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VILLAGE OF DOWNERS GROVE REPORT FOR THE VILLAGE COUNCIL WORKSHOP OCTOBER 27, 2009 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
	Resolution	
	✓ Ordinance	
ROW Vacation	Motion	Tom Dabareiner, AICP
4832 – 4838 Douglas Road	Discussion Only	Community Development Director

SYNOPSIS

An ordinance has been prepared vacating a 14-foot wide by 125-foot long unimproved alley adjacent to the properties at 4832 and 4838 Douglas Road.

STRATEGIC PLAN ALIGNMENT

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

FISCAL IMPACT

Per the Village's Right-of-Way Vacation Policy, the petitioners 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 fair market value of the alley to be vacated will be discounted for the entire 1,750 square feet of land encumbered by easements. The table below summarizes the estimated value:

Property Address	La	and Value	Lot Size (Square Feet)	Square Foot Land Value	SF of Alley to be vacated	Estimated Value	Encumbered Value
4832 Douglas Road	\$	39,310	6,250	\$ 6.29	875	\$ 5,503.75	\$ 1,816.24
4838 Douglas Road	\$	51,120	8,125	\$ 6.29	875	\$ 5,503.75	\$ 1,816.24

Staff is recommending payment for the vacation of the right-of-way. Staff estimates the fair market value of the property to be \$3,632.48 for the entire alley to be vacated.

RECOMMENDATION

Approval on the November 3, 2009 active agenda.

BACKGROUND

The 14-foot wide by 125-foot long alley runs east and west between the properties at 4832 and 4838 Douglas Road. The alley is currently unimproved and maintained by the petitioners.

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. ComEd utility poles in the alley accommodate utility lines for ComEd, AT&T and Comcast. There are no other known utilities in the right-of-way.

Staff is recommending retaining a public drainage, utility and access easement over the entire vacated alley. The easement provisions will provide adequate space for any future utility maintenance and needs. Except for a driveway or fence, future construction within the vacated alley will be prohibited. The petitioners have been informed of this requirement and do not object to it.

The Plan Commission considered the petition at their October 5, 2009 meeting. The Plan Commission recommended approval of the alley vacation by a vote of 7:0. Staff concurs with the Plan Commission's recommendation.

ATTACHMENTS

Aerial Map Ordinance Staff Report with attachments dated October 5, 2009 Minutes of the Plan Commission Hearing dated October 5, 2009 Corrected 4838 Douglas Road Plat of Survey Plats of Vacation





ORDINANCE NO.

AN ORDINANCE VACATING A CERTAIN PORTION OF A RIGHT-OF-WAY LOCATED ADJACENT TO 4832 and 4838 DOUGLAS 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 a 14-foot wide by 125-foot long alley right-of-way (running east and west adjacent to the properties commonly known as 4832 and 4838 Douglas Road, 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:

<u>SECTION 1</u>. That the following described property, to wit:

The unimproved 14-foot wide by 125-foot long alley right-of-way that runs east and west adjacent to the properties commonly known as 4832 and 4838 Douglas Road, Downers Grove, Illinois (PIN's 09-08-215-032,-042)

Described as:

Lots 4 and 5 in Block 7 of Gostyn in the Northeast Quarter of Section 8, Township 38 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois, commonly known as 4832 Douglas Road, Downers Grove, IL (PIN 09-08-215-032),

and

Lots 6, 7 and 8 in Block 7 in Gostyn, being a subdivision of part of the Northeast Quarter of Section 8, Township 38 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois, commonly known as 4838 Douglas Road, Downers Grove, IL (PIN 09-08-215-042).

(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 Drainage Utility 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

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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.

<u>SECTION 3</u>. This vacation shall be subject to the following conditions:

- 1. The vacation shall substantially conform to the staff report dated October 5, 2009.
- 2. Prior to final Village Council consideration, each petitioner shall submit a Mylar copy of the Final Plat of Vacation indicating a seven foot public drainage, utility and access easement along the entire length and width of the alley to be vacated.
- 3. Prior to execution and recording of the plat, the petitioner at 4832 Douglas Road shall pay the Village a total of \$1,816.24 and the petitioner at 4838 Douglas Road shall pay the Village a total of \$1,816.24.

<u>SECTION 4</u>. 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.

<u>SECTION 5</u>. 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.

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

<u>SECTION 7</u>. 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	-

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VILLAGE OF DOWNERS GROVE REPORT FOR THE PLAN COMMISSION OCTOBER 5, 2009 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
PC-21-09		Stan Popovich, AICP
4832 – 4838 Douglas Road	Alley Vacation	Planner

REQUEST

The petitioners are requesting a vacation of a 14-foot wide by 125-foot deep alley adjacent to the properties at 4832 and 4838 Douglas Road.

