: September 11, 2018 (B of T) Date: September 20, 2018
TITLE: 2301 S. Fountain Square Dr. (Yard House Restaurant)
SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Please find attached staff's recommendation relative to approving a Plat of Easement abrogating existing easements and providing new easements for sanitary sewer and water service lines that were relocated on the property located at 2301 S. Fountain Square Drive and known as the Yard House Restaurant. Staff recommends approval of this request.

Please place this item on the September 20, 2018 Board of Trustees agenda. As this document includes an abrogation of an easement, the matter will need to be approved by an Ordinance that receives a three-fourths (3/4ths) vote of the Corporate Authorities (6 of 7). As such, the Village President will vote, and the Ordinance should be set forth under Items for Separate Action on the agenda.

Staff also recommends a waiver of first reading of the Ordinance in order to facilitate its timely recording and closure of the project.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X _____ Date _____



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WJH*

MEETING DATE: September 20, 2018

SUBJECT: **Motion to Approve a Plat of Easement – 2301 S. Fountain Square Dr. (Yard House)**

The construction of the recently completed Yard House Restaurant at 2301 S. Fountain Square Drive required new utility sanitary sewer and water lines on the subject property. The new service and line were placed in an area outside the previously approved public utility easement areas that were originally established in 1999 for the former Champp's Americana Restaurant that was razed last year. Attached is a plat of easement document that would grant new easements for the recently installed utilities and abrogate easements that are no necessary.

ACTION REQUESTED

Staff is forwarding this request to the Village Board of Trustees for consideration and approval through the attached Ordinance at their September 20, 2018 meeting.

As this document includes an abrogation of an easement, the matter will need to be approved by an Ordinance that receives a three-fourths (3/4ths) vote of the Corporate Authorities (6 of 7). As such, the Village President will vote, and the Ordinance should be set forth under Items for Separate Action on the agenda.

WJH/JB: jd

c: Carl Goldsmith, Director of Public Works
Brian Jack, Utilities Superintendent

ORDINANCE NO. _____

**AN ORDINANCE ABROGATING AND GRANTING PUBLIC UTILITY EASEMENTS
LOCATED AT 2301 S. FOUNTAIN SQUARE DRIVE (YARD HOUSE)**

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. The Village is the owners of an easement for a public utility easement (hereinafter the "P.U.E."), on the Subject Property legally described as follows:

Lot 3 in the Resubdivision of Lot 5 in Fountain Square, being a Subdivision of part of the Northeast Quarter of Section 29 and the Northwest Quarter of Section 28, Township 39 North, Range 11 East of the Third Principal Meridian, according to the Plat of Said Resubdivision recorded January 13, 1999 as document number R99-009621, as amended and superseded by the amended and restated final plat of the Resubdivision of Lot 5 in Fountain Square recorded December 15, 1999 as document number R1999-258291, in DuPage County, Illinois.

P.I.N.: 06-28-101-008

Common Address: 2301 S. Fountain Square Drive,
Lombard, Illinois 60148;

- B. The property owner, Buikema Number 21, LLC, has requested that the Village abrogate the aforementioned P.U.E., as depicted in the Plat of Easement and grant approval of a new P.U.E., also attached hereto as Exhibit A, and made part hereof.
- C. The Village finds that the redevelopment of the Subject Property results in the depicted existing P.U.E. is no longer needed by the Village, but a new P.U.E. will be necessary on Subject Property based upon the constructed project, also as depicted on the Plat of Easement.

SECTION 2: It is hereby determined that the public interest will be subserved by abrogating the Easement, as shown on Page 1 of the Plat of Easement attached hereto as Exhibit A, is hereby approved.

SECTION 3: It is further hereby determined that the public interest will be subserved by granting the Public Utility Easements (P.U.E.), also as shown on Page 2 of the aforementioned Plat of Easement, is hereby approved.

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

Passed on first reading this ____ day of _____, 2018.

First reading waived by action of the Board of Trustees this ____ day of _____, 2018.

