

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL WORKSHOP**  
**AUGUST 11, 2009 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
ROW Vacation: 4501 Lee Avenue	Resolution <input checked="" type="checkbox"/> Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

An ordinance has been prepared vacating a dedicated and partially improved portion of the Grant Street right-of-way adjacent to the property located at 4501 Lee Avenue. Pursuant to Village Code six (6) affirmative votes are required for approval of the ordinance.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals for 2008-2013 identified *Preservation of our Residential and Neighborhood Character*. Supporting this goal is the objective *Tolerance of Neighborhood Private Development*.

**FISCAL IMPACT**

Pursuant to the Right of Way Vacation Policy, the petitioner should compensate the Village for the vacated property. The fair market value is based on the latest assessment of land adjacent to the right-of-way. The south half of the right-of-way would be encumbered by easements. Therefore, the value of this portion of the land (4,256 square feet) would be discounted as recommended by the Village's land acquisition legal counsel. The table below summarizes the estimated value:

<b>Property Address</b>	<b>Assessed Land Value</b>	<b>Square Feet</b>	<b>ROW Land encumbered by easement (square feet)</b>	<b>Land value per square foot (encumbered by easement)</b>	<b>ROW Land not encumbered by easement (square feet)</b>	<b>Land value per square foot (not encumbered by easement)</b>	<b>Total adjusted estimated cost of right-of-way</b>
4501 Lee Avenue	\$122,790	45,695	4,256	\$0.89	9,029.8	\$2.69	<b>\$28,106.37</b>

Staff is recommending payment for the vacation of the right-of-way. Staff estimates the fair market value of the property to be \$28,106.37 for the south half of the right-of-way to be vacated.

**RECOMMENDATION**

Approval on the August 18, 2009 active agenda.

**BACKGROUND**

The 66-foot wide by 402.6-foot long Grant Street right-of-way runs east and west and is located east of Lee Avenue, immediately south of Lee-Grant Park. The petitioner is requesting the Village vacate the 33-foot wide by 402.6-foot long south half of the existing Grant Street right-of-way adjacent to the property at 4501 Lee Avenue. This portion of the right-of-way is currently improved with a 12-foot wide

extension of Grant Street that predominately serves as a private driveway for residence at 4501 Lee Avenue. The Grant Street right-of-way east of this property was vacated in 1993 to the adjacent property owners and is currently improved with a trail.

Per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), staff contacted the utility companies and outside public agencies (including the Police, Fire and Public Works Departments, School Districts, Sanitary District and Downers Grove Park District) to determine if any rights to the public right-of-way should be retained. Currently AT&T and ComEd have utility poles in the Lee Avenue right-of-way with guy wire cables partially located in the Grant Street right-of-way to be vacated. There are no other utilities in the right-of-way. The Downers Grove Park District has expressed interest to acquire the north half of the right-of-way in the future.

Staff recommends retaining a ten-foot wide public utility and access easement along the new north property line to contain the existing guy wire cables and to accommodate future Grant Street trail extension. The easement provisions will include a requirement to allow permanent public access and will match the existing ten-foot wide easement on adjacent property to the east. As such, the petitioner will not be able to construct any permanent structure including a fence within this easement. Staff is also recommending retaining a ten-foot wide public utility easement along the rear (east) property line. The petitioner has been informed of this requirement and does not object to it.

The Plan Commission considered the vacation at their August 3, 2009. One member of the public spoke at the meeting and requested the Village maintain rights to extend the path to the east. The Plan Commission recommended unanimous approval of the request. Staff concurs with this recommendation.

#### **ATTACHMENTS**

Aerial Map

Ordinance

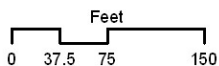
Plat of vacation

Staff Report with attachments dated August 3, 2009

Minutes of the Plan Commission Hearing dated August 3, 2009



South Half of the ROW  
to be vacated



**4501 Lee Avenue - ROW Vacation**

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

**AN ORDINANCE VACATING A CERTAIN PORTION OF A  
RIGHT-OF-WAY LOCATED ADJACENT TO 4501 LEE AVENUE  
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 a 402.6 foot long by 33-foot wide right-of-way (the south half of the Grant Street right-of-way located east of Lee Avenue adjacent to the property located at 4501 Lee Avenue, Downers Grove, Illinois) 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 partially improved 402.6 foot long by 33 foot wide right-of-way that runs east and west immediately located north of and adjacent to 4501 Lee Avenue (PINs 09-06-312-001)

Described as:

Lot 1 in Jensen's Resubdivision of Lot 12 in Branigar Brothers Ogden Avenue Farms, being a subdivision situated in the Southwest Quarter of Section 6, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat of said Jensen's Resubdivision, recorded August 15, 1952 as Document 659615 in DuPage County, Illinois,

(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 and/or Access Easement" 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 August 3, 2009.
2. Prior to execution of the plat, the petitioner shall pay the Village a total of \$28,106.37.
3. Any portion of the remaining Grant Street extension damaged or demolished during construction of the new residence shall be fully restored with grass.

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.