NOTICE

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

GENERAL INFORMATION

OWNER: Village of Downers Grove

801 Burlington Road Downers Grove, IL 60515

APPLICANTS: Brian and Julie Skeen

4832 Douglas Road

Downers Grove, IL 60515

Michael and Rita Derry 617 Sherman Street

Downers Grove, IL 60515

PROPERTY INFORMATION

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

EXISTING LAND USE: Unimproved Right-of-Way

PROPERTY SIZE: 1,750 square feet

PINS: 09-08-215-032 (4832 Douglas) and 09-08-215-042 (4838 Douglas)

SURROUNDING ZONING AND LAND USES

	ZOMING	FUTURE LAND USE
North:	R-4 Single Family Residence District	Residential 0-6 DU/Acre
South:	R-4 Single Family Residence District	Residential 0-6 DU/Acre
EAST:	R-4 Single Family Residence District	Residential 0-6 DU/Acre
WEST:	R-4 Single Family Residence District	Residential 0-6 DU/Acre

CUTURE LAND HEE

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 Narrative
- 3. Plats of Survey

PROJECT DESCRIPTION

The petitioners are requesting the Village vacate the 14-foot wide by 125-foot long alley that runs east and west located between their properties at 4832 and 4838 Douglas Road. The alley is currently unimproved. The requested vacation is summarized in the table below:

Property Address	Requested Width	Approx. Increase in Area
4832 Douglas Road	7 ft.	875 square feet
4838 Douglas Road	7 ft.	875 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 ComEd has utility poles within the alley. These poles provide service for ComEd, AT&T and Comcast. There are no other known utilities in the right-of-way. The utility providers and the Village do not have an objection to the vacation of the right-of-way as long as a public drainage, utility and access easement is retained along the entire width and length of the alley. The easement will provide adequate space for any future utility needs.

As such, the easement will restrict any construction within the vacated right-of-way except for a driveway or fence. The petitioner has been informed of this requirement and restrictions and does not object to the easement.

COMPLIANCE WITH FUTURE LAND USE PLAN

The subject right-of-way is unimproved. According to the Future Land Use Plan, the neighboring properties and all surrounding properties are designated as Residential (0-6 DU/Acre). The use of the alley will not be significantly altered as the Village is requiring that an easement be retained. The vacation of this alley would not alter the future uses of the surrounding properties. Staff believes the proposed vacation is consistent with the Future Land Use Plan and other Village planning documents.

COMPLIANCE WITH ZONING ORDINANCE

The adjacent properties, 4832 and 4838 Douglas Road, are zoned R-4 single family residence district. The addition of half the alley will increase each properties total area by 875 square feet. The addition of the vacated alley will create a 57-foot wide property at 4832 Douglas Road and will result in a side yard setback of 5.7 feet. The 4832 Douglas Road petitioner is proposing to demolish their existing garage and construct a new garage in their rear yard. The property at 4838 Douglas Road will become an 82-foot lot with side yard setbacks of 8.2 feet. At this time, no new buildings or uses are proposed for the property at 4838 Douglas Road. Additionally, since an easement is being placed on the entire alley, no new

buildings or structures, other than a fence, could be constructed on the vacated alley. Staff belives the proposed vacation is consistent with the Zoning Ordinance.

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 entire 14-foot by 125-foot alley to the petitioners provided the requested easement is retained. Staff believes future drainage and utility rights can be addressed with the easement and is recommending retaining an easement over the entire alley. As such, the petitioners will not be able to construct any permanent structure, other than a fence, within this easement. The petitioners have been informed of the easement requirements and do not object to them.

Staff recommends that the petitioners provide the Village with compensation for the alley to be vacated. Staff believes the petitioners 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 entire alley to be vacated will be discounted as outlined on the attached right-of-way division map.

The table below summarizes the estimated value:

Property Address	Land Valu	Lot Size (Square Feet	Square Foot Land Value	SF of Alley to be vacated	Estimated Value	Encumbered Value
4832 Douglas Road	\$ 39,	310 6,250	\$ 6.29	875	\$ 5,503.75	\$ 1,816.24
4838 Douglas Road	\$ 51,	120 8,145	\$ 6.29	875	\$ 5,503.75	\$ 1,816.24

Based on the land value assessment model, the petitioners are required to pay the Village a total of \$3,632.48.

RECOMMENDATIONS

The proposed alley 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-21-09 to the Village Council subject to the conditions below:

- 1. The vacation shall substantially conform to the staff report dated October 5, 2009.
- 2. Prior to final Village Council consideration, each petitioner shall submit a Mylar copy of the Final Plat of Vacation indicating a seven foot public drainage, utility and access easement along the entire length and width of the alley to be vacated.
- 3. Prior to execution of the plat, the petitioner at 4832 Douglas Road shall pay the Village a total of \$1,816.24 and the petitioner at 4838 Douglas Road shall pay the Village a total of \$1,816.24.

