

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
DECEMBER 16, 2008 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Right-of-Way Vacation 3946 & 4000 Venard Road	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared vacating an unimproved right-of-way adjacent to the properties located at 3946 & 4000 Venard Road.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2007-2012 identified *Preservation of Our Residential and Neighborhood Character*. Supporting this goal are the objectives *Tolerance of Neighborhood Private Redevelopment* and *Continuing Reinvestment in the Neighborhoods*.

FISCAL IMPACT

Staff is recommending the petitioners compensate the Village for the right-of-way to be vacated. Staff estimates the fair market value of the property to be \$7,371 for the entire right-of-way.

UPDATE & RECOMMENDATION

This item was discussed at the December 9 workshop. Staff recommends approval on the December 16 active agenda.

BACKGROUND

The petitioners are requesting the Village vacate a twenty (20) foot wide right-of-way that runs east and west and is adjacent to the properties at 3946 and 4000 Venard Road. Currently, the right-of-way is unimproved and functions as vacant green space between petitioners' properties. The petitioners are proposing to split the property equally.

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. Comcast and AT&T have requested a utility easement be retained along the west property line for the existing utility lines and poles running north and south. As such, a five-foot wide easement will be retained along the rear (west) property line of the right-of-way to match the existing five-foot wide easement on adjacent properties. Staff is also recommending retaining a five-foot wide easement on each side of the future common property line between 3946 and 4000 Venard Road. The petitioners have been informed of this requirement and do not object to the easements.

Per the Village's Right-of-Way Vacation Policy, the Village Council may require compensation for the vacated property. The fair market value is based on the latest assessment of land adjacent to the right-of-way. The fair

market value of the right-of-way to be vacated will be discounted for the 3,000 square feet of land encumbered by a utility easement. The table below summarizes the estimated value:

Property Address	Assessed Land Value	Square feet	Land Value per Square foot	ROW Land encumbered by easement (square feet)	ROW Land not encumbered by easement (square feet)	Total adjusted estimated cost of right-of-way
3946 Venard Road	\$50,230	26,550	\$1.89	1,500	1,450	\$3,685.5
4000 Venard Road	\$34,880	18,437.5	\$1.89	1,500	1,450	\$3,685.5
Total				3,000	2,900	\$7,371

The Plan Commission considered the vacation at their November 3, 2008 meeting and recommended unanimous approval. Staff concurs with this recommendation.

ATTACHMENTS
Ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** December 16, 2008
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** PC-25-08
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE VACATING A CERTAIN PORTION OF AN UNIMPROVED RIGHT-OF-WAY ON VENARD ROAD IN THE VILLAGE OF DOWNERS GROVE", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance will vacate a 295 foot long by 20 foot wide unimproved right-of-way on the west side of Venard Road approximately 700 feet north of Drove Avenue.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE VACATING A CERTAIN PORTION OF AN UNIMPROVED
RIGHT-OF-WAY ON VENARD ROAD
IN THE VILLAGE OF DOWNERS GROVE**

WHEREAS, it has been determined by the Council of the Village of Downers Grove in DuPage County, Illinois, that it is in the public interest to vacate a certain portion of an unimproved 295-foot long by 20-foot wide right-of-way (the unimproved right-of-way located on the west side of Venard Road, approximately 700 feet north of Drove Avenue and adjacent to the properties located at 3946 and 4000 Venard Road, Downers Grove, IL) in said Village hereinafter more particularly described; and

WHEREAS, there are certain public service facilities situated in said portion of said right-of-way, and the Village Council has determined that it is necessary and in the public interest to reserve such rights-of-way and easements as are in the judgment of the Council necessary or desirable for continuing public service by means of those facilities and for the maintenance, renewal and reconstruction thereof; and

WHEREAS, the required public notice has been given and a public hearing respecting said vacation has been conducted in accordance with applicable law; and

WHEREAS, the Village Council, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be served is such as to warrant the vacation of said portion of said right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. That the following described property, to wit:

The 20 foot wide walk and park dedication between Lots 42 and 43 of Arthur T. McIntosh and Company's Downers Grove Acres, being a subdivision in part of the East Half of Section 6, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded on June 26, 1924 as Document 179451 in DuPage County, Illinois.

