

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

  X   Resolution or Ordinance (Blue)   X   *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: September 29, 2005 (B of T) Date: October 6, 2005

TITLE: BOT 01-08: Vacation of a Portion of Grace Street Right-of-Way Ordinance 4992

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

Attached find an Ordinance amending Ordinance No. 4992, vacating a portion of Grace Street right-of-way, to provide a time extension for reimbursement of public improvements. (DISTRICT #6)

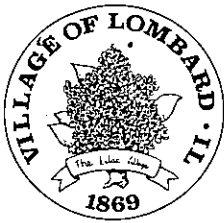
Staff recommends approval of this amendment.

Staff is requesting a wavier of first reading.

Fiscal Impact/Funding Source:

Review (as necessary):  
Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X *W. T. Lichter* \_\_\_\_\_ Date *9/29/05*

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 *D.H.*

**DATE:** September 29, 2005

**SUBJECT:** **BOT 01-08: Vacation of a Portion of Grace Street Right-of-Way Ordinance 4992**

On July 19, 2001, the Board of Trustees approved the above-captioned ordinance. The developer had requested reimbursement of \$22,453 under provisions of Section 6 of this agreement.

Section 6 provides:

“That in the event that the compensation as required by Section 4 above has been provided in full, and the owner of the aforementioned Lot 1 in Grace-Roosevelt Assessment Plat proceeds with a redevelopment of said property and the vacated street right-of-way, which includes improvements within the abutting Roosevelt Road right-of-way, within two years from the adoption of this ordinance, the Village agrees to reimburse the property owner for any improvements made along the Roosevelt Road right-of-way, as approved and authorized by the Village.”

As you will note this request is being made after the expiration date specified in the agreement. The developer did not receive his occupancy permit until February 24, 2004. This item failed to be addressed until it was followed up by the company owner. The owner indicated that he thought all necessary paperwork had been filed previously with the Village. A review of our records revealed an incomplete file.

The developer has since resubmitted the necessary documentation and now seeks reimbursement. The developer has worked with the Village quite closely and in a very professional manner. The end product of his project was quite favorable and received Village recognition.

**RECOMMENDATION:**

Staff recommends that the Board of Trustees amend Ordinance 4992, approving the vacation of a portion of Grace Street right of way Section 6, to provide the following change:

“that in the event that the compensation as required by Section 4 above has been provided in full, and the owner of the aforementioned Lot 1 in Grace-Roosevelt Assessment Plat proceeds with a redevelopment of said property and the vacated street right-of-way, which includes improvements within the abutting Roosevelt Road right-of-way, within ~~two years~~ fifty-two months from the adoption of this ordinance, the Village agrees to reimburse the property owner for any improvements made along the Roosevelt Road right-of-way, as approved and authorized by the Village.”

DAH/jd

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

**AN ORDINANCE GRANTING  
AN AMENDMENT TO ORDINANCE 4992 GRANTING A TIME EXTENSION  
FOR REIMBURSEMENT OF IMPROVEMENTS**

WHEREAS, on July 19, 2001, the President and Board of Trustees of the Village of Lombard adopted Ordinance 4992 approving the vacation of a portion of Grace Street right of way; and,

WHEREAS, in consideration of the vacation of the right of way in its entirety by the Village to the property owner of Lot 1 in Grace-Roosevelt Assessment Plat (hereinafter the "Carsons Property"), the Carsons Property owner agreed to provide the Village with monetary and non-monetary compensation for the right of way, as set forth in Ordinance 4992; and

WHEREAS, the Carsons property owner satisfied the compensation and development provisions set forth in Ordinance 4992 and received a certificate of occupancy on February 24, 2004; and

WHEREAS, Section 6 of Ordinance 4992 also set forth provisions for the Village to reimburse the property owner for any improvements made along the Roosevelt Road right-of-way, and as approved by the Village, within two years from the adoption of the Ordinance; and

WHEREAS, the Village has received a request from the Carsons Property owner for reimbursement of said improvements in the Roosevelt Road right of way; and

WHEREAS, in order for final payment to be made to the Carsons Property owner for said improvements, the owner is requesting an amendment to the time limitation from two years two 52 months.

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Section 6 of Ordinance 4992, is hereby amended to allow for reimbursement period for Roosevelt Road right of way improvements from two years to fifty-two (52) months from the date of approval of Ordinance 4992.

Ordinance No. \_\_\_\_\_  
Re: BOT 01-08 Time Amendment  
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SECTION 2: That all other provisions associated with Ordinance 4992 not amended by this Ordinance shall remain in full force and effect.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form 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: \_\_\_\_\_

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

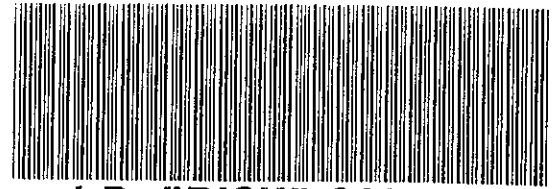
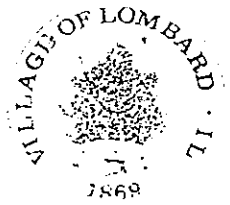
Absent: \_\_\_\_\_

