

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
NOVEMBER 3, 2009 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
ROW Vacation 4832 – 4838 Douglas Road	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP 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	Land 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.

**UPDATE & RECOMMENDATION**

This item was discussed at the October 27, 2009 workshop. Staff recommends 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.

**ATTACHMENT**

Ordinance

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Applicant                      **DATE:** November 3, 2009  
(Name)

**RECOMMENDATION FROM:** Plan Commission                      **FILE REF:** PC-21-09  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt “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”, as presented.

**SUMMARY OF ITEM:**

Adoption of the attached ordinance will vacate a 14-foot wide by 125-foot long right-of-way running east and west adjacent to the properties commonly known as 4832 and 4838 Douglas Road.

**RECORD OF ACTION TAKEN:**

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**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:

SECTION 1. 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

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 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.

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: \_\_\_\_\_

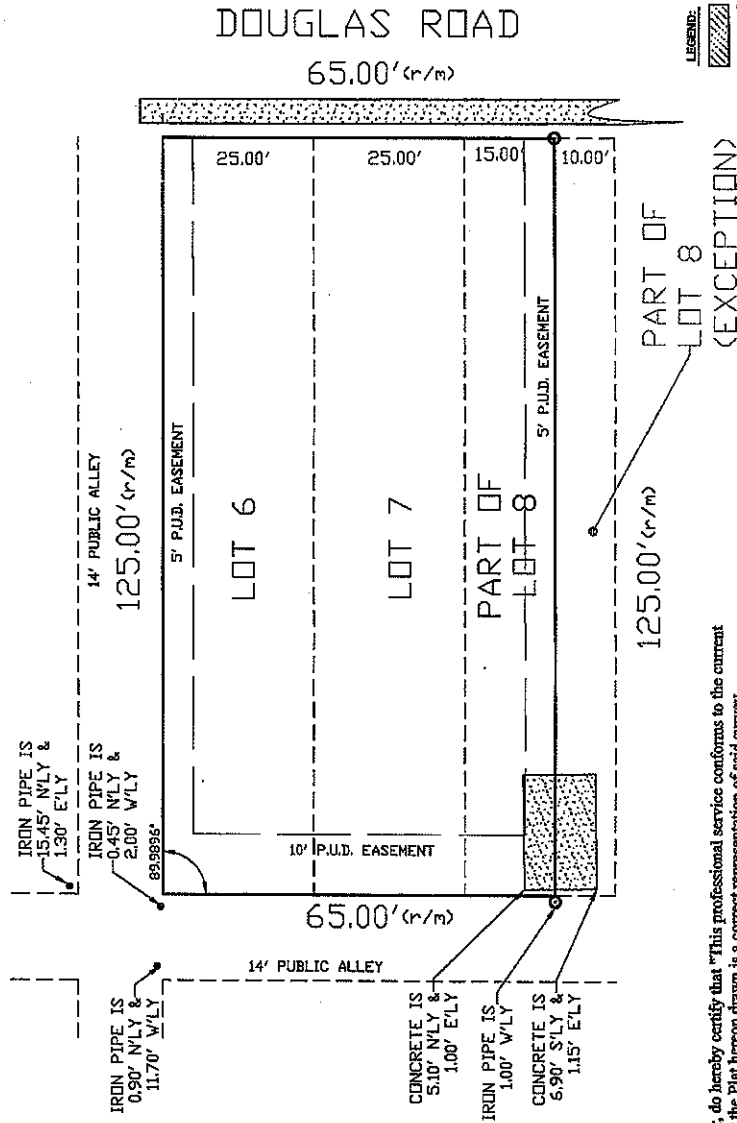
Village Clerk

# PLAT OF SURVEY

LOTS 6, 7 & 8 (EXCEPT THE SOUTH 10 FEET IN BLOCK 7 IN GOSSTM, 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.

## Associated Surveying Group, P.C.

Illinois Prof. Design Firm No. 184-003013  
 P.O. Box 810  
 Bolingbrook, IL 60440  
 PH: 630-759-0205 FAX: 630-759-9291



DOUGLAS ROAD  
 65.00' (r/m)

- LEGEND:**
- ASPHALT
  - WOOD
  - IRON PIPE
  - IRON PIPE + CROSS
  - REBAR/ROD
  - CHAIN LINK FENCE
  - WOOD FENCE
  - ALL OTHER FENCE TYPES
- ABBREVIATIONS:**
- A = ARC LENGTH
  - R = RADIUS
  - CL = CHAIN LENGTH
  - CP = CHORD VALUE
  - (M) = MEASURED VALUE
  - P.U.D. = PUBLIC UTILITY & DRAINAGE EASEMENT
  - NLY = NORTHERLY
  - SLY = SOUTHERLY
  - Ely = EASTERLY
  - WLY = WESTERLY
  - TYP = TYPICAL

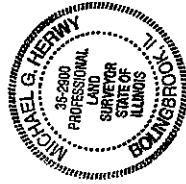
PART OF LOT 8  
 (EXCEPTION)

FIELDWORK DATE: 04/21/06  
 CLIENT: KOLPA  
 JOB NO.: 62977-06AA

Dated, this 15<sup>th</sup> day of MAY, A.D., 2006, at Bolingbrook, IL.

State of Illinois }  
 County of Will }  
 I, Michael G. Herwy, an Illinois Professional Land Surveyor, do hereby certify that "This professional service conforms to the current Illinois minimum standards for a boundary survey", and that the Plat hereon drawn is a correct representation of said survey.

Michael G. Herwy  
 Illinois Professional Land Surveyor No. 35-002900  
 License Expires: November 30, 2006



NOTES:  
 1. COMPARE THE LEGAL DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE; ALSO, COMPARE ALL FIELD MEASURED LOT CORNERS & BUILDING TIES WITH THIS PLAT BEFORE CONSTRUCTION AND REPORT ANY DIFFERENCE AT ONCE.  
 2. MEASURED LOT DIMENSIONS ARE SHOWN ONLY WHEN THEY DIFFER FROM RECORD DIMENSIONS BY 1/8 INCH OR MORE.  
 3. CURVED LINES DENOTED WITH ARC LENGTHS UNLESS OTHERWISE NOTED. ALSO, ALL ARCS ARE TANGENT UNLESS OTHERWISE NOTED.  
 4. REFER TO YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE FOR ADDITIONAL ENCUMBRANCES.

SCALE 1" = 20'