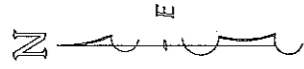
SECTION 5. That a certified copy of this ordinance and an accurate Plat of the Vacated Right-of-Way, which specifically includes the easement language contained in Section 2 of this ordinance, shall be filed for record by the Clerk of the Village of Downers Grove in the Office of the Recorder of Deeds,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

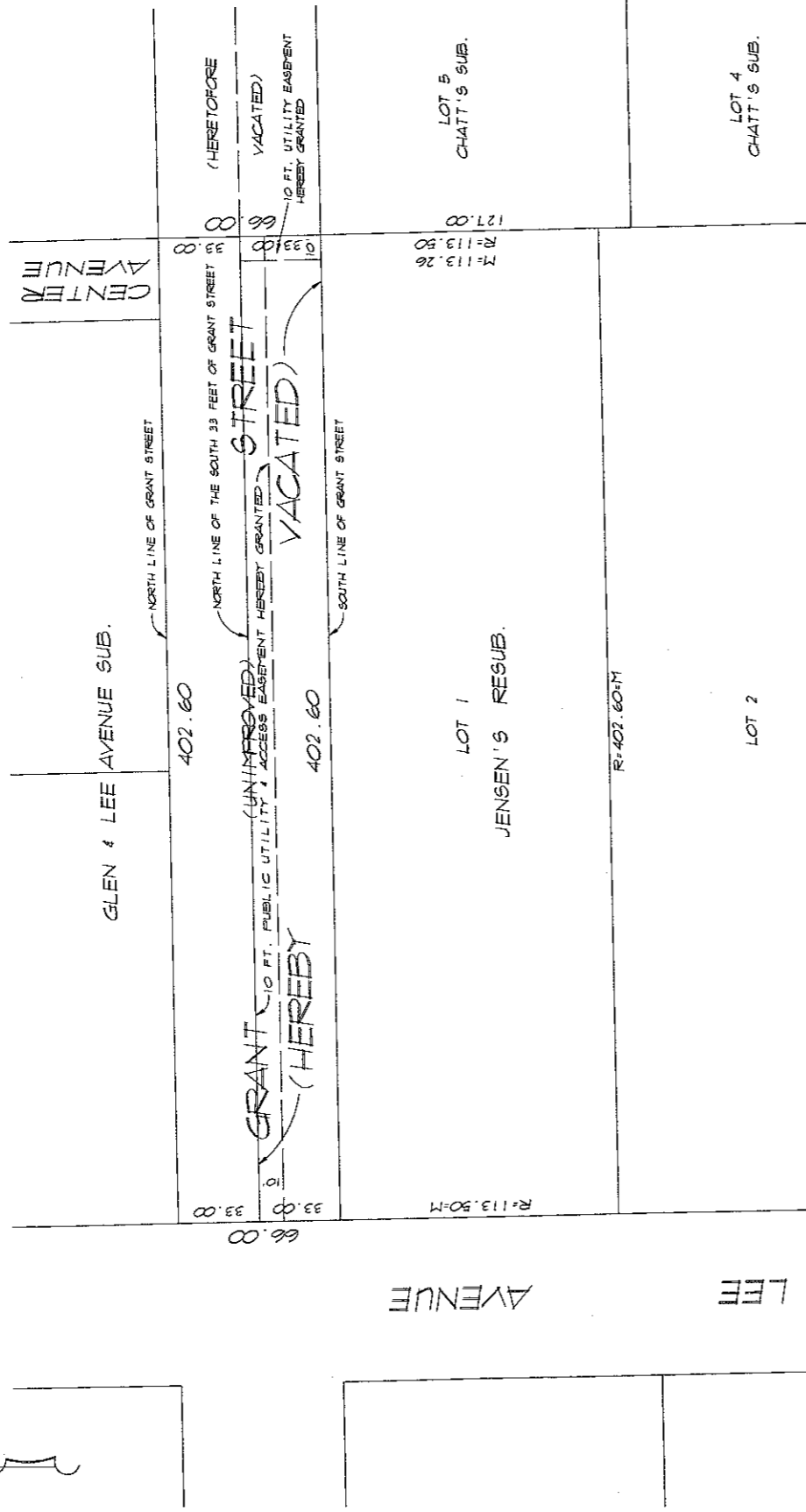
Passed:  
Published:  
Attest: \_\_\_\_\_  
Village Clerk



SCALE: 1" = 40 FEET

# PLAT OF VACATION

OF THE SOUTH 33.0 FEET OF THAT PART OF GRANT STREET LYING EAST OF THE EAST LINE OF LEE AVENUE AS EXTENDED NORTH, BEING ALSO THE WEST LINE OF LOT 1 IN JENSEN'S RESUBDIVISION AS EXTENDED NORTH, AND LYING WEST OF THE EAST LINE, AS EXTENDED NORTH, OF SAID LOT 1 IN JENSEN'S RESUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 15, 1952 AS DOCUMENT 659615, IN DU PAGE COUNTY, ILLINOIS.



### COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DU PAGE ) SS.

THIS INSTRUMENT \_\_\_\_\_ WAS FILED FOR RECORD IN THE  
RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS, ON THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_ A.D., 2009 AT \_\_\_\_\_ O'CLOCK \_\_\_\_ M AND WAS RECORDED  
IN BOOK \_\_\_\_\_ OF PLATS ON PAGE \_\_\_\_\_

\_\_\_\_\_  
COUNTY RECORDER

### VILLAGE OF DOWNERS GROVE

STATE OF ILLINOIS )  
COUNTY OF DU PAGE ) SS.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2009  
BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

ATTEST: \_\_\_\_\_ BY: \_\_\_\_\_  
VILLAGE CLERK MAYOR

### SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DU PAGE ) SS.

I, RICHARD J. STEINBRECHER, AN ILLINOIS REGISTERED LAND SURVEYOR, HEREBY  
CERTIFY THAT I HAVE PREPARED THIS PLAT FROM EXISTING PLATS AND RECORDS FOR THE  
PURPOSE OF VACATING A PUBLIC RIGHT OF WAY AND RESERVING A PUBLIC UTILITY EASEMENT  
THEREIN, AND THAT IT IS A CORRECT REPRESENTATION OF THE AREA DESCRIBED HEREIN.  
WEST CHICAGO, ILLINOIS, JUNE 10, 2009,  
REVISED JULY 17, 2009.