Passed on second reading this ____ day of _____, 2018, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2018.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Exhibit A

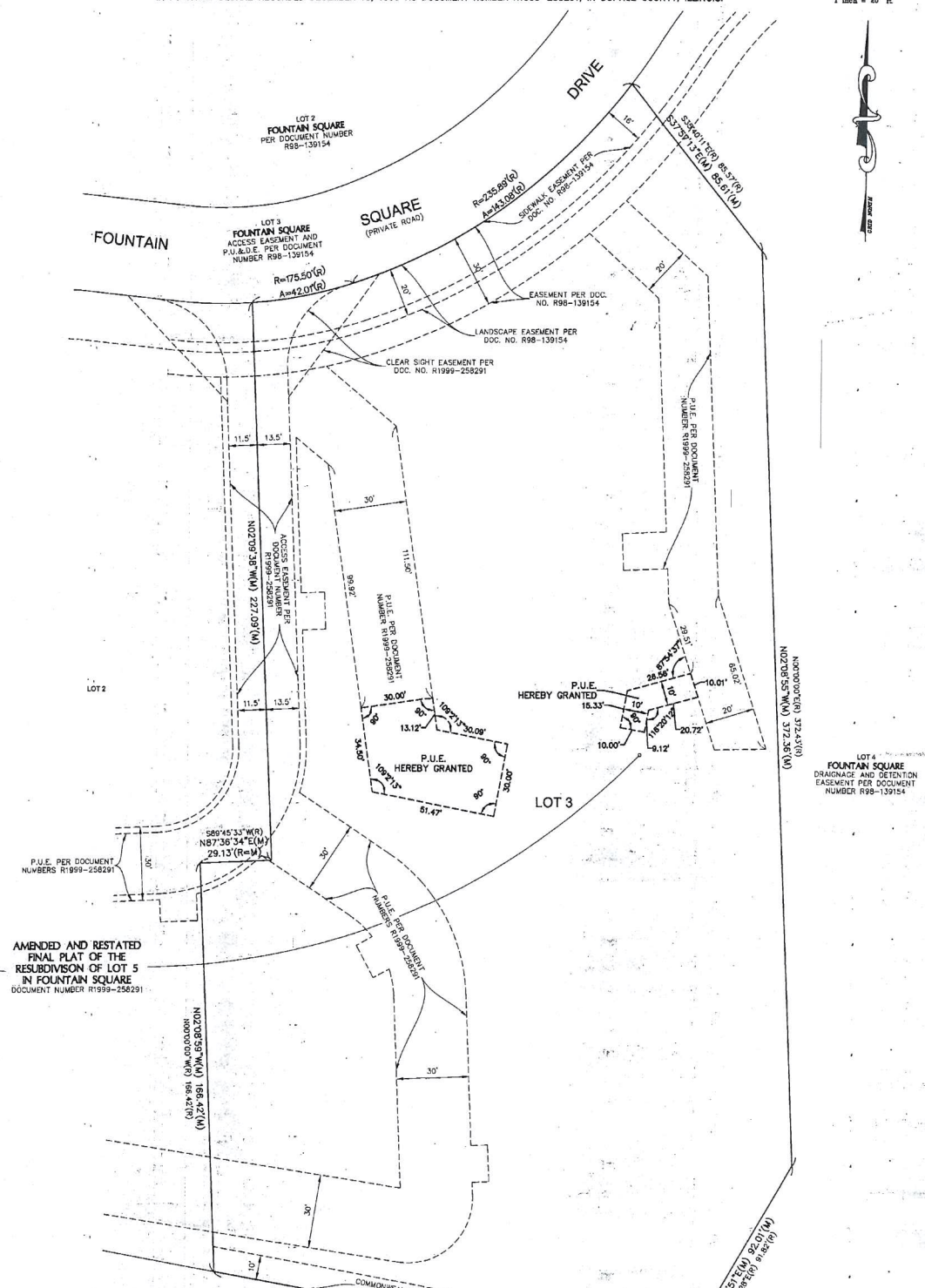
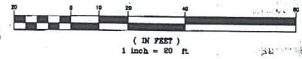
Plat of Easement

(attached)

PLAT OF EASEMENT

OVER
 LOT 3 IN THE RESUBDIVISION OF LOT 5 IN FOUNTAIN SQUARE, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 29 AND THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JANUARY 13, 1999, AS DOCUMENT NO. R99-009621, AS AMENDED AND SUPERSEDED BY THE AMENDED AND RESTATED FINAL PLAT OF THE RESUBDIVISION OF LOT 5 IN FOUNTAIN SQUARE RECORDED DECEMBER 15, 1999 AS DOCUMENT NUMBER R1999-258291, IN DUPAGE COUNTY, ILLINOIS.

