

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
MARCH 27, 2007 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Vacation of Public Alleys	Resolution Ordinance Motion ✓ Discussion Only	Don Scheidler Interim Community Development Director

SYNOPSIS

Staff has prepared this report regarding petitions to vacate 1) the alley adjacent to 4714 Douglas Road; 2) the alley between Franklin Street and Austin Street; and, 3) the alley adjacent to 445 Austin Street. Items 1 and 2 have been discussed and tabled by the Village Council. Item 3 has been the subject of a public hearing at the February 5, 2007 Plan Commission meeting but has not yet been reviewed at a Council meeting. Village Code requires that the Plan Commission submit a report to the Village Council no later than 45 days upon completion of the public hearing. This report is presented to the Council to meet the Village Code requirement.

FISCAL IMPACT

Staff is recommending the petitioners compensate the Village for the vacated alley per the Right-of-Way Vacation Policy. The recommended compensation is as follows:

4714 Douglas: \$2,493.91. The estimated Equalized Assessed Value for this land is \$7,582. Placing this land on the tax rolls would generate approximately \$373 per year in total taxes to all taxing bodies. The Village portion of the annual real estate taxes is estimated to be \$31.

Austin-Franklin Alley: \$5,117.78 for the entire alley to be split amongst the four petitioners. The estimated Equalized Assessed Value for this land is \$15,353. Placing this land on the tax rolls would generate approximately \$765 per year in total taxes to all taxing bodies. The Village portion of the annual real estate taxes is estimated to be \$64.

445 Austin: \$2,628.56 for the entire alley. The estimated Equalized Assessed Value for this land is \$7,965.33. Placing this land on the tax rolls would generate approximately \$397 per year in total taxes to all taxing bodies. The Village portion of the annual real estate taxes is estimated to be \$36.

RECOMMENDATION

Staff recommends receiving the Plan Commission's recommendation for the alley adjacent to 445 Austin Street at the March 27 Workshop Meeting. Additionally, staff recommends placing all three alley vacation discussions on a future Workshop Agenda.

BACKGROUND

The Village Council reviewed the alley vacations for 4714 Douglas Road and the Austin-Franklin properties twice in January and February 2007. The Village Council tabled those vacations to allow staff to work with the petitioners on payment for the property. The owner of 4714 Douglas Road has agreed to have a lien

placed on his property in the amount recommended by staff. Staff has contacted the applicants requesting vacation of the Austin-Franklin alley, but has not received their input regarding their preferred payment method. The Council has not reviewed the request to vacate the alley adjacent to 445 Austin Street; however, staff anticipates the same concerns will arise regarding payment for the alley. As such, staff believes it would be most efficient for the Village Council to discuss this alley vacation along with the other requests.

Vacation of Alley Adjacent to 445 Austin Street

The petitioner is requesting the Village vacate the fourteen foot (14') north-south alley that is located immediately west of and adjacent to their property at 445 Austin Street. Currently, the alley is used as a private driveway for 445 Austin Street. The adjoining property owners have not requested a portion of the alley and do not object to the proposed vacation.

When this specific alley was platted, the alley was dedicated to the Village at no cost for the construction of public right-of-ways and utility corridors. The Village has not constructed or used this specific alley as a public right-of-way. Utility companies use a portion of the alley for their utilities and for access to the utilities. Based on current use and future plans, the Village's current and future need for the land can be accomplished by securing a public utility and drainage easement.

The recommended easement would enable the Village to provide future utility and drainage improvements to the area. While the easement will limit the ability of the petitioners to construct a structure more significant than a fence on the vacated alley, the petitioners will gain additional buildable area to their properties which will enable them or future property owners to construct larger homes on the parcels. The recommended easement is consistent with current subdivision regulations.

Sections 19.14 and 19.17 of the Village Code require a permit to be issued to improve a public alley. The Code requires that the improvements to the alley meet Village construction specifications and storm water management standards and would have to be constructed along the entire length and width of the alley to the nearest public right-of-way. In this case, any improvements would have to stretch from Austin Street south to Rogers Street.

Per the Village's right-of-way vacation policy (Resolution 2003-58), staff contacted the utility companies and public entities and determined rights to the alley should be retained for utility and drainage purposes. Staff believes the Village should maintain an easement over the entire vacated alley.

The Plan Commission considered the project at their February 5, 2007 meeting and unanimously recommended approval of the proposed right-of-way vacation with the recommended easement language. The Plan Commission did not opine on the recommended compensation.

ATTACHMENTS (*445 Austin Street only*)

Locator Map

Staff Report, with attachments, dated February 5, 2007

Minutes of Plan Commission Public Hearing dated February 5, 2007

Figure 1. Parcel with 14' vacated alley easement and existing parcel with public alley.

