

VILLAGE OF LOMBARD

REQUEST FOR BOARD OF TRUSTEES ACTION

For Inclusion on Board Agenda

Resolution or Ordinance (Blue)  X  
Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: October 11, 2006 (B of T) Date: October 19, 2006

TITLE: View Street Right-of-Way East of Elizabeth Street

SUBMITTED BY: Department of Community Development *OH/VAH*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance vacating a portion of the View Street right-of-way and grant of an easement for public utilities and drainage. (DISTRICT #1)

Staff recommends approval of this request.

Staff is requesting waiver of first reading.

Please place this item on the October 19, 2006 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

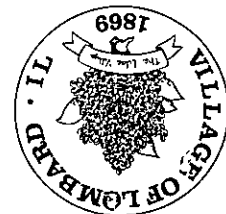
Date

Date

Date

*10/11/06*

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  
Assistant Village Manager/Director of Community Development *DH / wlt*

**DATE:** October 19, 2006

**RE:** View Street Plat of Vacation/Easement Dedication

Staff forwards a recommendation to approve the attached plat of vacation and easement dedication for a portion of the View Street right-of-way located east of Elizabeth Street. This right-of-way, located between Pleasant Lane School and the single-family residential property at 323 North Elizabeth Street, is currently unimproved and does not provide any transportation benefits to the community. Staff notes that this vacation has been contemplated since at least 2000. As the School District's parking lot slightly encroaches into the right-of-way and since the residential abutter is seeking to reconstruct her home without the need to apply for zoning relief fro the corner side yard setback requirements, staff believes that approving the vacation at this time is appropriate.

However, as public stormwater lines and water mains exist within the right-of-way, an easement dedication to the Village will be placed over the right-of-way proposed to be vacated.

### ACTION REQUESTED

Please place this item on the October 19, 2006 Board of Trustees agenda. Staff recommends approval of the attached Ordinance with a waiver of first reading.

and as shown on the plat attached hereto as Exhibit "A" and designated "hereby vacated" be and the same hereby is vacated,

That part of View Street bounded by northerly extensions of the east and the west lines of Lot 3 in Kemper's Division, recorded November 10, 1927 as Document No. 246494 in Book 18, Page 20, in DuPage County, Illinois.

**SECTION 2:** That part of View Street described as follows:

**SECTION 1:** It is hereby determined that the public interest will be served by vacating a portion of View Street as hereinafter described.

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

**WHEREAS,** the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the right-of-way vacation and accept the grant of easement for public utilities and drainage.

**WHEREAS,** the Corporate Authorities of the VILLAGE have received a Plat of Right of Way Vacation and Easement Dedication for a portion of View Street, attached hereto as "Exhibit A" and made part hereof; and

**WHEREAS,** the VILLAGE has determined that the same portion of the View Street right-of-way is still needed for public utility and drainage purposes; and

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

**WHEREAS,** said right-of-way is unimproved; and

**WHEREAS,** the VILLAGE owns the View Street public right-of-way located east of Elizabeth Street; said right-of-way being sixty-six feet (66') in width and one-hundred forty feet (140') in length, and which is located within the corporate limits of the VILLAGE; and

**ORDINANCE VACATING A PORTION OF THE VIEW STREET RIGHT-OF-WAY AND GRANT OF AN EASEMENT FOR PUBLIC UTILITIES AND DRAINAGE**

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

**SECTION 3:** That an easement for public utilities over, above, under, upon and across said vacated area described in Section 2 above is hereby reserved by and dedicated to the Village of Lombard for public utilities and drainage purposes.

**SECTION 4:** Pursuant to 65ILCS 5/11-91-1, the owner of the following parcel (Heather Meshl) shall acquire title to the south thirty-three feet (33.0') of the vacated street that lies immediately adjacent to their respective property thereto:

06-06-416-001 – 323 North Elizabeth St., Lombard, IL

**SECTION 5:** Pursuant to 65ILCS 5/11-91-1, the owner of the following parcel (Lombard School District #44) shall acquire title to the north thirty-three feet (33.0') of the vacated street that lies immediately adjacent to their respective property thereto:

06-06-410-003 – 341 South Elizabeth St., Lombard, IL

**SECTION 6:** 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 7:** 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 \_\_\_\_\_, 2006.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Brigitte O'Brien, Village Clerk