The existing 20 foot wide right of way is located between the following properties:

The North Half of Lot 42 in Arthur T. McIntosh and Company's Downers Grove Acres, being a subdivision in part of the East Half of Section 6, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded on June 26, 1924 as Document 179451 in DuPage County, Illinois, commonly known as 4000 Venard Road, Downers Grove, IL (PIN 09-06-203-013)

and

Lot 43 in Arthur T. McIntosh & Company's Downers Grove Acres, being a subdivision in part of the East Half of Section 6, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded on June 26, 1924 as Document 179451 in DuPage County, Illinois, commonly known as 3946 Venard Road, Downers Grove, IL (PIN 09-06-203-012).

Commonly known as the 20 foot wide by 295 foot long vacant right-of-way located on the West side of Venard Road, approximately 700 feet North of Drove Avenue, Downers Grove directly between the properties located at 3946 and 4000 Venard Road (Adjacent to PINs 09-06-203-013 and -012)

(hereinafter referred to as the "Vacated Right-of-Way"), is hereby vacated, and that it is hereby declared that the same is no longer required for public use and that the public interest will be served by such vacation.

SECTION 2. Easements are hereby reserved for and granted to the Village of Downers Grove, County of DuPage, and to utility companies operating under franchise from the said Village including, but not limited to, AT&T, Commonwealth Edison Company, Comcast, the Downers Grove Sanitary District and their respective successors and assigns jointly and severally, over all of the areas marked "Public Utilities Easement Reservation" on the plat of vacation of the Vacated Right-of-Way as described herein for the perpetual right, privilege and authority to construct, reconstruct, repair, inspect, maintain and operate various utility transmission and distribution systems and community antenna televisions systems and all necessary connections, appliances and other structures and appurtenances as may be deemed necessary by said Village and for any and all municipal purposes, over, upon, along, under and through said indicated easements, together with right of access across the property to do any of the above work. The right is also granted to cut down, trim or remove any trees, shrubs or other plants that interfere with the operation of the utilities. No permanent buildings or structures shall be placed on said easements, but same may be used for gardens, shrubs, landscaping, driveways, fences and other purposes that do not then or later interfere with the aforesaid uses and rights. All installations shall be subject to the ordinances of the Village of Downers Grove. Easements are hereby reserved for and granted to the Village of Downers Grove and other governmental authorities having jurisdiction of the land over the entire easement area for ingress, egress and the performance of any and all municipal and other governmental services.

SECTION 3. This vacation shall be subject to the following conditions:

1. The vacation shall substantially conform to the staff report dated November 3, 2008 and Plat of Vacation prepared by Intech Consultants, Inc. dated August 5, 2008, except such plans may be modified to conform to Village Codes and Ordinances.
2. The Petitioners shall pay the Village a total of \$7,371.

SECTION 4. That the Mayor and Clerk of the Village of Downers Grove are hereby authorized to sign the plat of vacation of the Vacated Right-of-Way described herein.

SECTION 5. That a certified copy of this ordinance and an accurate Plat of the Vacated Right-of-Way, which specifically includes the easement language contained in Section 2 of this ordinance, shall be filed for record by the Clerk of the Village of Downers Grove in the Office of the Recorder of Deeds, DuPage County, Illinois, at the Petitioner's expense.