STEINBRECHER LAND SURVEYORS, INC. BY



RICHARD J. STEINBRECHER  
PROFESSIONAL ILLINOIS LAND SURVEYOR 3583  
LICENSE EXPIRES NOVEMBER 20, 2010

PREPARED FOR: ATTY. JIM RUSS  
AND  
MICHAEL R. RUSS & PHILLIP PC  
4915 MAIN STREET  
DOWNERS GROVE, IL 60515

### Steinbrecher Land Surveyors, Inc.

Professional Land Surveying  
Design Firm Corporation No. 184-003126  
141 S. Neilnor Blvd. West Chicago, IL 60185-2844  
(630) 293-8900 Fax 293-8902

### PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS.

AN EASEMENT IS HEREBY GRANTED TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS AND TO PUBLIC UTILITIES AND OTHER SERVICE PROVIDERS, INCLUDING BUT NOT LIMITED TO AMERICAN WATER COMPANY, COMMONWEALTH EDISON COMPANY, DOWNERS GROVE SANITARY DISTRICT, AND THE DU PAGE WATER COMMISSION, AND THEIR SUCCESSORS AND ASSIGNS, OVER ALL OF THE AREAS ON THIS PLAT, MARKED "PUBLIC UTILITIES AND DRAINAGE EASEMENT", FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS AND COMMUNITY ANTENNA TELEVISION SYSTEMS, AND ALL NECESSARY CONNECTIONS, NECESSARY, BY AND THROUGH THE COURSE OF THE VILLAGE OF DOWNERS GROVE, TO MAINTAIN AND TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY MEN AND EQUIPMENT 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 SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, PAVED PARKING AND DRIVEWAYS AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE AFORESAID USES AND PURPOSES. ALL SUCH INSTALLATIONS SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF DOWNERS GROVE.

EASEMENTS ARE HEREBY 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 MUNICIPAL AND OTHER GOVERNMENTAL SERVICES.



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
AUGUST 3, 2009 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
PC-16-09 4501 Lee Avenue	Right-of-way Vacation	Damir Latinovic, AICP Planner

**REQUEST**

The petitioner is requesting a vacation of the south half of the Grant Street right-of-way located east of Lee Avenue adjacent to the property at 4501 Lee Avenue.

**NOTICE**

The application has been filed in conformance with applicable procedural and public notice requirements.

**GENERAL INFORMATION**

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**OWNER:** Village of Downers Grove  
801 Burlington Road  
Downers Grove, IL 60515

**APPLICANTS:** David Murray by James F. Russ, Jr.  
4915 Main Street  
Downers Grove, IL 60515

**PROPERTY INFORMATION**

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**EXISTING ZONING:** R-1 Single Family Residence District (adjacent properties)  
**EXISTING LAND USE:** Partially improved Right-of-Way (improved with a 12-foot wide driveway)  
**PROPERTY SIZE:** Approximately 26,571.6 square feet (66-foot wide public right-of-way).  
**PINS:** 09-06-312-001 (4501 Lee Avenue)

**SURROUNDING ZONING AND LAND USES**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>NORTH:</b>	R-1 Single Family Residence District	Open Space
<b>SOUTH:</b>	R-1 Single Family Residence District	Residential 0-6 DU/Acre
<b>EAST:</b>	R-1 Single Family Residence District	Residential 0-6 DU/Acre
<b>WEST:</b>	R-1 Single Family Residence District	Residential 0-6 DU/Acre

## ANALYSIS

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### 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 Narrative
3. Plat of Survey
4. Plat of Vacation

### PROJECT DESCRIPTION

The petitioner is requesting the Village vacate the 33-foot wide by 402.6-foot long south half of the existing Grant Street right-of-way that runs east and west and is located east of Lee Avenue adjacent to the property at 4501 Lee Avenue. This portion of the right-of-way is currently improved with a 12-foot wide extension of Grant Street that predominately serves as a private driveway for the owners of 4501 Lee Avenue. The north half of the existing Grant Street right-of-way adjacent to Lee and Grant Park is not part of the vacation petition and will remain Village's property.

The requested vacation is summarized in the table below:

Property Address	Requested Width	Approx. Increase in Area
4501 Lee Avenue	33 ft.	13,285.8 square feet

Per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), staff contacted the utility companies and outside public agencies (including the Police, Fire and Public Works Departments, School Districts, Sanitary District and Downers Grove Park District) to determine if any rights to the public right-of-way should be retained. Currently AT&T and ComEd have utility poles in the Lee Avenue right-of-way with guy wire cables partially located in the Grant Street right-of-way to be vacated. There are no other utilities in the right-of-way. The utility providers do not have an objection to the vacation of the right-of-way. The Downers Grove Park District has expressed interest to acquire the north half of the right-of-way in the future.