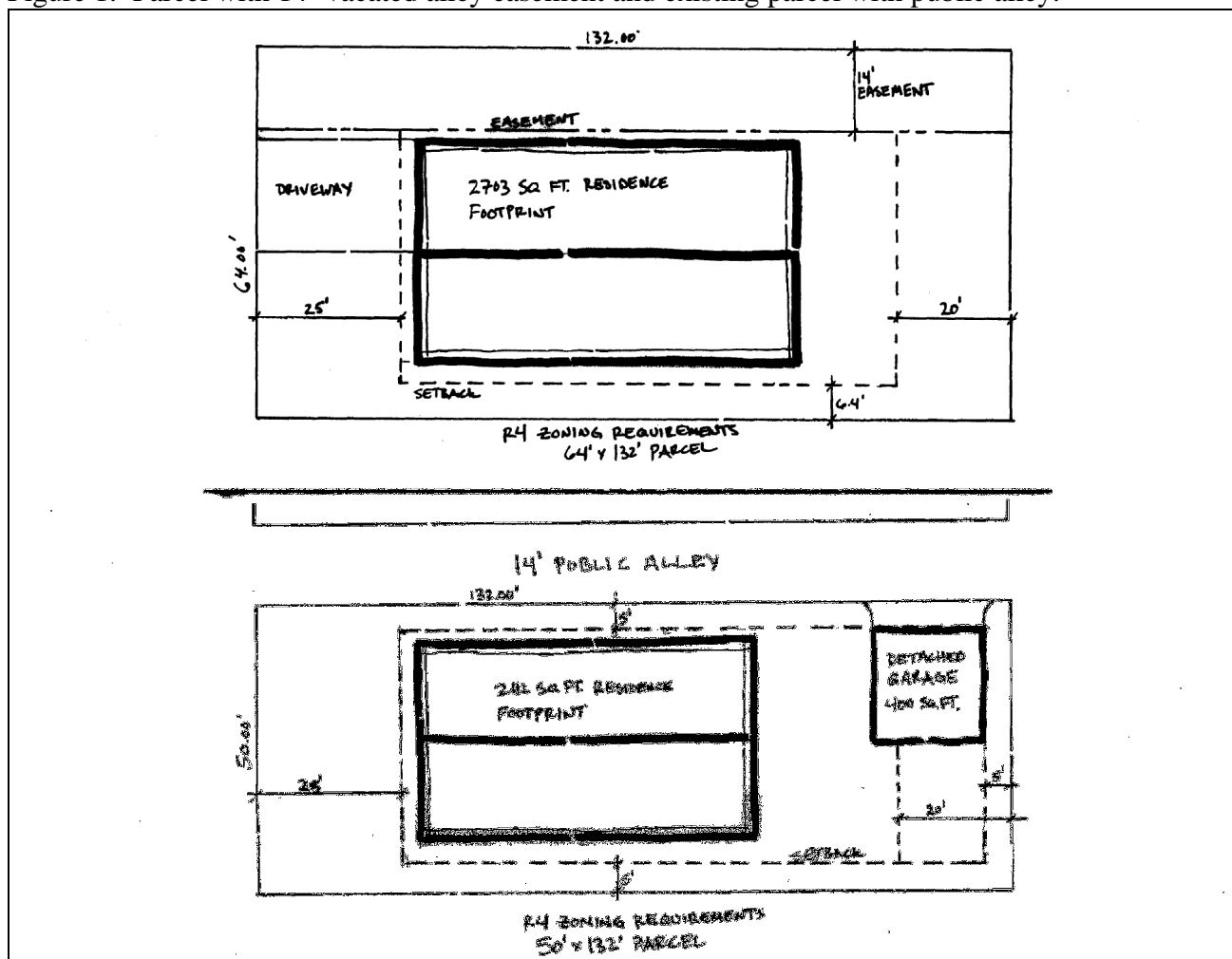
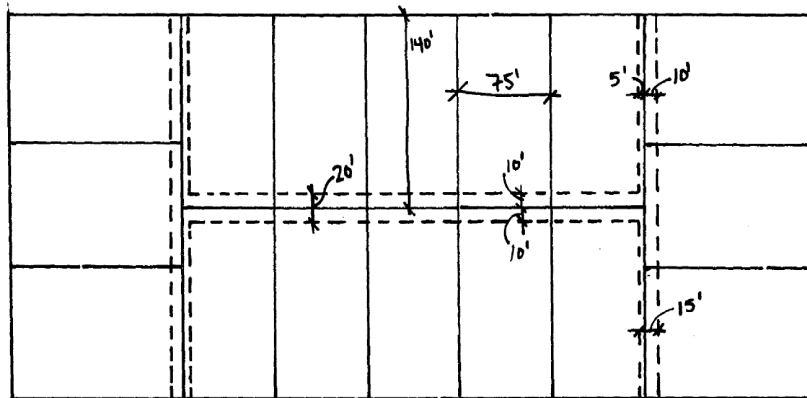
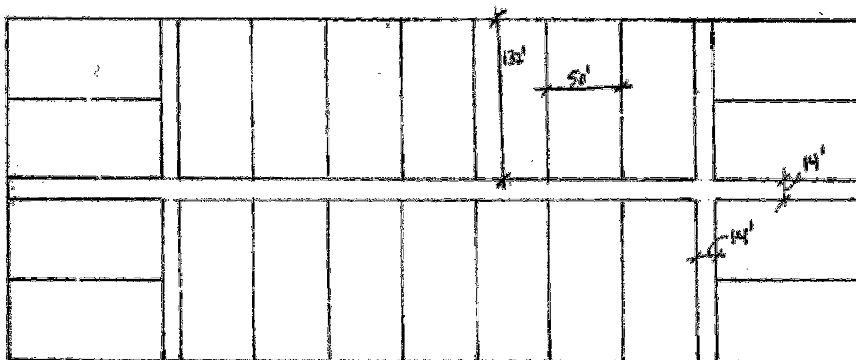