Staff Report A	Approved By:
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Tom Dabareiner, AICP
Director of Community Development

TD:sp -att

 $P:\P\&CD\PROJECTS\PLAN\ COMMISSION\2009\ PC\ Petition\ Files\PC-21-09\ 4832\ DOUGLAS\ ALLEY\ VACATION\Staff\ Report\ PC-21-09.doc$







Feet 0 5 10 20



Alley Right of Way Vacation 4832 - 4838 Douglas Road September 2, 2009

Village of Downers Grove Planning Commission

To whom it may concern:

Please consider our request for the village to vacate the 14-foot alley between our two properties. We are prepared to pay the fair market value for this property. We understand that no structures may be built on these 14-feet, even once the property is vacated, but that fencing and landscaping may be added in this area. We further understand that this is due to the fact that the village may retain a utility easement.

Thank you for your time and consideration.

Sincerely,

Brian and Julie Skeen

4832 Douglas Road

Downers Grove, IL 60515

Rita and Mike Derry

617 Sherman St

Downers Grove, IL 60515

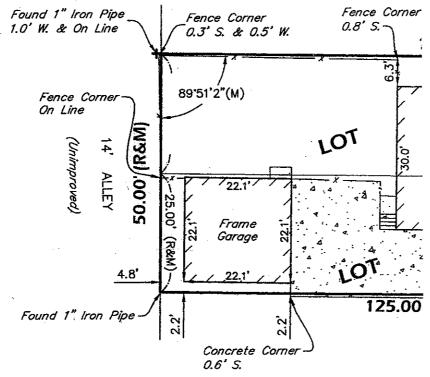
(Owners of the property on Douglas south of the alleyway)

PLAT OF SURVEY

nproved)

LOTS 4 AND 5 IN BLOCK 7 OF G QUARTER OF SECTION 8, TOWNSH THE THIRD PRINCIPAL MERIDIAN, I

'N IN THE NORTHEAST 8 NORTH, RANGE 11, EAST OF JPAGE COUNTY, ILLINOIS.



Concrete Curb .00' (R&M) 28.0 Split-Level Residence 125.15' (M) Edge Of Concrete 0.9' S. ALLEY

SCALE: 1"=20'

SYMBOL LEGEND

- CONCRETE SURFACE

-x-x-x- - FENCE LINE

(R) - RECORD DATA

(M) - MEASURED DATA

PREPARED FOR: SALMAN

JOB ADDRESS: 4832 DOUGLAS ROAD

DOWNERS GROVE, ILLINOIS

DOUGLAS

R.O.W.)

Professional Land Surveying, Inc.

2900 Ogden Avenue Suite 110 Lisle, Illinois 60532

Phone 630.778.1757 Fax 630.778.7757

DWG LOCATION: land\0900-0999\0969\dwg\Plat.dwg FLD. BK./PG. NO.: 15/42 DRAWN BY: KEG JOB NO.: 0969 COMPLETION DATE: 05-07-05

REVISED:

CONTAINING 6,255± SQ. FT.

STATE OF ILLINOIS

AREA OF SURVEY:

REFER TO YOUR DEED, ABSTRACT, TITLE POLICY AND LOCAL BUILDING AND ZONING ORDINANCE FOR ITEMS OF RECORD NOT SHOWN.

STATE OF ILLINOIS) ss COUNTY OF DUPAGE)

PROFESSIONAL LAND SURVEYING, INC. HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

FIELD WORK COMPLETED AND DATED THIS 3RD DAY OF MAY, 2005.

IPLS No. 3483

MY LICENSE EXPIRES 11/30/06

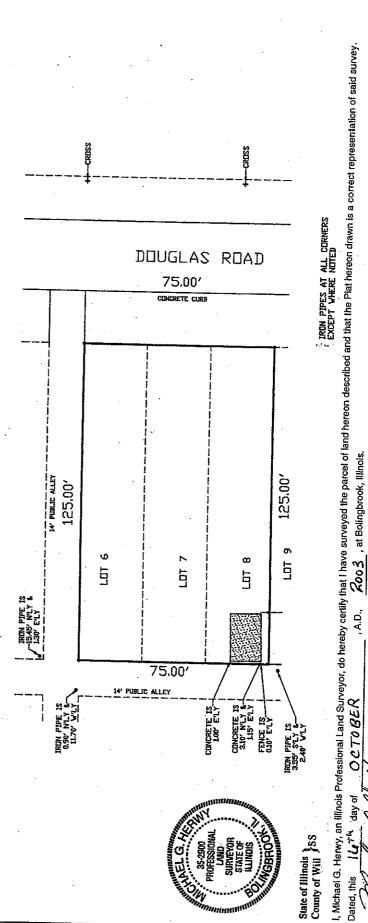
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

PROFESSIONAL DESIGN FIRM NO. 184-004196

PARSEL # 09-08-215-042

Associated Surveying Group, P.C. P.O. Box 810 Bolingbrook, IL 60440 PH (630) 759-0205 FAX (630) 759-9291

LOTS 6, 7 AND 8 IN BLOCK 7 IN GOSTYN, BEING A SUBDIVISION OF A PART OF THE NORTHEAST QUARTER COUNTY, ILLINOIS.



