



#130101

MEMORANDUM

TO: David A. Hulseberg, Village Manager

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

DATE: March 7, 2013

SUBJECT: Ordinance to Approve a Plat of Vacation for Buckingham Court

The original March 7 Village Board packet included a draft ordinance for the aforementioned vacation. However, the original draft did not provide the provision required per 65 ILCS 5/11-91-1, which requires the beneficiary of the vacation of the property to be listed. Attached is the revised ordinance setting forth the Parcel Identificaiton Number (PIN) 05-01-401-054 as the beneficiary. This property is currently owned by RB Resolution Property (Buckingham Orchard's homeowners association). This vacation is being done at this time to allow for M/I Homes to purchase the property from the association to develop the lot.

Please request the Board of Trustees to approve the Plat of Vacation at their March 7, 2013 meeting. Please call either Jana Bryant or myself if you have any questions.

WJH/JB:jb

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ORDINANCE NO. _____

**ORDINANCE VACATING CUL-DE-SAC OF
BUCKINGHAM COURT RIGHT-OF-WAY**

WHEREAS, the Village of Lombard (hereinafter the “Village”) maintains a right-of-way of a portion of the Buckingham Court right-of-way; and

WHEREAS, said right-of-way is improved with an asphalt surface to provide for vehicular access turnaround; and

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

WHEREAS, the right-of-way still serves the access needs of abutting private property owners; and

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

WHEREAS, an Annexation Agreement between the abutting property owner and the Village sets forth provisions between the parties to vacate the cul-de-sac bulb portion of the public right-of-way, exceeding the 66-foot right-of-way;

WHEREAS, the Corporate Authorities of the Village of Lombard have received a Plat of Vacation, as attached hereto and marked Exhibit “A”; 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..

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 subserved by vacating the portion of the cul-de-sac bulb portion of the right-of-way exceeding 66-feet hereinafter described.

SECTION 2: The following described right-of-way:

That part of Buckingham Court lying east of and adjoining Block 2 in Buckingham Orchard, being a resubdivision of part of lots 18 and 19 in Milton Township Supervisor’s Assessment Plat No. 1 (also known as Pleasant Hills West) in the east ½ of Section 1, Township 39 North, Range 10 East of the Third Principle Meridian, according to the Plat thereof recorded said Buckingham Orchard Subdivisoin recorded December 7, 2005 as document R2005-27150, except the east 66’ thereof, 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, subject to the condition listed in Section 3, below.

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SECTION 3: The Annexation Agreement set forth provisions between the parties to the Annexation Agreement to vacate this public right-of-way.

SECTION 4: Pursuant to 65 ILCS 5/11-91-1, the following parcel shall acquire title to the SUBJECT RIGHT-OF-WAY upon the vacation thereof: PIN: 05-01-401-054.

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 _____, 2013.

First reading waived by action of the Board of Trustees this ____ day of _____, 2013.

Passed on second reading this ____ day of _____, 2013.

Ayes: _____

Nayes: _____

Absent: _____

Approved this _____, day of _____, 2013.

William Ware, Acting Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2013.

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Brigitte O'Brien, Village Clerk