

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda


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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: December 21, 2004 (B of T) Date: January 6, 2005

TITLE: Easement Agreement with DuPage County for Illinois Prairie Path Right-of-Way for the East South Broadway Street Improvement Project

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration its recommendation regarding the above-mentioned matter. Attached for your consideration is a resolution authorizing the Village President to accept an easement agreement with DuPage County for the use of Illinois Prairie Path right-of-way in conjunction with the East South Broadway street improvement project. The agreement grants a permanent easement to the Village of Lombard for a one time payment of \$85,000. \$42,500 of this expense is refundable under the Community Development Block Grant program. (DISTRICT #5)

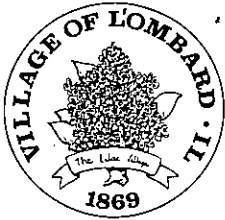
Staff recommends approval of this request.

Fiscal Impact/Funding Source:

Review (as necessary):


Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X W.T. Lichter Date 12/21/04

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, Director of Community Development 

**Date:** December 21, 2004

**Subject:** Easement Agreement for Illinois Prairie Path Right-of-Way

Attached please find a resolution to accept the permanent easement agreement from DuPage County for the use of Illinois Prairie Path right-of-way. The agreement calls for a one time payment of \$85,000 to the County for use of that portion of their right-of-way that lies within the East South Broadway project area. One-half of the fee for the easement is reimbursable under the CDBG application for this project and has been included as a project cost.

If you have any questions, please feel free to contact me at extension 5756.

**RESOLUTION \_\_\_\_\_**

**RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND DEPUTY  
VILLAGE CLERK TO ACCEPT AN EASEMENT AGREEMENT WITH DUPAGE  
COUNTY FOR ILLINOIS PRAIRIE PATH RIGHT-OF-WAY FOR THE SOUTH  
BROADWAY STREET IMPROVEMENT PROJECT**

WHEREAS, the Village of Lombard (“VILLAGE”), and the County of DuPage (“COUNTY”), in order to facilitate and ensure the safety of the public utilizing the Illinois Prairie Path, desire to cooperate on improvements to the Illinois Prairie Path for East South Broadway Street (“PROJECT”); and

WHEREAS, the COUNTY is the owner of the Illinois Prairie Path; and

WHEREAS, the VILLAGE desires to undertake this PROJECT which includes acquisition, widening and reconstruction of an existing private roadway; installation of parking for neighborhood residents; improvements to sewer and water infrastructure; installation on new street lighting; installation of new landscaping; and reconstruction and extension of sidewalk and path connections; and

WHEREAS, the VILLAGE presented a proposal for the PROJECT to the DuPage County Board Environmental Committee in February, 2004; and

WHEREAS, the Environmental Committee requested that input be sought from the Illinois Prairie Path not-for-profit corporation regarding the proposed PROJECT; and

WHEREAS, the VILLAGE and COUNTY staff presented and discussed the proposed PROJECT with the Illinois Prairie Path at meetings of their board of directors in March, April, and May, 2004; and

WHEREAS, the VILLAGE presented revised alternative plans to the County Board Environmental Committee in July, 2004 incorporating revisions made by the Illinois Prairie Path board; and

WHEREAS, an agreement was prepared based on the attached site plan and landscape plan incorporated herein as Exhibit “A”; and

WHEREAS, after consultation with DuPage County Community Development Block Grant program staff and the DuPage County State’s Attorney’s Office, it was determined that a permanent easement would best meet the program requirements for the Village’s federal grant application; and,

WHEREAS, the VILLAGE will pay eighty-five thousand and 00/100ths dollars (\$85,000) for the easement of which forty-two thousand and five hundred and 00/100ths dollars (\$42,500) is eligible for reimbursement under the Community Development Block Grant; and

NOW, THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, THAT THE VILLAGE PRESIDENT AND DEPUTY VILLAGE CLERK ARE HEREBY AUTHORIZED TO ACCEPT THE ATTACHED GRANT OF PERMANENT EASEMENT AGREEMENT FOR A PART OF THE ILLINOIS PRAIRIE PATH RIGHT-OF-WAY TO THE VILLAGE OF LOMBARD as follows:

SECTION 1: That the Village President be and hereby is authorized to accept the agreement on behalf of the Village of Lombard said document as attached hereto.