Figure 2. New Subdivision with easements and old subdivision with dedicated public alleys



NEW SUBDIVISION WITH EASEMENTS



OLD SUBDIVISION WITH PUBLIC ALLEY



500

AUSTIN ST

Alley to be vacated

4929

445

441

437

433

4935

DOUGLAS RD



Village of Downers Grove

STAFF REPORT

TO: Plan Commission

HEARING DATE: February 5, 2007

FROM: Department of Community
Development

PREPARED BY: Stan Popovich, AICP
Planner

TITLE

PC 03-07; Alley East of Douglas Road running north and south immediately west of 445 Austin Street – Alley Vacation; The petitioner is requesting that the Village vacate a fourteen foot (14') alley immediately west of and adjacent to 445 Austin Street.

APPLICATION/NOTICE: The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

APPLICANTS: Kirby Eisman and Sheila McGlone-Eisman
445 Austin Street
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-4 Single Family Residence (Surrounding properties)

EXISTING LAND USE: Unimproved Alley.

PROPERTY SIZE: Approximately 2,000 square feet (14-foot public alley proposed to be vacated).

PINs: 09-08-225-004 (445 Austin St.)

SURROUNDING ZONING AND LAND USES:

	ZONING
NORTH:	R-4 Single Family Residence
SOUTH:	R-6 Multiple Family Residence
EAST:	R-4 Single Family Residence
WEST:	R-4 Single Family Residence

FUTURE LAND USE
Residential (6-11 DU/Acre)
Residential (6-11 DU/Acre)
Residential (6-11 DU/Acre)
Residential (6-11 DU/Acre)

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Summary/Cover Letter
3. Plat of Survey
4. Letters Not Objecting to Vacation from Owners Adjacent to Alley
5. Letters Not Objecting to Vacation from Utility Companies

DESCRIPTION

The petitioner is requesting the Village vacate a fourteen foot (14') alley that runs north and south and is immediately west of and adjacent to the property at 445 Austin Street. Currently the alley is used as a private driveway for 445 Austin Street. Two property owners at 4929 Douglas Road and 4935 Douglas Road abut the alley but do not currently utilize the alley. These two property owners are not requesting any portion of the alley and do not object to the vacation.

Per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), staff contacted the utility companies and public entities (including the Police Department, Fire Department and Public Works Department) to determine if any rights to the alley should be retained. Currently Comcast and AT&T have utility poles and overhead lines traversing the alley near the rear property line of 445 Austin Street. The utility providers do not have an objection to the vacation provided that an easement is retained. Staff is recommending retaining an easement over the entire width and length of the alley. The retention of an easement will significantly limit the types of structures that can be built on the alley property. A fence or driveway are the most significant structures that would likely be built in the vacated alley. The petitioner has been informed of this requirement and does not object to the easement.

COMPLIANCE WITH THE FUTURE LAND USE PLAN

The property is zoned R-4. The alley is an unimproved residential alley used as a private driveway. According to the Future Land Use Plan, the properties surrounding the alley are designated as Residential (6-11 DU/Acre). The use of the alley will not be significantly altered as the Village is requiring that an easement be retained. Staff believes the proposed vacation and use is consistent with the designation on the Future Land Use Map. The proposal is also consistent with other Village planning documents.