SECTION 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

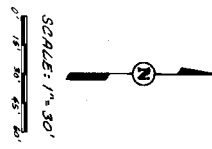
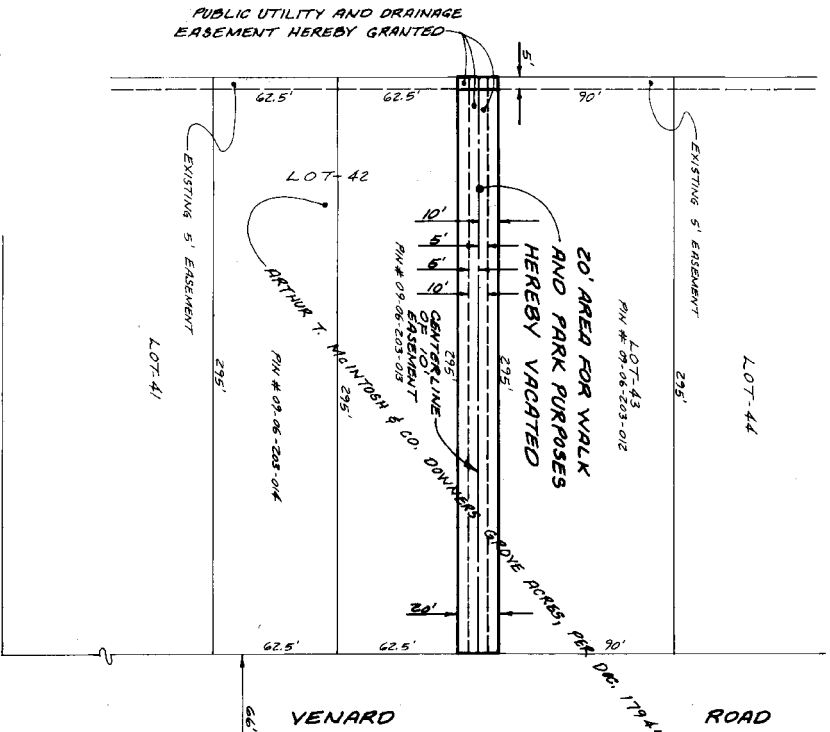
Mayor

Passed:

Published:

Attest: _____
Village Clerk

**PLAT OF VACATION
FOR DEDICATED WALK AND PARK**



DESCRIPTION OF VACATED PROPERTY:
 THE 20' WALK AND PARK DEDICATION BETWEEN LOTS 42 AND 43 OF ARTHUR T. MCINTOSH AND CO. DOWMERS GROVE ACRES, BEING A SUBDIVISION IN PART OF THE EAST HALF OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO DOCUMENT 179451 IN DU PAGE COUNTY.
 THE 20' WALK AND PARK DEDICATION BETWEEN LOTS 42 AND 43 OF ARTHUR T. MCINTOSH AND CO. DOWMERS GROVE ACRES, BEING A SUBDIVISION IN PART OF THE EAST HALF OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO DOCUMENT 179451 IN DU PAGE COUNTY, ILLINOIS.
 THE SOUTH HALF OF THE 20' WALK AND PARK DEDICATION BETWEEN LOTS 42 AND 43 OF ARTHUR T. MCINTOSH AND CO. DOWMERS GROVE ACRES, BEING A SUBDIVISION IN PART OF THE EAST HALF OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 28, 1924 AS DOCUMENT 179451 IN DU PAGE COUNTY.

NEW LEGAL DESCRIPTION OF LOT 42:
 THE NORTH HALF OF LOT 42 IN ARTHUR T. MCINTOSH AND CO. DOWMERS GROVE ACRES, BEING A SUBDIVISION IN PART OF THE EAST HALF OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO DOCUMENT 179451 IN DU PAGE COUNTY, ILLINOIS.
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 THE NORTH HALF OF THE 20' WALK AND PARK DEDICATION BETWEEN LOTS 42 AND 43 OF ARTHUR T. MCINTOSH AND CO. DOWMERS GROVE ACRES, BEING A SUBDIVISION IN PART OF THE EAST HALF OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 28, 1924 AS DOCUMENT 179451 IN DU PAGE COUNTY.
 TOGETHER WITH
 THE SOUTH HALF OF THE 20' WALK AND PARK DEDICATION BETWEEN LOTS 42 AND 43 OF ARTHUR T. MCINTOSH AND CO. DOWMERS GROVE ACRES, BEING A SUBDIVISION IN PART OF THE EAST HALF OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 28, 1924 AS DOCUMENT 179451 IN DU PAGE COUNTY.

PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS

AN EASEMENT IS HEREBY GRANTED TO THE VILLAGE OF DOWMERS GROVE, ILLINOIS AND TO PUBLIC UTILITIES AND OTHER SERVICE PROVIDERS OPERATING UNDER FRANCHISES OR OTHER AUTHORITY FROM SAID VILLAGE, TO USE THE 20' WALK AND PARK DEDICATION FOR THE INSTALLATION, MAINTENANCE, REPAIR, INSPECTION, OPERATION AND REMOVAL OF ALL PUBLIC UTILITIES AND DRAINAGE SYSTEMS, INCLUDING BUT NOT LIMITED TO, WATER MAINS, SANITARY SEWERS, GAS MAINS, TELEPHONE LINES, CABLE TELEVISION LINES, AND OTHER UTILITIES AND DRAINAGE SYSTEMS. THE VILLAGE OF DOWMERS GROVE, ILLINOIS, AND THE PUBLIC UTILITIES AND OTHER SERVICE PROVIDERS AS MAY BE DETERMINED BY SAID VILLAGE OVER THE 20' WALK AND PARK DEDICATION SHALL BE RESPONSIBLE FOR THE NECESSARY MEN AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO THE OPERATOR OF ANY PUBLIC UTILITY OR DRAINAGE SYSTEM TO ENTER THE PROPERTY WITH THE OPERATION OF SUCH UTILITIES. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR GARDEN, SHRUBS, TREES, OR OTHER PERENNIAL PLANTS. THE VILLAGE OF DOWMERS GROVE, ILLINOIS, AND THE PUBLIC UTILITIES AND OTHER SERVICE PROVIDERS SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE, REPAIR, INSPECTION, OPERATION AND REMOVAL OF ALL PUBLIC UTILITIES AND DRAINAGE SYSTEMS. ALL INSTALLATIONS SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF DOWMERS GROVE.

EASEMENTS ARE HEREBY GRANTED TO THE VILLAGE OF DOWMERS GROVE AND OTHER GOVERNMENTAL AGENCIES HAVING JURISDICTION OF THE 20' WALK AND PARK DEDICATION FOR THE INSTALLATION, MAINTENANCE, REPAIR, INSPECTION, OPERATION AND REMOVAL OF ALL PUBLIC UTILITIES AND DRAINAGE SYSTEMS. THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES.

PETITIONERS:

VILLAGE OF DOWMERS GROVE

STATE OF ILLINOIS)
 COUNTY OF DU PAGE)
 APPROVED BY THE VILLAGE OF DOWMERS GROVE BY ORDINANCE
 NUMBER _____
 DATED THIS _____ DAY OF _____, A.D. 20____
 VILLAGE OF DOWMERS GROVE, ILLINOIS
 MAYOR: _____
 CLERK: _____

DU PAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF DU PAGE)
 THIS INSTRUMENT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____, A.D. 20____, AT _____ O'CLOCK OF THE DAY.
 ON PAGE _____ IN BOOK _____ OF PLATS
 RECORDED BY MEES

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF DU PAGE)
 I, THE STATE SURVEYOR, THOMAS E. BARRINGTON, ILLINOIS PROFESSIONAL LAND SURVEYOR #03-2128, HAVE PREPARED THE ANNEXED PLAT FROM EXISTING PLATS AND RECORDS FOR THE PURPOSE OF VACATION AS INDICATED HEREON.
 DATED THIS 23rd DAY OF _____, A.D. 20____

 ILLINOIS PROFESSIONAL LAND SURVEYOR #03-2128
 My Office is at _____, Illinois 61820



PREPARED ON 8-5-2008
 REVISED 10-23-2008

RTSCH CONSULTANTS, INC.
 SURVEYORS / ENGINEERS
 5415 SOUTHWEST AVENUE, DOWMERS GROVE, ILLINOIS
 TEL: (630) 944-5656 FAX: (630) 944-5032
 E-MAIL: COMMUNICATIONS@RTSCH.COM
 LICENSE REGISTRATION NO. 18-000000
 SHEET 1 OF 1 #0278