Staff is recommending retaining a ten-foot wide public utility and access easement along the new north property line to provide adequate space for future Grant Street trail extension. The easement provisions will include a requirement to allow permanent public access and will match the existing ten-foot wide easement on adjacent property to the east. As such, the petitioner will not be able to construct any permanent structure including a fence within this easement. Staff is also recommending retaining a ten-foot wide public utility easement along the rear (east) property line per *Section 20.305 Easements and Public Utilities* of the Subdivision Ordinance. The petitioner has been informed of this requirement.

The petitioner is requesting the vacation to increase the width of the existing property to accommodate a new single family residence.

### COMPLIANCE WITH FUTURE LAND USE PLAN

The subject right-of-way is improved with a 12-foot wide extension of Grant Street. According to the Future Land Use Plan, the properties to the west, south and east of the right-of-way are designated as Residential (0-6 DU/Acre). The Lee and Grant Park located north of the right-of-way is designated as Open Space on the Future Land Use Plan. If the vacation of the south half of the right-of-way is approved, it would not alter the future uses of surrounding properties. The required ten-foot easement and



40-foot front yard setback requirement from the new north property line would prevent any construction within most of the right-of-way area. Staff believes the proposed vacation is consistent with the Future Land Use Plan and other Village planning documents.

#### **COMPLIANCE WITH ZONING ORDINANCE**

The adjacent property, 4501 Lee Avenue, is zoned R-1 single family residence district. The addition of the 33-foot wide south half of the Grant Street right-of-way will increase the property by 13,285.80 square feet. The 40-foot front yard setback requirement from the north property line and the 10-foot side yard setback requirement from the south property line will remain unchanged. The petitioner is planning to tear down the existing building and construct a new single family residence on the property which will have to meet all zoning requirements. At this time, no new buildings or uses are proposed for any portion of the right-of-way to be vacated. Also, no demolition or construction permit applications have been submitted.

#### **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 right-of-way.

#### **NEIGHBORHOOD COMMENT**

*Staff has not received any written neighborhood comment regarding the proposal at this time.*

#### **FINDINGS OF FACT**

##### ***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 south half of the existing right-of-way to the petitioner provided the requested easements are retained. The subject right-of-way is partially improved with a 12-foot wide extension of Grant Street. Per Downers Grove Park District, this right-of-way is occasionally used by pedestrians and bicyclists. Provided the requested easements are retained for future extension of the Grant Street trail, staff believes the south half of the right-of-way does not need to remain under Village ownership.

Staff believes future utilities and public access rights can be addressed with easements and is recommending retaining two easements: (1) a ten-foot wide public utility and access easement along the new north property line, and (2) a ten-foot wide public utility easement along east (rear) side property line of 4501 Lee Avenue.

The ten-foot wide public utility and access easement along the north property line would be in-line with the existing ten-foot wide utility easement on adjacent property to the east and would accommodate future extension of the Grant Street trail. As such, the petitioner will not be able to construct any permanent structure, including a fence, within this easement. The ten-foot wide public utility easement along the rear (east) property line is required per *Section 20.305 Easements and Public Utilities* of the Subdivision Ordinance to accommodate any future utility lines. The petitioner has been informed of the easement requirements and does not object to them.

The retention of the easements is necessary and essential to the Village. 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 and maintain access to the Park.

Staff recommends that the petitioners provide the Village with compensation for the south half of the right-of-way to be vacated. Staff believes the petitioner should compensate the Village fair market value of the vacated property. The fair market value 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. As such, the fair market value of the right-of-way land to be vacated will be discounted for the total of 4,256 square feet of land to be encumbered by easements as outlined on the attached right-of-way division map.

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
4501 Lee Avenue	\$122,790	45,695	\$2.69	4,256	9,029.8	\$28,106.37

Based on the land value assessment model, the petitioners are required to pay the Village a total of \$28,106.37.

## RECOMMENDATIONS

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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 associated with PC 16-09 to the Village Council subject to the conditions below:

1. The vacation shall substantially conform to the staff report dated August 3, 2009.
2. Prior to final Village Council consideration, the petitioner shall submit a Mylar copy of the Final Plat of Vacation indicating the ten-foot wide public utility and access easement along the new north property line and a ten-foot wide public utility easement along the rear (east) property line of 4501 Lee Avenue.
3. Prior to execution of the plat, the petitioner shall pay the Village a total of \$28,106.37.
4. Any portion of the remaining Grant Street extension damaged or demolished during construction of the new residence shall be fully restored with grass.

Staff Report Approved By:

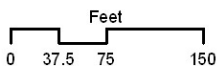
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Tom Dabareiner, AICP  
Director of Community Development

TD:dl  
-att



South Half of the ROW  
to be vacated



**4501 Lee Avenue - ROW Vacation**



4413

LEE AVE

10-FOOT PUBLIC UTILITY AND ACCESS EASEMENT

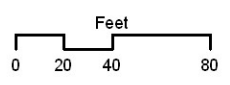
GRANT ST

4501

10-FOOT PUBLIC UTILITY EASEMENT

4505

4509



**4501 LEE AVE  
ROW DIVISION MAP**

# WIEDEL, HUDZIK, RUSS & PHILIPP

A Partnership of Professional Corporations  
Attorneys & Counselors  
4915 Main Street  
P.O. Box 578  
Downers Grove, Illinois 60515

Michael C. Wiedel, P.C.  
James F. Russ, Jr., P.C.†  
Michael G. Philipp, P.C.