COMPLIANCE WITH THE ZONING ORDINANCE

No significant changes will occur in the land use. The surrounding properties to the east, west, and north are zoned R-4, single family residential. The properties to the south are zoned R-6, multiple family residential. These parcels will continue to be consistent with zoning requirements. The addition of the alley will increase the petitioner's property by 2,000 square feet. No new buildings or uses are proposed for the portion of the alley to be vacated. The retention of an easement will significantly limit the types of structures that can be built on the alley property. A fence or driveway are the most significant structures that would likely be built in the vacated alley.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

This section is not applicable.

COMPLIANCE WITH THE SIGN ORDINANCE

This section is not applicable.

COMPLIANCE WITH THE OGDEN AVENUE MASTER PLAN

This section is not applicable.

ENGINEERING/PUBLIC IMPROVEMENTS

This section is not applicable.

PUBLIC SAFETY REQUIREMENTS

The Fire Department and the Police Department have reviewed the plans for the vacation and noted no objections to the vacation of the alley.

NEIGHBORHOOD COMMENT

Two neighbors immediately west and adjacent to the alley (4929 Douglas Road and 4935 Douglas Road) have provided written statements indicating that they do not object to the vacation. Additionally, these neighbors are not requesting a portion of the alley.

STAFF FINDINGS

Compliance with the Procedure to be Followed in the Vacation of Streets, Alleys, and Public Rights-of-Way (Resolution #2003-58)

Staff believes the request complies with the Village policy outlined in Resolution #2003-58 and recommends vacating the entire alley to the petitioner. The alley is not used for public traffic and is currently used by the petitioner as a private driveway. Staff believes the alley right-of-way does not need to be retained for the general health, safety and welfare of Village residents.

The utility providers affected by the vacation have noted that an easement is acceptable to continue maintenance of the existing utilities. Staff believes the existing utilities and public needs can be addressed with an easement and is recommending retaining an easement over the entire portion of the alley to be vacated. The retention of an easement is necessary and essential to the Village. Easements are areas the Village can use to provide future improvements to the utility and drainage systems. If easements are not retained and future improvements are needed, the Village would have to purchase easements from property owners. This could impact the ability of the Village to provide improvements.

At their sole expense, the petitioner will be required to provide a Plat of Vacation by a licensed surveyor. The surveyor shall adequately describe the vacated alley on the Plat of Vacation.

Staff recommends that the petitioner provide the Village with compensation for the vacated alley. Compensation is typically determined by one of three models, a land value assessment, an appraisal or a purchase price for redevelopment. Staff believes the model to be used and compensation should be determined through Village Council discussions.

In order to assist in this discussion, staff prepared a table that identifies the amount of compensation that would be required using the land value assessment model. This amount is based on the latest assessment of land adjacent to the right-of-way. When land will be encumbered with an easement, land is generally valued at one-third (1/3) of the value of the same property that does not have an easement. The following table provides the estimated value of the petitioner's land.

Table 1. Estimated value of alley

Property Address	Land Value	Acres of Land	Land Value per Acre	Acres of ROW to be vacated	Estimated Value of entire ROW	Encumbered Value of entire ROW
445 Austin Street	\$ 28,460	0.164	\$ 173,537	0.046	\$ 7,965.33	\$ 2,628.56

Based on the land value assessment model, the petitioner would be required to compensate the Village an amount of \$2,628.56.

RECOMMENDATIONS

The proposed right-of-way vacation is compatible with the surrounding zoning and land use classifications. Based on the findings listed above, staff recommends that the Plan Commission make a motion recommending approval of a right-of-way vacation for the portion of the fourteen (14) foot public alley immediately west of and adjacent to 445 Austin Street to the Village Council subject to the conditions below:

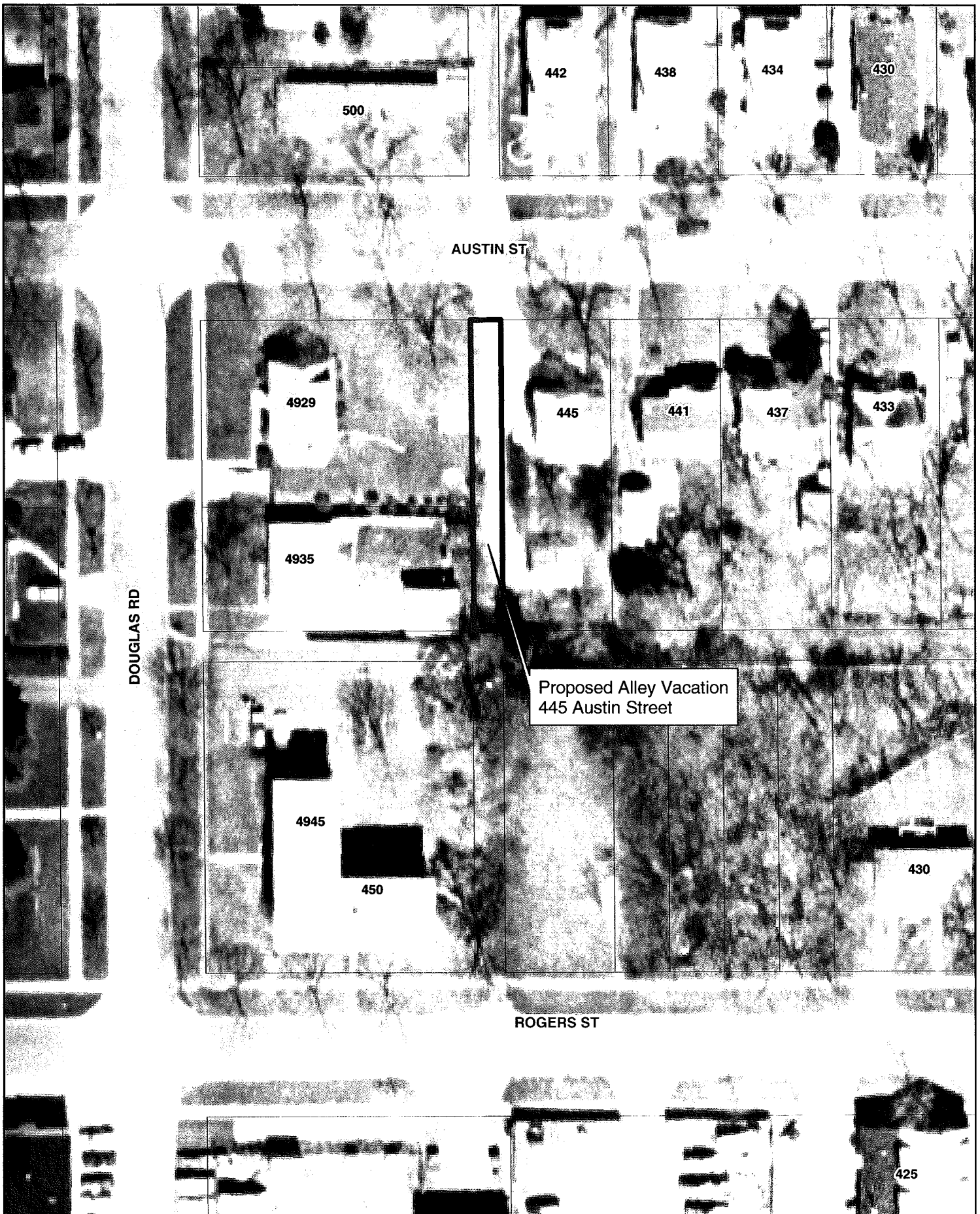
1. The vacation shall substantially conform to the staff report dated February 5, 2007 and with the plat of survey submitted to the Plan Commission dated August 29, 2000 prepared by Liberty Survey Company, except such plans may be modified to conform to Village Codes and Ordinances and the following conditions:
 - a. A utility and drainage easement shall be retained over the entire alley by the Village of Downers Grove and other applicable utility companies for the maintenance of the existing utility facilities and future utility needs.
 - b. The construction of future structures on the alley proposed to be vacated shall be limited to fences and driveways. Construction of any new buildings on the alley shall not be permitted.
2. Prior to final Village Council consideration, the petitioner shall have a Plat of Vacation prepared by a licensed surveyor.
3. Prior to final Village Council consideration, the petitioner shall provide the Village with compensation as determined by Village Council.

Staff Report Approved By:

Don Scheidler
Interim Director
Department of Community Development

DS:sjp
-att

P:\P&CD\PROJECTS\PLAN COMMISSION\2007 PC Petition Files\PC-03-07 ALLEY VAC. 445 AUSTIN



0

50

100

Feet

PC-03-07 - 445 Austin Street

Alley Right of Way Vacation

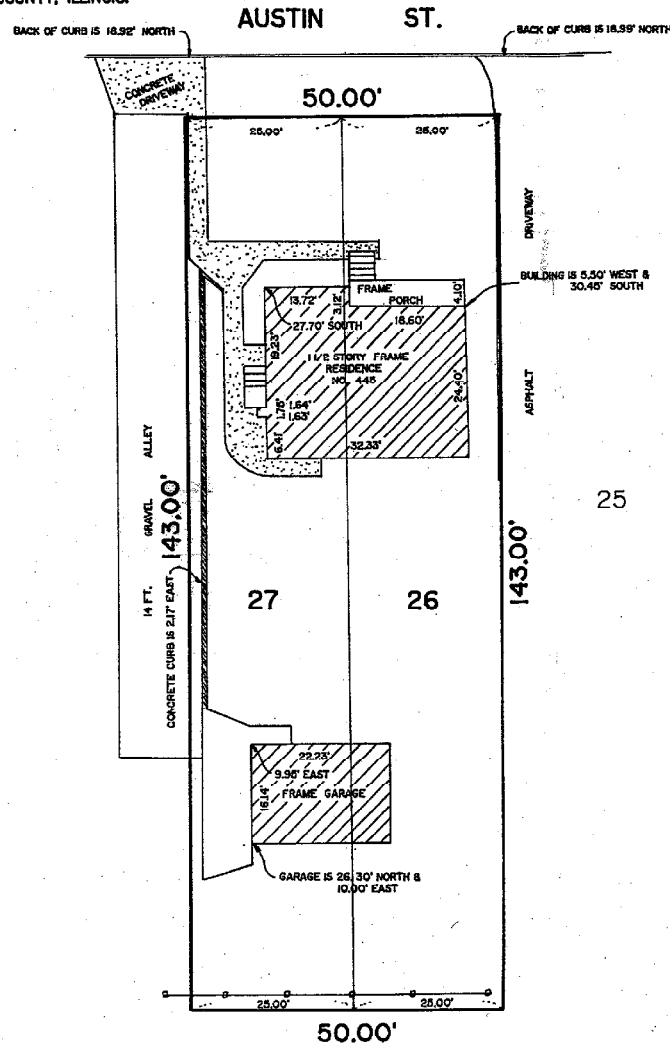
Department of Community Development

Legend

Proposed alley to be vacated

PLAT OF SURVEY OF

LOTS TWENTY SIX (26) AND TWENTY SEVEN (27) IN BLOCK TWELVE (12) IN GOSTYN, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION EIGHT (8), TOWNSHIP THIRTY EIGHT (38) NORTH, RANGE ELEVEN (11), EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.



LEGEND

	Indicates Building limits
	Indicates Chain Link fence
	Indicates Wood fence
	Indicates barbed wire fence
	Indicates Concrete Pavement
	Indicates Radius of Curve
	Indicates Length of Curve
	Indicates Record or deed distance
	Indicates Measured distance
	Indicates Iron Pipe and/or Iron Rod

IMPORTANT

- FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR DEED, TITLE POLICY AND LOCAL ZONING ORDINANCE ETC.
- ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF, CORRECT AT 20° TEMPERATURE.
- REVIEW LEGAL DESCRIPTION AND RECORD MEASUREMENT ON THIS PLAT AND AT ONCE REPORT ANY APPARENT DISCREPANCY TO THE SURVEYOR BEFORE ANY WORK IS DONE, OTHERWISE ALL POINTS BEFORE BUILDING BY SAME.
- PLAT IS NOT VALID WITHOUT EMBOSSED SEAL AND IS NOT VALID AFTER 90 DAYS. THERE IS AN ADDITIONAL FEE FOR ANY CORRECTION OR MODIFICATION AFTER 90 DAYS OF ISSUING DATE.
- WE DO NOT CERTIFY UTILITIES, THEREFORE, CONTACT UTILITIES COMPANIES BEFORE BUILDING. UTILITIES AND TREES ARE NOT SHOWN HEREON.
- LIABILITY ON THIS PRODUCT HEREBY IS LIMITED TO THE CHARGED SURVEY FEE.
- NO MEASUREMENTS ARE TO BE ASSUMED BY SCALING.
- LEGAL DESCRIPTION NOTED ON THIS PLAT WAS PROVIDED BY THE CLIENT AND MUST BE COMPARED WITH DEED AND/OR TITLE POLICY.
- REGARDING MATTERS OF PUBLIC RECORD WE HAVE RELIED ON TITLE COMMITMENT PROVIDED, ON OUR FILE.

State of Illinois } ss.
County of COOK }

WE, LIBERTY SURVEY CO., AN ILLINOIS PROFESSIONAL LAND SURVEYOR CORP., DO HEREBY CERTIFY THAT THE SURVEY WAS MADE UNDER ITS SUPERVISION ON THE GROUND AND THE PLAT HEREON DRAWN IS A REPRESENTATION OF SAME.

DATED AT PALATINE, ILLINOIS THIS 29th DAY OF AUGUST, 2000.