55843-03

JOB No.

DERRY

CLIENT

For Building Lines, Easements and Other Pestrictions not shown hereon refer to your Deed, Title Policy, Ordinance, etc.

License Expires Nov. 30, 20 py

DRAFT

PC-21-09 A petition seeking an alley vacation for a 14-foot wide by 125-foot long alley running east and west adjacent to the properties commonly known as 4832 and 4838 Douglas Road, Downers Grove (PIN 09-08-215-032, -042); Brian and Julie Skeen and Michael and Rita Derry, Petitioners; Village of Downers Grove, Owner.

Chairman Jirik swore in those individuals who would be speaking on File PC-21-09.

Mr. Stan Popovich, Village Planner, discussed that the request is for the vacation of a 14-foot wide by 125-foot long alley that runs east and west between properties located at 4832 and 4838 Douglas Road. The proposal is to divide the alley in half with seven feet vacated to the north property and seven feet vacated to the south property. The utility companies, police, fire and Public Works departments, etc. were contacted to determine if any rights to the public right-of-way should be retained. ComEd utility poles are located in the alley and are used by ComEd, AT&T and Comcast. Staff and the utilities recommend that a public drainage, utility and access easement be retained along the entire width and length of the alley. The easement will then restrict any construction within the vacated right-of-way except for a driveway or fence. The petitioner is aware of this and had no objection.

Per staff, the proposed vacation is consistent with the Future Land Use Plan and other Village planning documents and the proposal meets zoning compliance. Side yard requirements were then reviewed for each of the properties on Douglas Road, with staff stating the proposed vacation is consistent with the Zoning Ordinance. The Fire Department and the Police Department reviewed the plans for the vacation and had no objections to the request.

Per Mr. Popovich, staff recommends that the petitioners provide the Village with compensation for the alley to be vacated and believes the petitioners should compensate the Village fair market value of the vacated property. An explanation followed on the calculations for the fair market value, noting the calculation totaled \$3,632.48 and should be paid by the petitioners to the Village.

While the proposed alley vacation is compatible with the surrounding zoning and land use classifications, staff found that, based on the above findings, the Plan Commission should make a motion recommending approval of the right-of-way vacation to the Village Council subject to the conditions listed in its staff report.

A commissioner requested that in the future staff provide the exact location of where such right-of-way vacations are located. Clarification followed regarding the driveway (hard dust-free surface), fence restrictions, and the fact that it will be the petitioner's responsibility to repair the driveway if the village or utility companies come in to work.

Petitioners Mrs. Julie Skeen and Mr. Brian Skeen, 4832 Douglas Road appeared. Mrs. Skeen stated she and her husband wanted to purchase the land in order to build up to the easement if necessary.

No questions followed from the commissioners. Chairman Jirik opened up the meeting to public comment. No comments followed. The public comment portion was closed.

Mrs. Rabatah inquired about the calculations in the assessed value.

DRAFT

WITH RESPECT TO FILE PC-21-09, MR. MATEJCZYK MADE A MOTION TO FORWARD A POSITIVE RECOMMENDATION TO VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE VACATION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED OCTOBER 5, 2009.
- 2. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, EACH PETITIONER SHALL SUBMIT A MYLAR COPY OF THE FINAL PLAT OF VACATION INDICATING A SEVEN FOOT PUBLIC DRAINAGE, UTILITY AND ACCESS EASEMENT ALONG THE ENTIRE LENGTH AND WIDTH OF THE ALLEY TO BE VACATED.
- 3. PRIOR TO EXECUTION OF THE PLAT, THE PETITIONER AT 4832 DOUGLAS ROAD SHALL PAY THE VILLAGE A TOTAL OF \$1,816.24 AND THE PETITIONER AT 4838 DOUGLAS ROAD SHALL PAY THE VILLAGE A TOTAL OF \$1,816.24.

SECONDED BY MR. QUIRK.

ROLL CALL:

AYE: MR. MATEJCZYK, MR. QUIRK, MR. BEGGS, MR. COZZO, MRS. RABATAH, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 7-0.

