

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: Scott R. Niehaus, Village Manager  
DATE: April 24, 2023 BOT Date: May 4, 2023  
SUBJECT: Plat of Abrogation of Water Main Easement – Summit Townhomes Development  
(300-398 Summit Circle, formerly 4 – 44 Yorktown Center)  
SUBMITTED BY: Department of Community Development

JE for WH

BACKGROUND/POLICY IMPLICATIONS:

Attached is a Plat of Abrogation of the Water Main Easement located within the parcel of the new Summit Townhomes Development. The water main and all associated components have been removed by the developer as part of the site demolition efforts; therefore the easement is no longer required.  
(DISTRICT #3)

As this item requires three-fourths (3/4ths) vote of the Corporate Authorities (6of&), this item is being placed on items for Separate Action.

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:** May 4, 2023

**SUBJECT:** **Ordinance to Approve a Plat of Abrogation of a Public Water Main Easement – Summit Townhome Development (300-398 Summit Circle – formerly 4-44 Yorktown Shopping Center)**

The demolition of the property formerly known by the addresses of 4 – 44 Yorktown Shopping Center includes the removal of a Village-owned water main and associated components on private property. These items have been removed to prepare the site for the Summit at Yorktown Townhome Development, and the existing public water main easement is no longer needed and can therefore be abrogated. The attached Plat of Abrogation of a Water Main Easement was prepared and signed by the property owner.

### **ACTION REQUESTED**

Please place this item on the May 4, 2023 Village Board agenda for approval by Ordinance. The approval must be approved by three-fourths (3/4ths) vote of the Corporate Authorities (6 of 7), pursuant to State Statutes, and will be placed on Separate Action.

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

**AN ORDINANCE ABROGATING AN EASEMENT FOR A WATER MAIN  
LOCATED AT 300-398 Summit Circle (formerly 4-44 Yorktown Shopping Center)**

**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 water main, pursuant to a Plat of Resubdivision, as legally described as follows:

LOTS 1011 THROUGH 1161 AND COMMON AREA LOTS 9000-9006 IN THE SUMMIT AT YORKTOWN SUBDIVISION, BEING A RESUBDIVISION OF LOT 4 IN YORKTOWN COMMONS PHASE 1, BEING A RESUBDIVISION OF PART OF SECTION 29, TONWISHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 20, 2023 AS DOCUMENT R2023-003991, IN DUPAGE COUNTY, ILLINOIS.

PINs: 06-29-101-052 through -148

FORMERLY KNOWN AS PIN: 06-29-101-047

COMMON ADDRESS AND LOCATION: 300-398 Summit Circle  
(formerly 4-44 Yorktown Shopping Center Center)

- B. The property owner, D. R. Horton Inc. – Midwest, has requested that the Village abrogate the aforementioned water main easement, as depicted in the Plat of Abrogation, attached hereto as Exhibit A, and made part hereof.
- C. The Village finds that the aforementioned water main easement is no longer needed by the Village.

**SECTION 2:** It is hereby determined that the public interest will be subserved by

abrogating the water main, as shown on the Plat of Abrogation attached hereto as Exhibit A, and, therefore, the water main easement is hereby abrogated, and the Plat of Abrogation is hereby approved.

**SECTION 3:** 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 \_\_\_\_\_, 2023.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2023.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Keith Giagnorio, Village President

**ATTEST:**

\_\_\_\_\_  
Elizabeth Brezinski, Village Clerk

**Exhibit A**

**Plat of Easement Abrogation**

(attached)

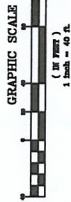


# PLAT OF ABROGATION OF WATER MAIN EASEMENT

**LEGAL DESCRIPTION OF PARCEL**  
THE SUMMIT AT YORKTOWN SUBDIVISION, BEING A RESUBDIVISION OF PART OF SECTION 28 TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE COUNTY, ILLINOIS, RECORDED JANUARY 28, 2023 AS DOCUMENT #0223-00293H, IN DUPAGE COUNTY, ILLINOIS.

### LEGAL DESCRIPTION OF EASEMENT ABROGATION

THAT PART OF THE SUMMIT AT YORKTOWN SUBDIVISION, BEING A RESUBDIVISION OF PART OF SECTION 28 TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE COUNTY, ILLINOIS, RECORDED JANUARY 28, 2023 AS DOCUMENT #0223-00293H, AS DESCRIBED IN SAID DOCUMENT, COMMENSURATING WITH THE EAST-TO-WEST LINE THEREIN SOUTH 65 DEGREES 57 MINUTES 34 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID DOCUMENT, COMMENSURATING WITH THE WESTERLY LINE OF SAID DOCUMENT, BEING 30.00 FEET, THENCE S 24 DEGREES 07 MINUTES 37 SECONDS EAST, 143.93 FEET, THENCE S 24 DEGREES 07 MINUTES 37 SECONDS EAST, 12.86 FEET, THENCE SOUTH 74 DEGREES 09 MINUTES 13 SECONDS EAST 37 SECONDS EAST, 133.58 FEET, THENCE SOUTH 74 DEGREES 09 MINUTES 13 SECONDS EAST 37 SECONDS EAST, 133.25 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.