LIBERTY SURVEY COMPANY

BY: *M. L. Ragan*
ILLINOIS PROFESSIONAL LAND SURVEYOR CORP. NO. 48-000086

Liberty Survey Company	
LAND SURVEYORS	
19 E. NORTHWEST HWY., PALATINE, IL 60067 (847) 963-1025	
COMMON ADDRESS: 445 AUSTIN STREET, DOWNERS GROVE, IL	
DRAWN BY: CH	CHECKED BY: MR
FILE NO.: 00-7367	SCALE: 1" = 20'



NOT VALID
WITHOUT EMBOSSED SEAL

14 FT. PUBLIC ALLEY (NOT DEVELOPED)

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445 Austin Street
Downers Grove, IL 60515
November 10, 2006

Department of Planning & Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Dear Sir or Madam:

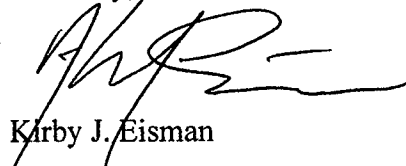
We are writing this letter to request that the Village of Downers Grove vacate the alley adjacent to the western border of our property at 445 Austin Street in incorporated Downers Grove.

Since we purchased our home on Austin Street in August of 2000, we have been the only ones to use or request to use the alley in question. The alley provides the only possible access to our garage. Two neighbors' homes border the western side of the alley. The neighbor to the southwest has built a fence separating his property from this alley, and his garage faces the opposite direction from the alley. Our neighbor directly to the west has an elaborate garden that precludes her ability to access the alley. The previous owner of our home constructed a fence along the southern edge of our property that crosses the alley, preventing any north-south traffic from possibly utilizing the alley as a thoroughfare. In addition, there is a grove of trees along the southern border of the property that also serves to block access to the alley by anyone other than us.

In addition, the alley has become an eyesore. In the six years that we have lived at 445 Austin Street, the Village has not maintained the alley. It is constructed of gravel, and every spring and summer weeds and grass grow up through the stones. In the fall leaves gather at the end of the alley, creating a giant mud pit. The Village has never cleared any of this vegetation, nor have they ever cleared the snow from the alley during the winter. As the nearest homeowners who are the exclusive users of this property, we have taken on the responsibility of mowing, weeding, and shoveling snow from the alley in an effort to maintain the appearance of our property as a whole. We welcome the opportunity to own this land and make more permanent improvements to this land.

As the owners of the home at 445 Austin Street, we would like for the Village of Downers Grove to vacate the alley that runs along the western border of our property. We would like the ability to improve the land in a more permanent fashion and enhance the look and value of both our home and the neighborhood as a whole. Thank you for your consideration.

Sincerely,



Kirby J. Eisman



Sheila McGlone-Eisman

4929 Douglas Street
Downers Grove, IL 60515
November 10, 2006

Department of Planning & Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Dear Sir or Madam:

Kirby Eisman and Sheila McGlone-Eisman, owners of the property at 445 Austin Street in incorporated Downers Grove, have informed me of their recent request to the Village of Downers Grove to vacate the alley that runs along the western border of their property.

My property at 4929 Douglas Street in Downers Grove also borders the alley in question. I do not currently utilize the alley, nor do I plan to ever utilize the alley. I wholeheartedly support their petition and encourage the Village of Downers Grove to grant the owners of 445 Austin Street full ownership of the alley in question.

Sincerely,

A handwritten signature in cursive script, appearing to read "Helen G. Duncan".

Helen Duncan
4929 Douglas Street
Downers Grove, IL 60515
Parcel # 09-08-225-001

4935 Douglas Street
Downers Grove, IL 60515
November 10, 2006

Department of Planning & Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Dear Sir or Madam:

Kirby Eisman and Sheila McGlone-Eisman, owners of the property at 445 Austin Street in incorporated Downers Grove, have informed me of their recent request to the Village of Downers Grove to vacate the alley that runs along the western border of their property.

My property at 4935 Douglas Street in Downers Grove also borders the alley in question. I do not currently utilize the alley, nor do I plan to ever utilize the alley. I wholeheartedly support their petition and encourage the Village of Downers Grove to grant the owners of 445 Austin Street full ownership of the alley in question.

Sincerely,

Roy and Linda Malkosky
4935 Douglas
Downers Grove, IL 60515
Parcel # 09-08-225-002

X Roy Malkosky
X Linda Malkosky

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING, FEBRUARY 5, 2007, 7:00 P.M.**

FILE NO. PC-03-07 A petition seeking an Alley Vacation for an Alley Running North and South on the West Side of the Property commonly known as 445 Austin Street, Downers Grove, IL (PIN 09-08-225-004); Kirby Eisman, Petitioner; Village of Downers Grove, Owner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-03-07.

Mr. Stan Popovich, Village Planner, summarized the petitioner was requesting the Village to vacate a fourteen-foot alley that runs north and south immediately west of the property at 445 Austin Street. The property is used as a private driveway for 445 Austin Street. Two property owners at 4929 Douglas Road and 4935 Douglas Road do not object to the request for the vacation. A letter from each neighbor was provided that supports the vacation.