July 2, 2009

Telephone 630/969-2300  
Fax 630/969-1342

Beth A. Indelicato\*

†Also Licensed in Wisconsin  
\*Also Licensed in California

Of Counsel  
Richard F. Hudzik, P.C.

Mr. Alan Jirik, Chairman  
Village of Downers Grove Plan Commission  
801 Burlington  
Downers Grove, IL 60515-4776

Re: Grant Street Vacation

Dear Chairman Jirik:

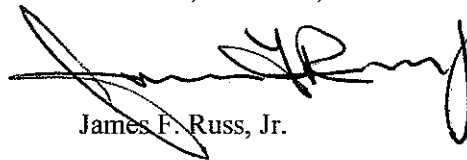
Attached, please find the Petition for Right-of-Way Vacation of Grant Street east of Lee Avenue in Downers Grove. The right-of-way is a 66-foot right-of-way by approximately 402.6 feet. The property immediately south of the Grant Street right-of-way is currently owned by Mr. David Murray who seeks the vacation of the southern 33-foot Grant Street right-of-way. The property immediately north of the Grant Street right-of-way is owned by the Downers Grove Park District.

We have discussed the vacation with the Downers Grove Park District. The Downers Grove Park District has no objection to our vacation of the southern 33 feet of the right-of-way, adjacent to our parcel of land. The Park District at this time does not desire to vacate the northern 33 feet of the right-of-way. The Grant Street right-of-way east of this property which intersects with Downers Drive was previously vacated in 1993 to the adjoining property owners. We believe the vacation is appropriate. We have provided staff with confirmation of our willingness to pay the Village for the 33-foot vacation pursuant to Village policy and subject to final Village Council approval. In addition, we have agreed to provide a 5-foot walking path easement along the south center line of the Grant Street right-of-way to continue the path that currently exists on this parcel.

We look forward to answering any questions the Plan Commission may have at the presentation of this Petition.

Sincerely,

WIEDEL, HUDZIK, RUSS & PHILIPP

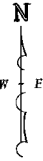


James F. Russ, Jr.