### BASIS OF BEARINGS

COORDINATES AND BEARINGS ARE BASED UPON THE ILLINOIS STATE STATE COORDINATE SYSTEM (LARS) (NAD 83), ADJUSTED TO GROUND VALUES, BY THE ILLINOIS STATE SURVEY DEPARTMENT USING THE NATIONAL POSITIVE SATELLITE SYSTEM (NAD83) UTILIZING THE TRIMBLE VES NAV NETWORK.

**EXISTING PINS**  
06-29-101-032 THROUGH 06-29-101-148

**PLAT PREPARED FOR**  
D.R. HORTON, INC.-MIDWEST  
1700 N. WINDYBROOK DRIVE  
SCHAUMBURG, ILLINOIS 60173

### SUBMITTED BY/RETURN TO:

THE VILLAGE OF LOMBARD  
LOMBARD VILLAGE HALL  
100 W. WASHINGTON STREET  
ATN: VILLAGE MANAGER  
255 E. WALSON AVE  
LOMBARD, ILLINOIS 60148

### SURVEYOR'S NOTES

1. DISTANCES ARE MARKED IN FEET AND DECIMAL PLACES THEREOF. NO DIMENSION SHALL BE COPIED OR REPRODUCED WITHOUT THE SIGNATURE AND SEAL OF THE SURVEYOR.

COUNTY RECORDER'S CERTIFICATE  
STATE OF ILLINOIS ) SS  
COUNTY OF DUPAGE )

THIS INSTRUMENT NO. \_\_\_\_\_  
WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF  
DUPAGE COUNTY,  
ILLINOIS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
A.D., 20\_\_\_\_ AT \_\_\_\_\_  
\_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.  
DUPAGE COUNTY RECORDER

OWNER'S CERTIFICATE  
STATE OF ILLINOIS ) SS  
COUNTY OF DUPAGE )

I, \_\_\_\_\_, AS OWNER OF THE ABOVE DESCRIBED PROPERTY, DO HEREBY CERTIFY THAT THE FOREGOING SHOWS THE TRUE AND CORRECT STATE OF THE SAID PROPERTY AS APPLIED AND BOUND TO THE FOREGOING INSTRUMENT, AND THAT SAID INSTRUMENT IS A TRUE AND CORRECT STATE OF THE SAID PROPERTY AS APPLIED AND BOUND TO THE FOREGOING INSTRUMENT, AND THAT SAID INSTRUMENT IS A TRUE AND CORRECT STATE OF THE SAID PROPERTY AS APPLIED AND BOUND TO THE FOREGOING INSTRUMENT.

BY: \_\_\_\_\_ A.D., 20\_\_\_\_

PRINTED NAME AND TITLE \_\_\_\_\_

NOTARY PUBLIC  
STATE OF ILLINOIS ) SS  
COUNTY OF DUPAGE )

I, \_\_\_\_\_, AS NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT THE FOREGOING SHOWS THE TRUE AND CORRECT STATE OF THE SAID PROPERTY AS APPLIED AND BOUND TO THE FOREGOING INSTRUMENT, AND THAT SAID INSTRUMENT IS A TRUE AND CORRECT STATE OF THE SAID PROPERTY AS APPLIED AND BOUND TO THE FOREGOING INSTRUMENT, AND THAT SAID INSTRUMENT IS A TRUE AND CORRECT STATE OF THE SAID PROPERTY AS APPLIED AND BOUND TO THE FOREGOING INSTRUMENT.

BY: \_\_\_\_\_ A.D., 20\_\_\_\_

PRINTED NAME AND TITLE \_\_\_\_\_

NOTARY PUBLIC  
STATE OF ILLINOIS ) SS  
COUNTY OF DUPAGE )

I, \_\_\_\_\_, AS SURVEYOR, DO HEREBY CERTIFY THAT THE FOREGOING SHOWS THE TRUE AND CORRECT STATE OF THE SAID PROPERTY AS APPLIED AND BOUND TO THE FOREGOING INSTRUMENT, AND THAT SAID INSTRUMENT IS A TRUE AND CORRECT STATE OF THE SAID PROPERTY AS APPLIED AND BOUND TO THE FOREGOING INSTRUMENT.

BY: \_\_\_\_\_ A.D., 20\_\_\_\_

PRINTED NAME AND TITLE \_\_\_\_\_

STATE OF ILLINOIS ) SS  
COUNTY OF DUPAGE )

I, \_\_\_\_\_, AS DIRECTOR OF COMMUNITY DEVELOPMENT OF THE COMMUNITY DEVELOPMENT DEPARTMENT OF PUBLIC UTILITIES - WATER, DO HEREBY CERTIFY THAT THE FOREGOING SHOWS THE TRUE AND CORRECT STATE OF THE SAID PROPERTY AS APPLIED AND BOUND TO THE FOREGOING INSTRUMENT, AND THAT SAID INSTRUMENT IS A TRUE AND CORRECT STATE OF THE SAID PROPERTY AS APPLIED AND BOUND TO THE FOREGOING INSTRUMENT.

BY: \_\_\_\_\_ A.D., 20\_\_\_\_

PRINTED NAME AND TITLE \_\_\_\_\_