Per the Village's Right-of-Way Vacation Policy, staff contacted the utility companies, public entities, Public Works and Public Safety to determine if any rights to the alley should be retained. Comcast and AT&T have utility poles and overhead lines near the rear of the alley and do not object to the vacation provided an easement is retained. Staff recommended retaining an easement over the entire width and length of the alley for utility and drainage purposes in the future. Keeping the easement would limit the types of structures that could be built on the vacated alley. A fence or driveway would be the most significant structures that would be allowed. Mr. Popovich explained this request would allow the petitioner to have more lot coverage, and a wider house could be built up to the alley. The proposal was consistent with the Village's Future Land Use Map and other Village planning documents. Staff recommended compensation as well as approval, subject to the conditions listed in its staff report.

Petitioner, Sheila McGlone-Eisman, 445 Austin Street, Downers Grove, thanked Mr. Popovich for his help and assistance on this matter. Ms. McGlone-Eisman indicated only she uses the alley and that the only access to the alley is from Austin Street. She did have an issue regarding the requested easement, noting in looking at an aerial map, an easement already ran East/West parallel to Austin and Rogers Street, which addressed the Village's concerns as to utilities, and an easement existed behind her property. The Village already had two easements. She asked that staff's report be "refined", and the third easement be removed. Ms. McGlone-Eisman noted her home was for sale.

Chairman Jirik opened up the matter to public comment. No comments were received. The Chairman closed the public comment portion of the meeting.

Due to the concerns of the future makeup and utility needs of the neighborhood, Mr. Matejczyk said it was difficult to remove easements. He pointed out if an easement was not needed in the driveway in the future, it would not be built. He saw no reason not to have an easement on the driveway.

Ms. McGlone-Eisman agreed with the concern but explained that having a 14-foot easement restricted her from putting anything on the vacated alley except a fence or a driveway. She believed the report was asking her to have the property added to the tax rolls and her paying tax dollars for a piece of land that could not be improved. However, Chairman Jirik pointed out the owners had free

use of the property for many years. Ms. McGlone-Eisman indicated even her realtor was surprised by the 14 foot easement.

Mr. Popovich explained by having the easement the lot would become 64 feet wide versus 50 feet wide. The additional land would allow a larger house based on setbacks and lot coverage requirements. Per a question, the new Subdivision Ordinance regulations now required 15 or 20 feet easements on the side and rear property lines. Details followed on the benefits of where a house and garage could be placed.

Mr. O'Brien stated Com Ed did request that the Village maintain full rights over the alley.

WITH RESPECT TO PC FILE NO. 03-07, MR. MATEJCZYK MADE A MOTION TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL APPROVING THE RIGHT-OF-WAY VACATION FOR THE PORTION OF THE FOURTEEN (14) FOOT PUBLIC ALLEY IMMEDIATELY WEST OF AND ADJACENT TO 445 AUSTIN STREET, SUBJECT TO THE CONDITIONS BELOW:

- 1. THE VACATION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED FEBRUARY 5, 2007 AND WITH THE PLAT OF SURVEY SUBMITTED TO THE PLAN COMMISSION DATED AUGUST 29, 2000 PREPARED BY LIBERTY SURVEY COMPANY, EXCEPT SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES AND ORDINANCES AND THE FOLLOWING CONDITIONS:**
 - a. A UTILITY AND DRAINAGE EASEMENT SHALL BE RETAINED OVER THE ENTIRE ALLEY BY THE VILLAGE OF DOWNERS GROVE AND OTHER APPLICABLE UTILITY COMPANIES FOR THE MAINTENANCE OF THE EXISTING UTILITY FACILITIES AND FUTURE UTILITY NEEDS.**
 - b. THE CONSTRUCTION OF FUTURE STRUCTURES ON THE ALLEY PROPOSED TO BE VACATED SHALL BE LIMITED TO FENCES AND DRIVEWAYS. CONSTRUCTION OF ANY NEW BUILDINGS ON THE ALLEY SHALL NOT BE PERMITTED.**
- 2. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL HAVE A PLAT OF VACATION PREPARED BY A LICENSED SURVEYOR.**
- 3. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL PROVIDE THE VILLAGE WITH COMPENSATION AS DETERMINED BY VILLAGE COUNCIL.**

SECONDED BY MRS. RABATAH.

ROLL CALL:

**AYE: MR. MATEJCZYK, MRS. RABATAH, MR. BEGGS, MR. COZZO,
MR. WAECHTLER, CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 6-0

Chairman Jirik asked the petitioner to keep in contact with staff as to when the matter would be forwarded to the Village Council.