JFR/brd

Enclosure

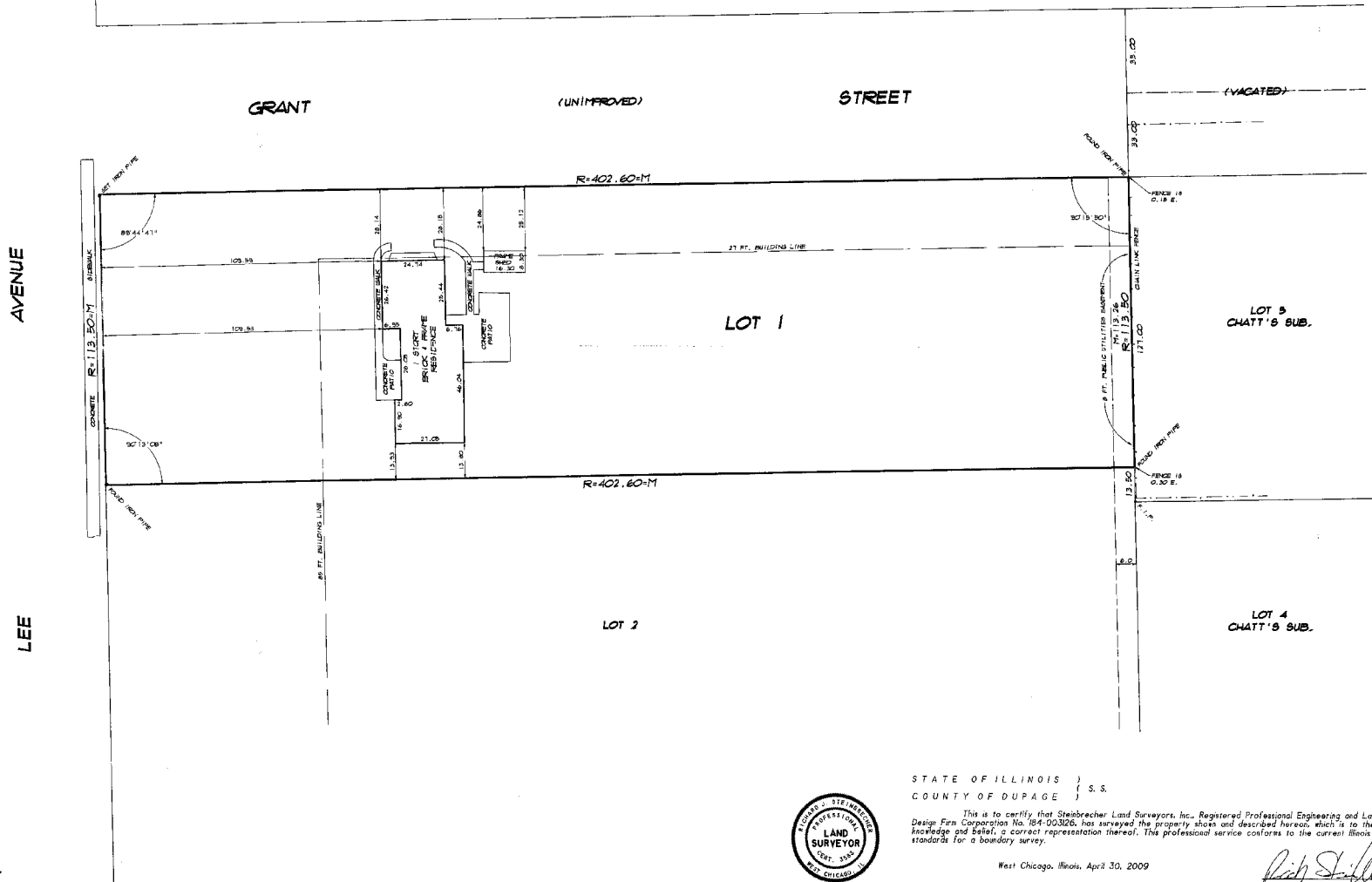
SCALE 1" = 20 FEET



# PLAT OF SURVEY

OF LOT 1 IN JENSEN'S RESUBDIVISION OF LOT 12 IN BRANIGAR BROTHERS OGDEN AVENUE FARMS, BEING A SUBDIVISION SITUATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID JENSEN'S RESUBDIVISION, RECORDED AUGUST 19, 1957 AS DOCUMENT #89618 IN DU PAGE COUNTY, ILLINOIS.

This property is known as 4501 Lee Avenue, Downers Grove, Illinois  
Prepared for Atty. Daniel McCormick



**LEGEND**

- F.I.P. = FOUND IRON PIPE
- F.P. = FOUND IRON PIPE
- N = NORTHERLY DISTANCE
- S = SOUTHERLY DISTANCE
- E = EASTLY DISTANCE
- W = WESTLY DISTANCE
- R.D. = RIGHT OF WAY
- CONC. = CONCRETE
- PIPE = PIPE
- VALVE = VALVE
- MANHOLE = MANHOLE
- W.P. = WATER PIPE
- S.P. = SEWER PIPE
- EP = EDGE OF PAVEMENT

**Steinbrecher Land Surveyors, Inc.**  
Professional Land Surveying  
Design Firm Corporation No. 184-00326  
141 S. Halsted St., West Chicago, IL 60185-2844  
16301 293-8900 Fax 293-8902



STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) S.S.

This is to certify that Steinbrecher Land Surveyors, Inc., Registered Professional Engineering and Land Surveying Design Firm Corporation No. 184-00326, has surveyed the property shown and described hereon, which is to the best of our knowledge and belief, a correct representation thereof. This professional service conforms to the current Illinois profession standards for a boundary survey.

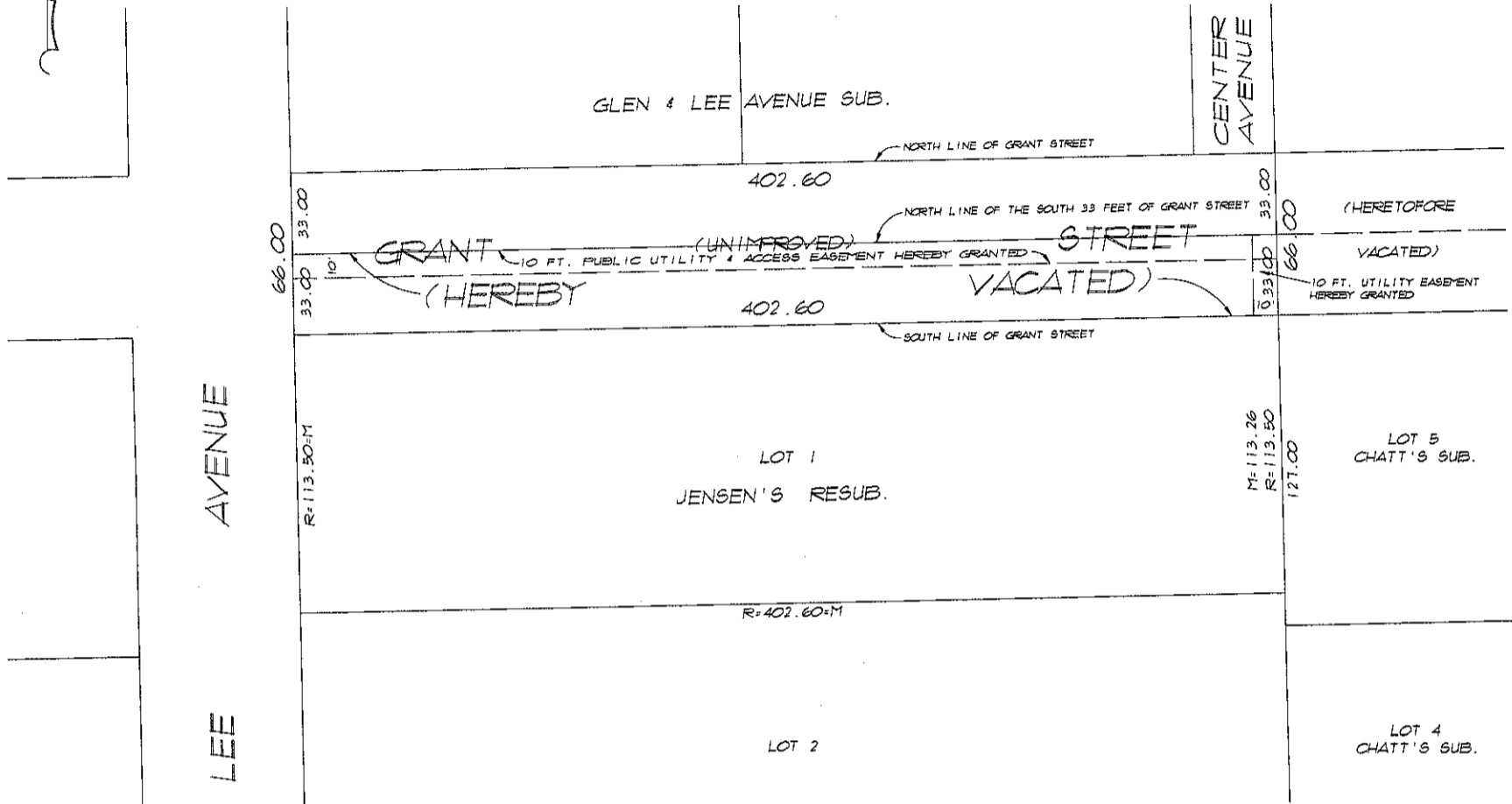
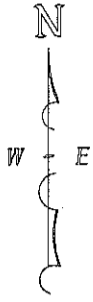
West Chicago, Illinois, April 30, 2009