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

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

ATTEST:

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



**J.P. "RICK" CARNEY**

DUPAGE COUNTY RECORDER

SEP.20,2001

11:59 AM

PLAT

**006 PAGES R2001-200883**

**ORDINANCE 4992**

**APPROVING VACATING A PORTION OF GRACE  
STREET RIGHT-OF-WAY**

**Return To:**

**Village of Lombard**

**Department of Community Development**

**255 E. Wilson Avenue**

**Lombard, IL 60148**

ORDINANCE NO. 4992

ORDINANCE VACATING A PORTION OF GRACE STREET RIGHT-OF-WAY  
(BOT 01-08)

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

SECTION 1: The President and Board of Trustees find as follows:

- A. Pursuant to 65 ILCS 5/11-91-1, an ordinance vacating a street can provide that it shall not become effective until the owner of a particular parcel of property abutting upon the street 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.
- B. Pursuant to 65 ILCS 5/11-91-1, if the ordinance vacating a street provides that only the owner of a particular parcel abutting upon the street to be vacated shall make the aforementioned compensation payment, then said owner of said particular parcel shall acquire title to the entire vacated street.
- C. That the fair market value of that portion of Grace Street as described in Section 3 below is \$114, 511.45.
- D. That the owner of Lot 1 in Grace-Roosevelt Assessment Plat, shall make payment to the Village for the entire compensation due relative to the street vacation referenced in Section 4 below, as more specifically set forth in Section 6 below.

SECTION 2: It is hereby determined that the public interest will be subserved by vacating that portion of Grace Street as hereinafter described.

SECTION 3: That the street described as follows:

THAT PART OF THE RIGHT OF WAY OF GRACE STREET LYING WEST OF LOT 1 IN GRACE-ROOSEVELT ASSESSMENT PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 6, 1970 AS DOCUMENT R70-22354, IN DUPAGE COUNTY, ILLINOIS.

and as shown on the plat of vacation attached hereto as Exhibit "A" and made part hereof, and designated "hereby vacated" be and the same hereby is vacated, subject to the Village's receipt of the compensation set forth in Section 4 below.

SECTION 4. That the foregoing street vacation shall not go into effect until the following fair market value compensation has been tendered to the Village.

- A. A monetary payment in the amount of \$114,511.45, less the actual costs incurred in providing the non-monetary compensation set forth in subsection B below, but not to exceed a \$10,000 reduction in said monetary payment; and
- B. The removal of all signs, billboards and sign and/or billboard sign structures currently located on the aforementioned Lot 1 in Grace-Roosevelt Assessment Plat.

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 in the event that the compensation as required by Section 4 above has been provided in full, and the owner of the aforementioned Lot 1 in Grace-Roosevelt Assessment Plat proceeds with a redevelopment of said property and the vacated street right-of-way, which includes improvements within the abutting Roosevelt Road right-of-way, within two years from the adoption of this ordinance, the Village agrees to reimburse the property owner for any improvements made along the Roosevelt Road right-of-way, as approved and authorized by the Village.



Ordinance No. 4992

Re: BOT 01-08

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SECTION 7: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_ 2001.

First reading waived by action of the Board of Trustees this 19th day of July, 2001.

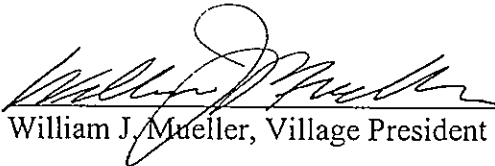
Passed on second reading this 19th day of July, 2001, pursuant to a roll call vote as follows:

Ayes: Trustees DeStephano, Tross, Koenig, Florey, Soderstrom

Nayes: None

Absent: Trustee Sebby

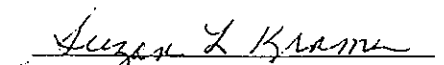
Approved this 19th day of July, 2001.

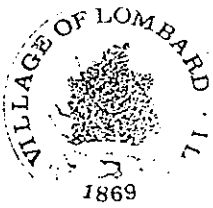
  
William J. Mueller, Village President

ATTEST:

  
Suzan L. Kramer, Village Clerk

Published by me in pamphlet form this 20th day of July, 2001.

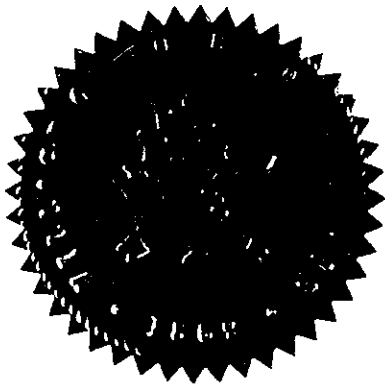
  
Suzan L. Kramer, Village Clerk



I, Suzan L. Kramer, hereby certify that I am the duly qualified Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a true and correct copy of ORDINANCE 4992  
AN ORDINANCE VACATING A PORTION OF  
GRACE ST. RIGHT OF WAY  
of the said Village as it appears from the official records of said Village duly passed on July 19, 2001.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 6th day of September, 2001.



Suzan L. Kramer

Suzan L. Kramer  
Village Clerk  
Village of Lombard  
DuPage County, Illinois