

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: Scott R. Niehaus, Village Manager

DATE: September 27, 2017 (B of T) Date: October 5, 2017

TITLE: Plat of Easement Abrogation - 50 Yorktown (Sanitary Sewer Relocation, future Elan building)

SUBMITTED BY: Department of Community Development *SN*

BACKGROUND/POLICY IMPLICATIONS:

Please find attached staff's recommendation relative to approving a Plat of Abrogation. The construction of the Elan development requires releasing the existing utility easement that is currently in place on the property. The sanitary sewer that was previously in the easement has been relocated.

Staff recommends approval of this request.

Please place this item on the October 5, 2017 Board of Trustees agenda under Items for Separate Action. The approval will need to receive a three-fourths (3/4ths) vote of the Corporate Authorities (6 of 7). Staff also recommends a waiver of first reading of the Ordinance in order to allow construction activities to proceed in a timely manner.

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 

MEETING DATE: September 27, 2017

SUBJECT: **Motion to Approve a Plat of Abrogation
50 Yorktown (Sanitary Sewer Relocation, future Elan building)**

The construction of the Elan project required that a sanitary sewer main and associated utility easement be relocated to a different location on private property. This plat will abrogate that easement where the building will physically be located. The attached Plat of Easement Abrogation was signed by the property owner and other utility companies.

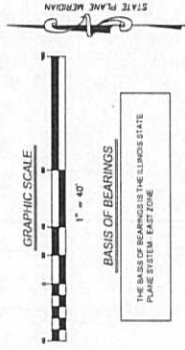
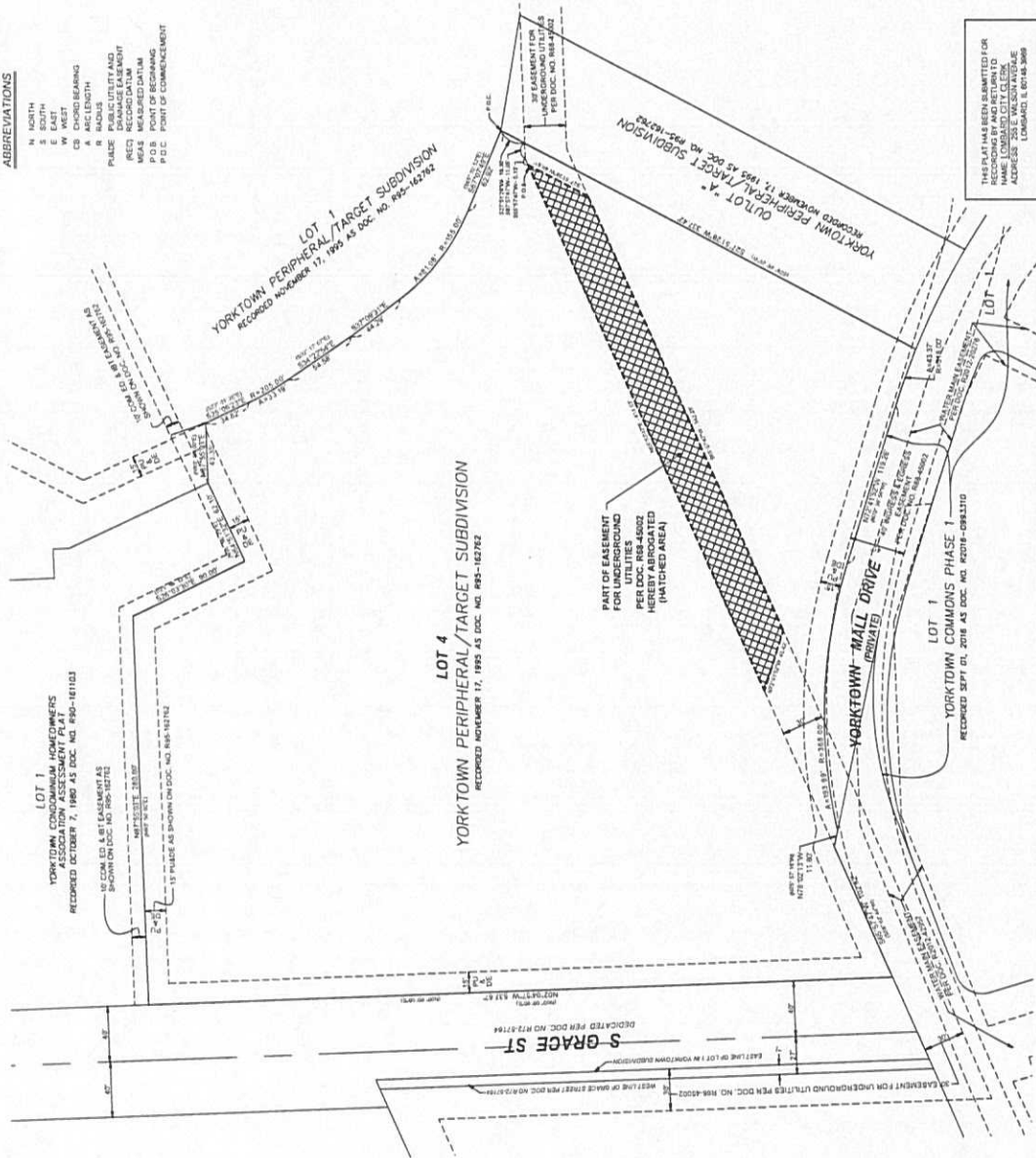
The attached Plat of Abrogation was prepared and has been signed by the other utilities. Please request the Board of Trustees to approve the Plat of Abrogation by motion at their October 5, 2017 meeting. Please call either Jana Bryant or myself if you have any questions.