*Richard J. Steinbrecher*  
Richard J. Steinbrecher  
Professional Land Surveyor 3583  
License expires Nov. 30, 2010

# PLAT OF VACATION

OF THE SOUTH 33.0 FEET OF THAT PART OF GRANT STREET LYING EAST OF THE EAST LINE OF LEE AVENUE AS EXTENDED NORTH, BEING ALSO THE WEST LINE OF LOT 1 IN JENSEN'S RESUBDIVISION AS EXTENDED NORTH, AND LYING WEST OF THE EAST LINE, AS EXTENDED NORTH, OF SAID LOT 1 IN JENSEN'S RESUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 15, 1952 AS DOCUMENT 659615, IN DU PAGE COUNTY, ILLINOIS.

SCALE: 1" = 40 FEET



COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DU PAGE ) SS.

THIS INSTRUMENT \_\_\_\_\_ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2009 AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M AND WAS RECORDED IN BOOK \_\_\_\_\_ OF PLATS ON PAGE \_\_\_\_\_.

\_\_\_\_\_  
COUNTY RECORDER

VILLAGE OF DOWNERS GROVE

STATE OF ILLINOIS )  
COUNTY OF DU PAGE ) SS.

APPROVED THIS \_\_\_\_\_ DAY, OF \_\_\_\_\_ A.D., 2009 BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

ATTEST: \_\_\_\_\_ BY: \_\_\_\_\_  
VILLAGE CLERK MAYOR

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DU PAGE ) SS.

I, RICHARD J. STEINBRECHER, AN ILLINOIS REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAT FROM EXISTING PLATS AND RECORDS FOR THE PURPOSE OF VACATING A PUBLIC RIGHT OF WAY AND RESERVING A PUBLIC UTILITY EASEMENT THEREIN, AND THAT IT IS A CORRECT REPRESENTATION OF THE AREA DESCRIBED HEREIN.

WEST CHICAGO, ILLINOIS, JUNE 10, 2009.  
REVISED JULY 17, 2009.

STEINBRECHER LAND SURVEYORS, INC. BY

\_\_\_\_\_  
RICHARD J. STEINBRECHER  
PROFESSIONAL ILLINOIS LAND SURVEYOR 3583  
LICENSE EXPIRES NOVEMBER 20, 2010

PREPARED FOR: ATTY. JIM RUSS  
WIEDEL, HUDZIK, RUSS & PHILLIP PC  
4915 MAIN STREET  
DOWNERS GROVE, IL 60515



PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS

AN EASEMENT IS HEREBY GRANTED TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS AND TO PUBLIC UTILITIES AND OTHER SERVICE PROVIDERS OPERATING UNDER FRANCHISES OR OTHER AUTHORITY FROM SAID VILLAGE, INCLUDING, BUT NOT LIMITED TO, AMERITECH, NICOR GAS, COMMONWEALTH EDISON COMPANY, DOWNERS GROVE SANITARY DISTRICT, AND THE DU PAGE WATER COMMISSION, AND THEIR SUCCESSORS AND ASSIGNS, OVER ALL OF THE AREAS ON THIS PLAT, MARKED "PUBLIC UTILITIES AND DRAINAGE EASEMENT", FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS, AND COMMUNITY ANTENNA TELEVISION SYSTEMS AND ALL NECESSARY CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE, OVER, UPON, ALONG, UNDER AND THROUGH SAID INDICATED EASEMENTS, TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY MEN AND EQUIPMENT 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 SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, PAVED PARKING AND DRIVEWAYS, AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE AFORESAID USES AND RIGHTS. ALL INSTALLATIONS SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF DOWNERS GROVE.

EASEMENTS ARE HEREBY 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 MUNICIPAL AND OTHER GOVERNMENTAL SERVICES.

**Steinbrecher Land Surveyors, Inc.**



Professional Land Surveying  
Design Firm Corporation No. 184-003126  
141 S. Nellnor Blvd., West Chicago, IL 60185-2844  
(630) 293-8900 Fax 293-8902

DD1354-GRANTVAC

**PC-16-09** A petition seeking a vacation of the 33-foot wide by 402.6 foot long south half of Grant Street right-of-way located on the east side of Lee Avenue, immediately north of 4501 Lee Avenue, Downers Grove, IL (PIN -09-06-312-001); James F. Russ, Jr., Attorney; Petitioner; David Murray, Owner.

