

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
FEBRUARY 16, 2010 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Abrogation of an Easement	✓ Resolution Ordinance Motion Discussion Only	Enza I. Petrarca Village Attorney

SYNOPSIS

A resolution has been prepared to authorize the abrogation of a portion of a public easement located at 924 Warren Avenue.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals identified *Top Quality Village Infrastructure and Facilities*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the February 16, 2010 consent agenda.

BACKGROUND

The property owner at 924 Warren Avenue has requested that the Village abrogate (eliminate) portions of a fourteen foot (14') public easement that runs adjacent to his property. Records indicate that the easement was originally acquired through condemnation proceedings for street purposes in 1927. Currently the north four feet (4') of the public easement is over the property owners parking lot.

The property owner is only requesting that the north four feet (4') of the easement that covers his parking lot to be abrogated.

The Village has determined that abrogating the north four feet (4') of the easement will not adversely affect the Village and that the remaining ten foot (10') easement would be sufficient for any future needs.

ATTACHMENTS

- Resolution
- Plat of Abrogation

RESOLUTION NO. _____

**A RESOLUTION ABROGATING A CERTAIN
PORTION OF A PUBLIC EASEMENT 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 abrogate a certain portion of a public easement in said Village hereinafter more particularly described; and

WHEREAS, the Village Council, after due investigation and consideration, has determined that there is no evidence of significant Village use of this portion of the public easement;

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 abrogation of said public easement,

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

SECTION 1. That portion of the public easement on Lot 2 of Beardsley's Addition to the Town of Downers Grove described as follows:

THE NORTH 4.00 FEET OF THE SOUTH 14.00 FEET OF THE EAST 50.00 FEET OF THE SOUTH 123.75 FEET OF LOT 2 IN THE BEARDSLEY'S ADDITION TO THE TOWN OF DOWNERS GROVE, IN THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 16, 1868 AS DOCUMENT 9654, IN DUPAGE COUNTY, ILLINOIS

Commonly known as (a portion of) 924 Warren Avenue; PIN 09-08-124-011 (hereinafter referred to as the "Abrogated Public Street Easement"), is hereby abrogated and closed, 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 abrogation.

SECTION 2. That the Mayor and Clerk of the Village of Downers Grove are hereby authorized to sign the plat of abrogation of the abrogated easement described herein.

SECTION 3. That a certified copy of this resolution and an accurate map of the abrogated easement 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 expense of the Owner of Record.

SECTION 4. That all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

SECTION 5. That this resolution shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

Mayor

Passed:

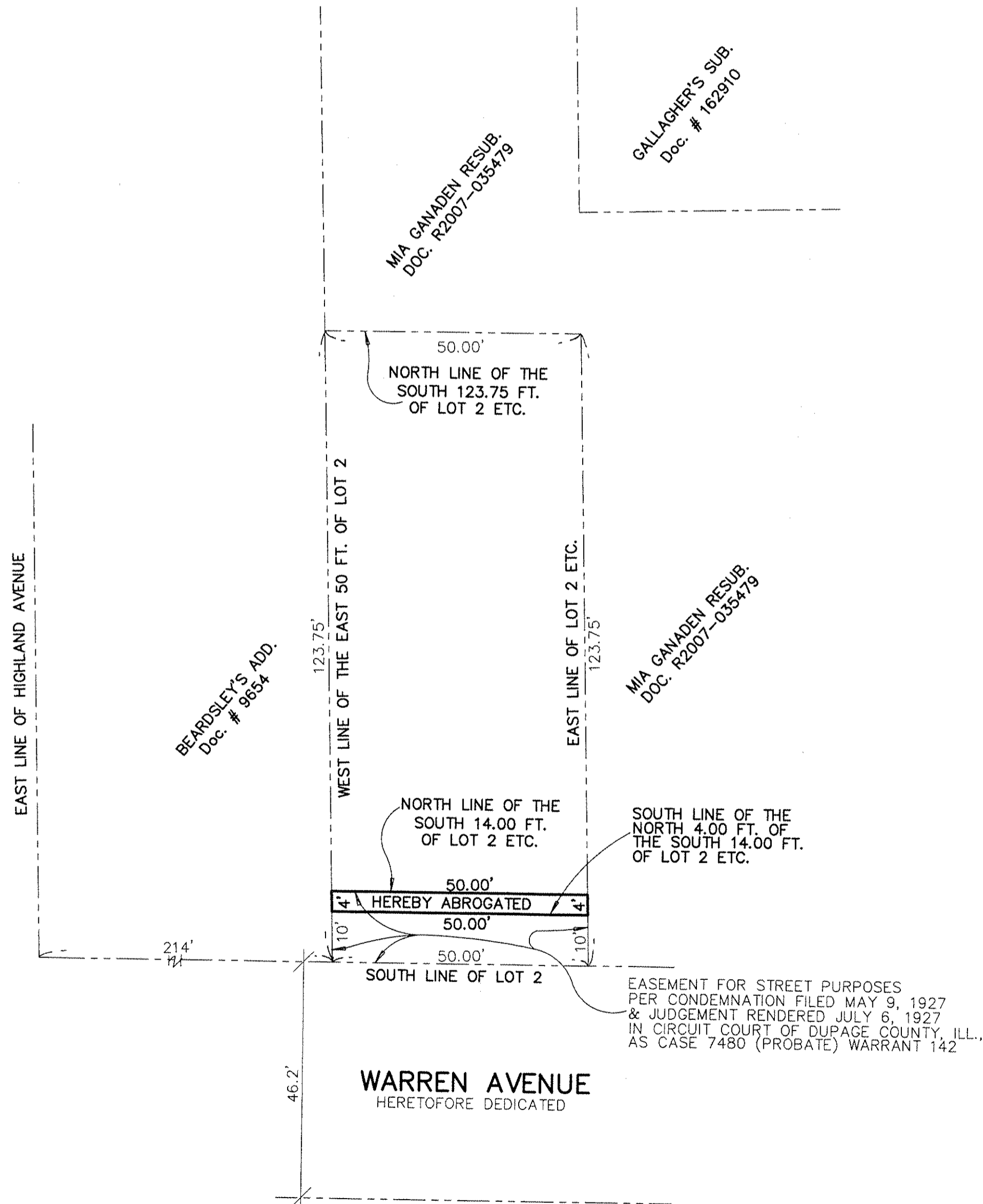
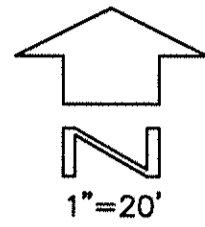
Published:

Attest: _____

Village Clerk

PLAT OF ABROGATION OF PUBLIC STREET EASEMENT BY THE VILLAGE OF DOWNERS GROVE, ILLINOIS

THE NORTH 4.00 FEET OF THE SOUTH 14.00 FEET OF THE EAST 50.00 FEET OF THE SOUTH 123.75 FEET OF LOT 2 IN BEARDSLEY'S ADDITION TO THE TOWN OF DOWNERS GROVE, IN THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 16, 1868 AS DOCUMENT 9654, IN DUPAGE COUNTY, ILLINOIS.



STATE OF ILLINOIS)
COUNTY OF DUPAGE) ss VILLAGE CLERK CERTIFICATE

This is to certify that the plat hereon drawn correctly represents the Abrogation of Public Street

Easement as accepted by Ordinance Number _____
a proper ordinance adopted by the Downers Grove Village Council.

Date: _____ A.D. 2010

Village Clerk

STATE OF ILLINOIS)
COUNTY OF DUPAGE) ss VILLAGE ENGINEER CERTIFICATE

Approved by the Village Engineer, for the Village of Downers Grove, DuPage County, Illinois.

Date: _____ A.D. 2010

Village Engineer

STATE OF ILLINOIS)
COUNTY OF DUPAGE) ss RECORDER CERTIFICATE

This Instrument Number _____ was filed for record in the

Recorder's Office of DuPage County, Illinois, on the _____ day of _____ A.D. 2010

At _____ o'clock _____ M.

Recorder of Deeds

AFTER RECORDING, PLEASE RETURN TO:

STATE OF ILLINOIS)
COUNTY OF DUPAGE) ss SURVEYOR CERTIFICATE

I, Joseph M. De Craene, an Illinois Professional Land Surveyor, have surveyed the above described property, and have prepared this plat for the purpose of abrogating an easement by the Village of Downers Grove, Illinois, for the purposes stated hereon, and as shown by the plat hereon drawn.

Dated: FEBRUARY 2. _____ A.D. 2010

Joseph M De Craene

Illinois Land Surveyor No. 2476 Lic. Exp. 11-30-2010

JOSEPH M. DE CRAENE
ILLINOIS LAND SURVEYOR
8710 SKYLINE DRIVE
HINSDALE, IL 60527
630-789-0898