SECTION 2: That the Deputy Village Clerk be and hereby is authorized to attest said agreement as attached hereto.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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

Nayes: \_\_\_\_\_

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

\_\_\_\_\_  
Barbara Johnson, Deputy Village Clerk





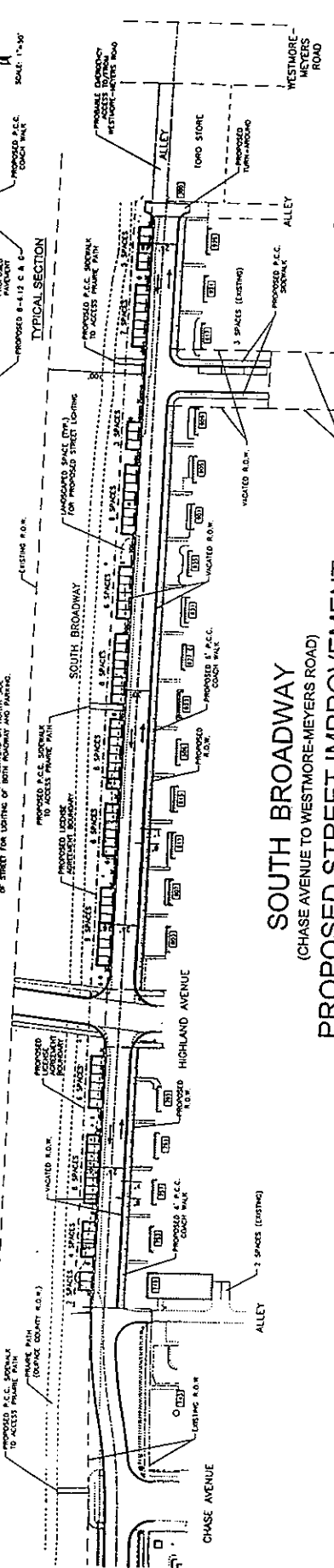
**DESCRIPTION**  
 THE ALTERNATE ALLOWS FOR CONSTRUCTION OF A 1.5' WIDE SIDEWALK WITH PERPENDICULAR PARKING ALONG THE NORTH SIDE OF CHASE AVENUE FROM THE INTERSECTION WITH WESTMORE-MEYERS ROAD TO THE INTERSECTION WITH SCHOOL STREET. THE EXISTING 4' WIDE SIDEWALK AND OTHER EXISTING PARKING SPACES ALONG THE SOUTH SIDE AND OUTSIDE THE 30' WIDE PARCEL IS TO BE MAINTAINED. THE PROPOSED PARKING SPACES WILL BE MAINTAINED ALONG THE SOUTH SIDE OF CHASE AVENUE. THE PROPOSED PARKING SPACES ARE MAINTAINED ALONG THE NORTH AND SOUTH SIDES OF SOUTH BROADWAY. AN 18' WIDE PERMANENT EASEMENT IS PROPOSED ALONG THE NORTH SIDE OF SOUTH BROADWAY IN DISPLACE ALLEY FROM EAST OF SCHOOL STREET TO WESTMORE-MEYERS ROAD IS POSSIBLE OUTLET FOR ONE-WAY DISPERSED TRAFFIC.

**PARKING**  
 NORTH SIDE (AS TO MEASUREMENT) = 20  
 NORTH SIDE (AS TO LOCATION) = 48  
 SOUTH SIDE (EXISTING PARKING) = 15  
 TOTAL AVAILABLE PROPOSED PARKING SPACES = 80  
 PERCENTAGE OF EXISTING SPACES = 80/45 = 113%

**NON-CONFORMANCE TO TYPICAL STREET SECTION**  
 1. NO SIDEWALK ON NORTH SIDE.  
 2. NO PARKING BETWEEN SIDEWALK AND CURB.

**PROPOSED STREET LIGHTING**  
 1. STREETING MODEL: WASHO (LOW)  
 2. SPACES AT APPROXIMATELY 40' SPACES ON NORTH SIDE OF STREET FOR LIGHTING OF BOTH PARKING AND TRAFFIC.

**DEPARTMENTAL REVIEW COMMENTS**  
 1. POLICE DEPARTMENT - PREFERRED OPTION.  
 2. FIRE DEPARTMENT - PREFERRED OPTION.  
 3. PUBLIC WORKS - PREFERRED OPTION.



**SOUTH BROADWAY**  
 (CHASE AVENUE TO WESTMORE-MEYERS ROAD)  
**PROPOSED STREET IMPROVEMENT**  
 NORTH SIDE PERPENDICULAR PARKING - OPTION A

DATE 12/14/2004  
 DRAWN BY J.C.C.  
 CHECKED BY S.C.A.  
**CIVILTECH**

P.I.N.	
Parcel	County DuPage
Street Address	
Section	
CH #	

FOR RECORDER'S USE ONLY

**GRANT OF PERMANENT EASEMENT**

THIS INDENTURE WITNESSETH, That the Grantor, County of DuPage, for and in consideration of Eighty-Five Thousand and 00/100ths (\$85,000.00) Dollars, hereby represents that it owns the fee simple title to and does by these presents grant the right, easement and privilege to enter upon the following described land unto the Village of Lombard, in the County of DuPage, State of Illinois, Grantee, for the use of the Village of Lombard, its employees, representatives, agents, contractors and engineers, for the purpose of constructing and maintaining a municipal permit only parking facility.

**LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A AND INCORPORATED  
HEREIN BY REFERENCE**

Commonly Known as: vacant strip of the Illinois Prairie Path in the Village of Lombard, Illinois (located north of Division Street, west of Westmore, east of Chase Street and south of Broadway Avenue)

Grantee shall have the perpetual right to enter or reenter the above-described premises for the installation, reinstatement, maintenance or repair, construction or reconstruction, relocation and/or improvement of the above described facilities.

This easement shall be subject to the following restrictions:

1. All vehicles parked within the easement area shall have a valid state license and registration and be registered within the Village of Lombard.
2. All vehicles parking within easement area will have a permit issued by the Village of Lombard.
3. All vehicles parked within the easement area shall be in good working condition.
4. No boats, trailers or commercial vehicles, including but not limited to limousines and semi tractor trucks, shall be allowed to park in the easement area.
5. Grantee shall construct no buildings or other improvements on the property, except those shown in the improvement plan attached hereto as Exhibit B, without prior written consent of the Grantor.



R E S O L U T I O N

DT-0004-05

GRANT OF PERMANENT EASEMENT TO THE VILLAGE OF LOMBARD  
FOR ILLINOIS PRAIRIE PATH RIGHT-OF-WAY  
FOR THE SOUTH BROADWAY STREET IMPROVEMENT PROJECT  
(COUNTY TO BE PAID \$85,000)

WHEREAS, the County of DuPage ("COUNTY"), and the Village of Lombard ("VILLAGE"), in order to facilitate and ensure the safety of the public utilizing the Illinois Prairie Path, desire to cooperate on improvements to the Illinois Prairie Path for South Broadway Street in Lombard ("PROJECT"); and

WHEREAS, the COUNTY is the owner of the Illinois Prairie Path; and

WHEREAS, the VILLAGE desires to undertake this PROJECT which includes acquisition, widening and reconstruction of an existing private roadway; installation of parking for neighborhood residents; improvements to sewer and water infrastructure; installation of new street lighting; installation of new landscaping; and reconstruction and extension of sidewalk and path connections; and

WHEREAS, the VILLAGE presented a proposal for this improvement PROJECT to the DuPage County Board Environmental Committee in February, 2004; and

WHEREAS, the Environmental Committee requested staff to seek input from The Illinois Prairie Path not-for-profit corporation regarding the proposed PROJECT; and

WHEREAS, staff and representatives of the Lombard Development Department presented and discussed the proposed PROJECT with The Illinois Prairie Path at meetings of their board of directors in March, April and May, 2004; and

WHEREAS, VILLAGE representatives presented revised alternative plans to the County Board Environmental Committee in July, 2004 incorporating revisions made by The Illinois Prairie Path board; and

That part of the Illinois Prairie Path, formerly the DuPage County Parkway according to the plat thereof recorded March 19, 1991 as document number R91-028150, being the former right of way of the Chicago, Aurora and Elgin Railroad lying in the Southwest Quarter of Section 9, Township 39 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 9; thence on an assumed bearing of South 0 degrees 43 minutes 56 seconds East along the west line of the Southwest Quarter of said Section 9, a distance of 82.03 feet to a point 18.00 feet normally distant North of the south line of the said Illinois Prairie Path, formerly the DuPage County Parkway and the point of beginning; thence South 89 degrees 25 minutes 11 seconds East along a line 18.00 feet normally distant North of and parallel with the south line of the said Illinois Prairie Path, formerly the DuPage County Parkway, a distance of 1174.28 feet to a point of intersection with the northerly extension of the west line of Lot 1 in Robertson's Westmore, recorded June 1, 1922 as document number 156381; thence South 0 degrees 48 minutes 37 seconds East along the northerly extension of the west line of Lot 1 in said Robertson's Westmore, a distance of 18.00 feet to the south line of the said Illinois Prairie Path, formerly the DuPage County Parkway, being also the south line of the former right of way of the Chicago, Aurora and Elgin Railroad; thence North 89 degrees 25 minutes 11 seconds West along the south line of the said Illinois Prairie Path, formerly the DuPage County Parkway, being also the south line of the former right of way of the Chicago, Aurora and Elgin Railroad, a distance of 1174.30 feet to the west line of the Southwest Quarter of said Section 9; thence North 0 degrees 43 minutes 56 seconds West along the west line of the Southwest Quarter of said Section 9, a distance of 18.00 feet to the point of beginning.

Said parcel containing 0.485 acre, more or less.