

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
APRIL 12, 2011 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Vacation of Easements and Acceptance of Easement	✓ Resolution Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A resolution has been prepared to authorize vacation of easements reserved for retention and detention and acceptance of a public utility and drainage easement for the property located at 5101 Thatcher Road.

STRATEGIC PLAN ALIGNMENT

The goals for 2011 to 2018 include *Top Quality Infrastructure*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the April 5, 2011 Village Council meeting. Council asked whether it would be possible to bury any overhead utilities. Staff confirmed that existing utilities that can be buried are already underground at the site. Staff recommends approval on the April 12, 2011 Active Agenda.

BACKGROUND

The petitioner is requesting vacation of existing public utility and stormwater easements and is proposing to replace them with new public utility and stormwater easements. The request will allow for construction of a building addition for the property located at 5101 Thatcher Road.

On February 8, 2011, the Village Council approved a lot consolidation and rezoning for the property at 5101 Thatcher Road to accommodate an addition to the existing building on the property currently occupied by Neuco Inc, a distributor of HVAC control systems. The building addition will replace the existing detention basin on the property and will include an underground stormwater detention facility and a two-story commercial building with parking on the first floor and offices on the second floor.

The property owner has requested that the Village vacate (eliminate) the existing stormwater easement which covers the existing stormwater detention basin and portions of the existing ten-foot wide public utility and drainage easement running north-south immediately west of the proposed building addition. In their place, the petitioner is proposing to grant a new stormwater easement covering the entire proposed underground detention facility with access to Hitchcock Avenue and a new ten-foot wide public utility and

drainage easement along the south, east and north property lines. Any existing utilities will be relocated to the proposed ten-foot wide easement along the south and east lot lines.

The underground stormwater detention facility will contain the volume currently held in the detention basin as well as the additional detention volume required for the building addition. Village staff reviewed the applicant's engineering plans and calculations. Based on the Village's review of this information, the proposed facility will provide the required detention volume. As such, the proposal will meet all requirements of the stormwater ordinance.

The Village has determined that vacating the existing easements will not adversely affect the Village and that the proposed easements would be sufficient for any future needs.

ATTACHMENTS

Resolution

Plat of Easement and Plat of Easement Vacation dated February 22, 2011

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** April 12, 2011
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- ☐ Ordinance
☒ Resolution
☐ Motion
☐ Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "A RESOLUTION VACATING A CERTAIN PORTION OF PUBLIC EASEMENTS AND ACCEPTING A PUBLIC EASEMENT LOCATED AT 5101 THATCHER ROAD IN THE VILLAGE OF DOWNERS GROVE", as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance will vacate a certain portion of public easements and accept a public easement for the property located at 5101 Thatcher Road.

RECORD OF ACTION TAKEN:

RESOLUTION NO. _____

**A RESOLUTION VACATING A CERTAIN
PORTION OF PUBLIC EASEMENTS AND ACCEPTING A PUBLIC EASEMENT LOCATED
AT 5101 THATCHER 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 public easements 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 these portions 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 vacation of said public easements,

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 utilities and stormwater detention easements on Lot 1 of the Neuco Subdivision:

LOT 4 (EXCEPT THE NORTHERLY 7.00 FEET, AS MEASURED ON THE EASTERLY AND WESTERLY LINES THEREOF) IN TRACT 4 OF CHARLES H. SCHMITT'S RESUBDIVISION OF THE NORTH HALF OF LOT 19 IN ARTHUR T. MCINTOSH AND COMPANY'S FIRST ADDITION TO BELMONT, A SUBDIVISION IN SECTIONS 1, 2 11, AND 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JULY 14, 1947 AS DOCUMENT 524914 AND ALSO ACCORDING TO THE PLATE OF EASEMENT FOR A STORM WATER DETENTION AREA AND SIDEWALK EASEMENT RECORDED OCTOBER 11, 1996 AS DOCUMENT R96-168084 IN DUPAGE COUNTY, ILLINOIS

ALONG WITH

THE EAST 10 FEET, AS MEASURED PERPENDICULAR TO THE EAST LINE OF LOT 46 IN ELLSWORTH PARK UNIT SIX, BEING A SUBDIVISION IN PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 16, 1975 AS DOCUMENT R75-70358

ALONG WITH

THE EAST 10 FEET, AS MEASURED PERPENDICULAR TO THE EAST LINE OF LOT 46 IN ELLSWORTH PARK UNIT SIX, BEING A SUBDIVISION IN PART OF THE

SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 16, 1975 AS DOCUMENT R75-70358 AND ALSO ACCORDING TO THE PLAT OF ABROGATION OF A STORM WATER DETENTION AREA EASEMENT RECORDED OCTOBER 11, 1996 as DOCUMENT R96-168083 IN DUPAGE COUNTY, ILLINOIS.

Commonly known as 5101 Thatcher Road; PIN 08-11-408-025

(hereinafter referred to as the "Vacated Public Easements"), is hereby vacated 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 vacation.

SECTION 2. That a public utility and drainage easement shall be granted to the Village and is legally described in the Plat of Easement and Plat of Easement Vacation in lieu of the vacated public easements contained herein.