Chairman Jirik swore in those individuals who would be speaking on behalf of PC-16-09.

Mr. Jeff O'Brien, Planning Manager (Mr. Webster arrives at 7:05 p.m.) for the Village, summarized that the petition seeks to vacate the south 33 feet of the Grant Street (mostly unimproved) right-of-way immediately east of Lee Avenue. The property at 4501 Lee is 113 feet wide and just over an acre. The property to be vacated is 33 feet wide contains an approximately 12-foot x 150-foot asphalt driveway. Another vacated property to the east was pointed out on the overhead, and it was noted that the Village maintained a 10-foot walking path easement from Downers Drive into Lee Grant Park. Per staff, the petitioner was seeking to construct a new home on 4501 Lee Avenue and was proposing to acquire the right-of-way.

With the acquisition of the right-of-way, the size of the property will increase to 146 feet x 402 feet or 1.3 acres. The Village does plan to retain easements on the site with a 10-foot easement along the north property line for public utilities and to have a walking path. Another 10-foot easement will be retained along the east property line for public utilities and drainage. Other taxing districts and utilities were contacted, and ComEd has made the Village aware of a utility pole in the Lee Avenue right-of-way; however, the supporting cables are within the Grant Street right-of-way. ComEd feels the 10 ft. easement the Village is retaining on the north half of the right-of-way will be appropriate to maintain their utility pole.

Mr. O'Brien advised no permits for the proposed home have been submitted. The setbacks will remain at 40 feet for the north and west property lines. A 20 ft. setback will be maintained in the rear yard, and a 10 feet setback will be maintained from the south property line, all as required by Code. Currently, the Park District is not participating in vacating the northern half of the right-of-way. They have indicated that they would like to vacate the right-of-way in the future. Per staff, the proposed right-of-way does meet the requirements of Resolution 2003-58, and staff recommends compensation as discussed in staff's report (page 4). However, the final decision rests with the Village Council. Staff recommended approval subject to staff's conditions in its report.

Commissioner comments followed.

Mr. Matejczyk asked if the walking path that leads from Downers Drive to Lee-Grant Park was maintained by the Park District. Mr. O'Brien confirmed that the walking path is maintained by the Village and will continue as such. When the path is extended to the west, the Village and Park District would likely have to discuss maintenance of the new path; however, the Village would continue to maintain the eastern leg. Mr. O'Brien explained some of the options that were being discussed for extending the walking path



through the park to the sidewalk on Lee Avenue, noting the Village and the Park District have made a commitment to maintain the access from Downers Drive into the park.

Ms. Hamernik asked for clarification that if the Park District would have vacated their portion, the right-of-way would no longer exist and the northern setback for 4501 Lee Avenue would be reduced from 40 feet to 10 feet. Mr. O'Brien explained the setback would be reduced if the northern half of the right-of-way was vacated.

Mr. James Russ, Jr., attorney for the petitioner and property owner, David Murray, believed the request made sense given the street to the east had already been vacated. The vacation will add land to the owner's property and offers an opportunity for future development of a nicer property. He and his client was disappointed the Park District chose not to vacate its portion. Mr. Russ confirmed that the current home on the property is vacant and will be razed.

Chairman Jirik opened up the matter to public comment.

Mr. Kevin Nystedt, 4500 Lee Avenue, asked that the path continue to be maintained due to the amount of pedestrian traffic using the path; i.e., grade school children and high school students. He believed a more formal walkway was necessary, however. Chairman Jirik indicated the Park District and the Village will have to work out the final details regarding extending the path.

There being no more public comment, Chairman Jirik closed the matter to public comment.

No further comments followed from the commissioners nor the petitioner.

Mr. Waechtler commented the debris to the east of the existing garage should be removed soon, wherein Mr. Russ explained demolition was set within the next month.

**WITH RESPECT TO PC-16-09, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF THE RIGHT-OF-WAY VACATION, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE VACATION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED AUGUST 3, 2009.**
- 2. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, THE PETITIONER SHALL SUBMIT A MYLAR COPY OF THE FINAL PLAT OF VACATION INDICATING THE TEN-FOOT WIDE PUBLIC UTILITY AND ACCESS EASEMENT ALONG THE NEW NORTH PROPERTY LINE AND A TEN-FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE REAR (EAST) PROPERTY LINE OF 4501 LEE AVENUE.**
- 3. PRIOR TO EXECUTION OF THE PLAT, THE PETITIONER SHALL PAY THE VILLAGE A TOTAL OF \$28,106.37.**

- 4. ANY PORTION OF THE REMAINING GRANT STREET EXTENSION DAMAGED OR DEMOLISHED DURING CONSTRUCTION OF THE NEW RESIDENCE SHALL BE FULLY RESTORED WITH GRASS.**

**SECONDED BY MR. MATEJCZYK.**

**ROLL CALL:**

**AYE: MRS. RABATAH, MR. MATEJCZYK, MR. BEGGS, MRS. HAMERNICK,  
MR. QUIRK, MR. WAECHTLER, MR. WEBSTER, CHAIRMAN JIRIK**

**NAY: NONE**

**MOTION CARRIED. VOTE: 8-0**