

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

**ORDINANCE VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY OF AN  
UNNAMED ALLEY, LOCATED WEST OF SOUTH WESTMORE AVENUE,  
BETWEEN EAST SOUTH BROADWAY AND DIVISION STREETS**

WHEREAS, a sixteen (16) foot wide public right-of-way exists in an unnamed alley, a portion of which is located west of South Westmore Avenue, between East South Broadway and Division Streets, and abuts the residential property at 925 E. South Broadway Street and the commercial property at 306 S. Westmore Avenue in the Village of Lombard, Illinois (the portion of the 16 foot right-of-way is herein called the “Alley”); and

WHEREAS, said Alley is unimproved and no public utilities are located within it; and

WHEREAS, the Alley no longer serves the motor vehicle transportation or pedestrian needs of the Village; and

WHEREAS, the Alley does not serve the utility needs of the Village; and

WHEREAS, pursuant to 65 ILCS 5/11-91-1, an ordinance vacating a street or alley can provide that it shall not become effective until the owner of a particular parcel of property abutting upon the street or alley 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; and

WHEREAS, pursuant to 65 ILCS 5/11-91-1, if the ordinance vacating a street or alley provides that only the owner of a particular parcel abutting upon the street or alley to be vacated shall make the aforementioned compensation payment, then said owner of said particular parcel shall acquire title to the entire vacated street or alley; and

WHEREAS, the owner of the residential property intended to acquire title to the portion of the Alley pursuant to this Ordinance has, as consideration for that transfer, granted the Village of Lombard a portion of its land for dedication as public right-of-way for East South Broadway Street, said consideration being equivalent to or exceeding the fair market value of the respective vacated portion acquired and the benefits which will accrue to said owners by reason of the vacation; and

WHEREAS the Corporate Authorities deem it to be in the best interest of the Village of Lombard to authorize the Alley vacation; and

WHEREAS, the Corporate Authorities of the Village of Lombard shall execute a Plat of Vacation, the form of which is attached hereto as Exhibit "A".

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 Alley as herein described.

SECTION 2. The Alley shown in the Plat of Vacation, a copy of which is attached hereto as Exhibit "A" and designated "hereby vacated", is legally described as follows:

THAT PART OF THE NORTH/SOUTH 16.0' WIDE ALLEY LYING EAST OF THE EAST LINE OF LOT 22, SOUTH OF THE NORTH LINE OF LOT 22 AND ITS EASTERLY EXTENSION, AND NORTH OF THE NORTH LINE OF LOT 23, AND ITS EASTERLY EXTENSION, IN THE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE IN ROBERTSON'S WESTMORE, A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

SECTION 3: Pursuant to 65 ILCS 5/11-91-1, the Alley is hereby vacated and title to the vacated Alley shall be acquired by the property that lies immediately adjacent thereto and commonly known as 925 East South Broadway, Lombard, IL, with a permanent index number of 06-09-303-003-0000.

SECTION 4: That the Corporate Authorities of the Village of Lombard are hereby authorized to execute the Plat of Vacation.

SECTION 5: That the Department of Community Development is hereby directed to record a certified copy of this Ordinance, together with the original Plat of Vacation with the Office of the Recorder of Deeds of DuPage County, Illinois.

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 \_\_\_\_\_ 2005.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

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

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

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

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

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

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien, Village Clerk