GRAPHIC SCALE



AMENDED AND RESTATED
 FINAL PLAT OF THE
 RESUBDIVISION OF LOT 5
 IN FOUNTAIN SQUARE
 DOCUMENT NUMBER R1999-258291

- ABBREVIATIONS**
- O.D.I.P. = OUTSIDE DIAMETER IRON PIPE
 - (B) = RECORD BEARING OR DISTANCE
 - (M) = MEASURED BEARING OR DISTANCE
 - (C) = CALCULATED BEARING OR DISTANCE
 - (D) = DEED BEARING OR DISTANCE
 - B.S.L. = BUILDING SETBACK LINE
 - U.E. = UTILITY EASEMENT
 - D.E. = DRAINAGE EASEMENT
 - P.U.E. = PUBLIC UTILITY EASEMENT
 - P.O.C. = POINT OF COMMENCEMENT
 - P.O.B. = POINT OF BEGINNING
 - P.U. & D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT

- LINE LEGEND**
- BOUNDARY LINE
 - ADJACENT LAND PARCEL LINE
 - - - VACATED EASEMENT
 - - - EASEMENT LINE
 - CENTERLINE
 - - - BUILDING SETBACK LINE
 - - - SECTION LINE

COMPASS SURVEYING LTD
 ALTA SURVEYS | TOPOGRAPHY | CONSTRUCTION STAKING
 261 GINGER WOODS PARKWAY, STE. 100
 AUBURN, IL 62502
 PHONE: (618) 424-1100 FAX: (618) 424-1100 EMAIL: ADMIN@COMPASSSURVEYING.COM

PROJECT
 PLAT OF EASEMENT GRANT/VACATION
 200 FOUNTAIN SQUARE DRIVE
 LOMBARD, ILLINOIS

CLIENT
 DARDEN RESTAURANTS, INC
 160 DAVENPORT DRIVE
 DELAND, FLORIDA 32727

DATE: 04-24-17	PC: N/A	DRAWN BY: RSM	CHECKED BY: DW	BOOK: N/A	PG: N/A
NO.	REVISIONS	DATE	BY		
1	PER CLIENT COMMENTS	05/29/17	RSM		
2	PER CAL. DATED 1-18-2018	01/18/18	RSM		

DATA\1707 PROJECTS\170131\170131-EASE.DWG

PLAT OF EASEMENT

OVER
 LOT 3 IN THE RESUBDIVISION OF LOT 5 IN FOUNTAIN SQUARE, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 29 AND THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED JANUARY 13, 1999, AS DOCUMENT NO. R99-009621, AS AMENDED AND SUPERSEDED BY THE AMENDED AND RESTATED FINAL PLAT OF THE RESUBDIVISION OF LOT 5 IN FOUNTAIN SQUARE, RECORDED DECEMBER 15, 1999 AS DOCUMENT NUMBER R1999-258291, IN DUPAGE COUNTY, ILLINOIS.

OWNER'S CERTIFICATE

STATE OF Illinois }
 COUNTY OF DuPage }
 THIS IS TO CERTIFY THAT Bullena #21 LLC IS THE OWNER OF THE PROPERTY DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE AND BY THE DULY ELECTED OFFICERS HAS CAUSED THE PLATED FOR THE USES AND PURPOSES THEREON SET FORTH, AND IS HEREBY ACKNOWLEDGED AND ACCEPTED FOR THE USES HEREIN SET FORTH.
 DATED AT March, THIS 19th DAY OF March, A.D., 20 18.
 BY: [Signature] ATTEST:
 TITLE: Manager TITLE:

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, NORTHERN ILLINOIS GAS COMPANY, CONTINENTAL CASERSON, 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, APPLANCES 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 THEREON ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS 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 SUBDIVIDED HEREBY, OVER THE ENTIRE SERVICES INCLUDING WATER, STORM, AND PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES INCLUDING WATER, STORM, AND SANITARY SEWER SERVICE AND MAINTENANCE.