WJH/JB: jd

H:\CD\WORDUSER\PES\PROJECTS\PES Projects\Commercial-Multi Fam Devmt\PES 2017-02 (50 Yorktown, Sanitary Relocate)\6 BOT\Easement Abrogation\Memo - PES to VM.doc

cc: Carl Goldsmith, Director of Public Works
Brian Jack, Utilities Superintendent

P.I.N. 06-29-200-050 (LOT 4)

[illegible]

GENERAL NOTES

1. THIS IS NOT A BOUNDARY PLAT OF SURVEY AND IS NOT TO BE USED FOR CONVEYANCE PURPOSES.
2. DO NOT SCALE DIMENSIONS FROM THIS PLAT.



Engineers
Scientists
Surveyors

PREPARED FOR
KIMLEY-HORN AND ASSOCIATES, INC.
1001 WARDENBURG ROAD SUITE 350

PREPARED FOR:
N AND ASSO
DENVILLE ROAD,
LISLE, IL 60532
630-457-5550

NO	DATE	DESCRIPTION	REVISION
1	04-05-17	CHANGED ALL REFERENCES TO ALLOCATE	
2	06-25-17	PLACED CERTES ON SHEET 2	
3	08-09-17	ADDED DIMENSIONS AND LEGAL	
4	08-12-17	REMOVED CERTES, LEFT BY TOWN BEFORE AND PART OF SETTLEMENT NOTE	
5	09-22-17	CHANGED 1 UNIT'S	

REVISIONS

NO	DATE	DESCRIPTION	NO
1	04.08.17	CHANGED ALL REFERENCES TO ALLOCATE	
2	08.25.17	PLACED CERTS ON SHEET 2	
3	08.09.17	ADDED DIMENSIONS AND LEGAL	
4	08.12.17	Removed Limits set by before separate post of assessment note	
5	08.22.17	CHANGED LIMITS	

PLAT OF EASEMENT ABROGATION

DRAFTING COMPLETED	03-21-17	DRAWN BY	MLP	PROJECT MANAGER
FIELD WORK COMPLETED	N/A	CHECKED BY	CSB	DATE
				1"

Project No: 15147_KH

Group No.	1
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PLAT OF EASEMENT ABROGATION FOR

YORKTOWN MIXED USE DEVELOPMENT LOMBARD, ILLINOIS

CERTAIN PART OF LOT 1 IN YORKTOWN MIXED USE DEVELOPMENT, SUBDIVISION, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 11, 1996 AS DOCUMENT 886-10702, IN DUPLICATE COUNTY, ALI AND.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF JEFFERSON)
I, the undersigned, being a duly qualified and licensed Surveyor in the State of Illinois, do hereby certify that the foregoing is a true and correct copy of the original plat of easement abrogation as the same appears in my files and records, and that the same has been duly recorded in the public records of the County of Jefferson, State of Illinois, in Book 11, 1996 as Document 886-10702, in duplicate.

DATED THIS 11th DAY OF September, A.D. 2017.

OWNER: Kimley-Horn and Associates, Inc.

ADDRESS: 7325 James Avenue, Suite 100

BY: John J. Smith

NAME: John J. Smith

ITS: Vice President

NOTARY PUBLIC

STATE OF ILLINOIS)
COUNTY OF JEFFERSON)
I, the undersigned, being a duly qualified and licensed Notary Public in the State of Illinois, do hereby certify that the foregoing is a true and correct copy of the original plat of easement abrogation as the same appears in my files and records, and that the same has been duly recorded in the public records of the County of Jefferson, State of Illinois, in Book 11, 1996 as Document 886-10702, in duplicate.

DATED THIS 11th DAY OF September, A.D. 2017.

OWNER: Kimley-Horn and Associates, Inc.