EASEMENTS ALSO ARE RESERVED FOR CABLE COMMUNICATION COMPANIES ALONG WITH THE PUBLIC UTILITIES ALREADY REFERENCED.

NOTARY'S CERTIFICATE

STATE OF Illinois }
 COUNTY OF DuPage }
 I, JANARA WIRTH, A NOTARY PUBLIC IN THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT
ROSE BULLENA
 (TITLE) AND
BULLENA #21 LLC (COMPANY), WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHO ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE OF OWNERSHIP, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT IN THEIR CAPACITY FOR THE USES AND PURPOSES THEREON SET FORTH AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION.
 GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 28th DAY OF MARCH, A.D., 20 18.
 BY: [Signature]
 NOTARY PUBLIC



EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO COMMONWEALTH EDISON COMPANY AND ~~ILLINOIS BELL TELEPHONE COMPANY~~ Illinois Bell Telephone dba AT&T, IL.
 THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE, AND REMOVE, FROM TIME TO TIME, POLES, GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED "EASEMENT, UTILITY EASEMENT, PUBLIC UTILITY EASEMENT, P.U.E." (OR SIMILAR DESIGNATION). THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS" AND THE PROPERTY DESIGNATED ON THE PLAT AS "COMMON AREA OR AREAS" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) MARKED "EASEMENT, UTILITY EASEMENT, PUBLIC UTILITY EASEMENT, P.U.E." (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE "CONDOMINIUM PROPERTY ACT", CHAPTER 785 ILCS 805/2(C), AS AMENDED FROM TIME TO TIME.
 THE TERM "COMMON AREA OR AREAS" DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS," "COMMON ELEMENTS," "OPEN SPACE," "OPEN AREA," "COMMON GROUND," "PARKING" AND "COMMON AREA." THE TERM "COMMON AREA OR AREAS" AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT.
 RELOCATION OF FACILITIES WILL BE DONE BY GRANTEE AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

BOARD OF TRUSTEES CERTIFICATE

STATE OF ILLINOIS }
 COUNTY OF DUPAGE }
 THE EASEMENT GRANT AND EASEMENT VACATION IS APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, ILLINOIS THIS 20th DAY OF March, 2018.
 BY: _____ PRESIDENT VILLAGE CLERK

UTILITY COMPANY SIGNATURES

EASEMENT GRANT AND EASEMENT VACATION SHOWN HEREON APPROVED AND ACCEPTED BY
 COM-ED
 BY: [Signature] DATE 2/13/18
 TITLE: Real Estate Specialist
 BY: [Signature] DATE 2/28/18
 TITLE: ROW MANAGER
 NICO
 BY: [Signature] DATE 2/15/18
 TITLE: Land Management Agent
 PROGRESS CONCAST
 BY: [Signature] DATE 3/15/18
 TITLE: ROW ENGINEER

SURVEYORS CERTIFICATE

STATE OF ILLINOIS }
 COUNTY OF KANE }
 I HAVE PREPARED THIS PLAT FROM EXISTING MAPS, PLATS AND RECORDS.
 COMPASS SURVEYING LTD.
 PROFESSIONAL DESIGN FIRM
 LAND SURVEYOR CORPORATION NO. 184-002778
 LICENSE EXPIRES 4/30/2019
 BY: [Signature] DATE: 1/27/2018
 DANIEL W. WALTER
 ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3585
 LICENSE EXPIRES 11-30-18



3 OF 3
 SCALE: N/A
 DATE: 1/27/2018

COMPASS SURVEYING LTD
 ALTA SURVEYS | TOPOGRAPHY | CONSTRUCTION STAKING
 2031 QINGER WOODS PARKWAY, STE. 100
 AURORA, IL 60182
 PHONE: (630) 320-9100 FAX: (630) 320-7020 EMAIL: ADMIN@CLSURVEYING.COM

PROJECT: PLAT OF EASEMENT GRANT/VACATION
 2301 FOUNTAIN SQUARE DRIVE LOMBARD, ILLINOIS
 CLIENT: DARDEN RESTAURANTS, INC
 190 DARDEN CENTER DRIVE CHLANDO, FLORIDA 32837

NO.	REVISIONS	DATE	BY
1	FOR CLIENT COMMENTS	05/29/17	DM
2	FOR FINAL DATED 1-28-2018	01/27/18	DM