ADDRESS: 7325 James Avenue, Suite 100

BY: John J. Smith

NAME: John J. Smith

ITS: Vice President

EASEMENT ABROGATION APPROVED AND ACCEPTED AS SHOWN

COMMISSIONER OF LANDS AND SURVEYS)
BY: John J. Smith

THESE EASEMENTS ARE HEREBY ABROGATED

IN THE COUNTY OF JEFFERSON, STATE OF ILLINOIS

THIS 11th DAY OF September, A.D. 2017.

BY: John J. Smith

NAME: John J. Smith

ITS: Vice President

DATE: 9/11/17

BY: John J. Smith

NAME: John J. Smith

ITS: Vice President

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NAME: John J. Smith

ITS: Vice President

DATE: 9/11/17

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE)
I, the undersigned, being a duly qualified and licensed Recorder in the State of Illinois, do hereby certify that the foregoing is a true and correct copy of the original plat of easement abrogation as the same appears in my files and records, and that the same has been duly recorded in the public records of the County of DuPage, State of Illinois, in Book 11, 1996 as Document 886-10702, in duplicate.

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NAME: John J. Smith

ITS: Vice President

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ITS: Vice President

DATE: 9/11/17

BY: John J. Smith

NAME: John J. Smith

ITS: Vice President

DATE: 9/11/17

SURVEYOR'S AUTHORIZATION CERTIFICATE

WHEREAS, the undersigned, being a duly qualified and licensed Surveyor in the State of Illinois, do hereby certify that the foregoing is a true and correct copy of the original plat of easement abrogation as the same appears in my files and records, and that the same has been duly recorded in the public records of the County of DuPage, State of Illinois, in Book 11, 1996 as Document 886-10702, in duplicate.

DATED THIS 11th DAY OF September, A.D. 2017.

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DATE: 9/11/17

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE)
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DATED THIS 11th DAY OF September, A.D. 2017.

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BY: John J. Smith

NAME: John J. Smith

ITS: Vice President

PLAT OF EASEMENT ABROGATION

YORKTOWN MIXED USE DEVELOPMENT, LOMBARD, ILLINOIS

DRAFTING SCALE: 1"=40'

FILED: 9/11/17

RECORDS: 1547 KH

PROJECT MANAGER: CDR

DATE: 9/11/17

BY: John J. Smith

NAME: John J. Smith

ITS: Vice President

DATE: 9/11/17

7325 James Avenue, Suite 100

630.724.0354 fax

630.724.0354 fax

630.481.5550

630.481.5550

630.481.5550

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630.481.5550

630.481.5550

630.481.5550

ORDINANCE NO. _____

AN ORDINANCE ABROGATING AN EASEMENT FOR UNDERGROUND UTILITIES
LOCATED AT 50 YORKTOWN

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 underground utilities (hereinafter the
"Easement"), pursuant to a Plat of Easement Abrogation, as legally described as
follows:

That part of a 30 foot underground utilities easement heretofore
granted per document number R68-45002:
Commencing at the most easterly corner of Lot 4 in Yorktown
Peripheral/Target Subdivision, being a subdivision of part of the
Northeast Quarter of Section 29, Township 39 North, Range 11 East
of the Third Principal Meridian, according to the plat thereof
recorded November 17, 1995 as document number R95-162762;
thence south 27 degrees 51 minutes 28 seconds west along the
easterly line of said Lot 4, a distance of 19.30 feet to the northerly
line of said 30 foot underground utilities easement; thence westerly
along said north line the following two (2) courses (1) thence south
87 degrees 57 minutes 47 seconds west, 11.05 feet; (2) then thence
south 65 degrees 57 minutes 47 seconds west, 5.13 feet for a place of
beginning; thence south 27 degrees 51 minutes 28 seconds west,
48.61 feet to the south line of said underground utilities easement;
thence south 65 degrees 57 minutes 47 seconds west along said south
line, a distance of 342.28 feet; thence north 72 degrees 41 minutes 52
seconds west, 45.42 feet to said north line of the underground
utilities easement; thence north 65 degrees 57 minutes 47 seconds
east, 414.63 feet to the place of beginning, in DuPage County,
Illinois.

Pt. P.I.N.: 06-29-200-050;

Common Address: 50 Yorktown,
Lombard, Illinois 60148;

- B. The property owner, Greystar Real Estate Partners, has requested that the Village

abrogate the aforementioned Easement, as depicted in the Plat of Easement Abrogation, attached hereto as Exhibit A, and made part hereof.

- C. The Village finds that the aforementioned Easement is no longer needed by the Village.

SECTION 2: It is hereby determined that the public interest will be subserved by abrogating the Easement, as shown on the Plat of Easement Abrogation attached hereto as Exhibit A, and, therefore, the Easement is hereby abrogated, and the Plat of Easement 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 _____, 2017.

First reading waived by action of the Board of Trustees this ____ day of _____, 2017.

Passed on second reading this ____ day of _____, 2017, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2017.

Ordinance No. _____
Page 3

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Exhibit A

Plat of Easement Abrogation

(attached)