SECTION 3. That the Mayor and Clerk of the Village of Downers Grove are hereby authorized to sign the Plat of Easement and Plat of Easement Vacation described herein.

SECTION 4. That a certified copy of this resolution and an accurate map of the plat of easement and plat of easement vacation 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 5. That all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

SECTION 6. That this resolution shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

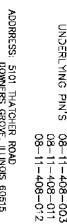
Mayor

Passed:

Published:

Attest: _____

Village Clerk



DRN./C/D. BY: SRH/CAH	FILE: 7201PE.DWG	PLD. BK./PG.: 233/51	SHEET NO. 1 OF 3
SCALE: 1"=20'	DATE: 02/22/11	JOB NO.: 720.001	

VACATION OF THE EASEMENT(S) DESIGNATED TO BE VACATED HEREON
APPROVED AND ACCEPTED THIS _____ DAY OF _____, A.D., 20____

TEL (830) 365-3232 • FAX (830) 365-3237

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

PUBLIC UTILITIES & DRAINAGE EASEMENT PROVISIONS

[illegible]

STATE OF ILLINOIS) ss
COUNTY OF DUWAGE)
APPROVED BY THE OFFICE OF THE VILLAGE ENGINEER, VILLAGE OF DOWNERS
DUWAGE COUNTY, ILLINOIS THIS ____ DAY OF _____, A.
BY: _____ WATSON _____ ATTNEY _____ CITY CLERK _____
AB 20 _____
BY THE BOARD OF THE VILLAGE OF DOWNERS GROVE.

LEGAL DESCRIPTION OF STORM WATER DETENTION AREA EASEMENT

[illegible]

CONCRETE OF 50 TO 100 FEET. THESE STUDIES WERE THE FIRST OF THEIR KIND IN THE NORTH-EAST CORNER OF THE MOUNTAIN. THE DISTANCE FROM THE MOUNTAIN TO THE FIRST STUDY WAS 100 FEET, TO THE SECOND 150 FEET, TO THE THIRD 200 FEET, TO THE FOURTH 250 FEET, TO THE FIFTH 300 FEET, TO THE SIXTH 350 FEET, TO THE SEVENTH 400 FEET, TO THE EIGHTH 450 FEET, TO THE NINTH 500 FEET, TO THE TENTH 550 FEET, TO THE ELEVENTH 600 FEET, TO THE TWELFTH 650 FEET, TO THE THIRTEENTH 700 FEET, TO THE FOURTEENTH 750 FEET, TO THE FIFTEENTH 800 FEET, TO THE SIXTEENTH 850 FEET, TO THE SEVENTEENTH 900 FEET, TO THE EIGHTEENTH 950 FEET, TO THE NINETEENTH 1000 FEET, TO THE TWENTIETH 1050 FEET, TO THE TWENTY-FIRST 1100 FEET, TO THE TWENTY-SECOND 1150 FEET, TO THE TWENTY-THIRD 1200 FEET, TO THE TWENTY-FOURTH 1250 FEET, TO THE TWENTY-FIFTH 1300 FEET, TO THE TWENTY-SIXTH 1350 FEET, TO THE TWENTY-SEVENTH 1400 FEET, TO THE TWENTY-EIGHTH 1450 FEET, TO THE TWENTY-NINTH 1500 FEET, TO THE THIRTIETH 1550 FEET, TO THE THIRTY-FIRST 1600 FEET, TO THE THIRTY-SECOND 1650 FEET, TO THE THIRTY-THIRD 1700 FEET, TO THE THIRTY-FOURTH 1750 FEET, TO THE THIRTY-FIFTH 1800 FEET, TO THE THIRTY-SIXTH 1850 FEET, TO THE THIRTY-SEVENTH 1900 FEET, TO THE THIRTY-EIGHTH 1950 FEET, TO THE THIRTY-NINTH 2000 FEET, TO THE FORTY 2050 FEET, TO THE FORTY-FIRST 2100 FEET, TO THE FORTY-SECOND 2150 FEET, TO THE FORTY-THIRD 2200 FEET, TO THE FORTY-FOURTH 2250 FEET, TO THE FORTY-FIFTH 2300 FEET, TO THE FORTY-SIXTH 2350 FEET, TO THE FORTY-SEVENTH 2400 FEET, TO THE FORTY-EIGHTH 2450 FEET, TO THE FORTY-NINTH 2500 FEET, TO THE FIFTY 2550 FEET, TO THE FIFTY-FIRST 2600 FEET, TO THE FIFTY-SECOND 2650 FEET, TO THE FIFTY-THIRD 2700 FEET, TO THE FIFTY-FOURTH 2750 FEET, TO THE FIFTY-FIFTH 2800 FEET, TO THE FIFTY-SIXTH 2850 FEET, TO THE FIFTY-SEVENTH 2900 FEET, TO THE FIFTY-EIGHTH 2950 FEET, TO THE FIFTY-NINTH 3000 FEET, TO THE SIXTY 3050 FEET, TO THE SIXTY-FIRST 3100 FEET, TO THE SIXTY-SECOND 3150 FEET, TO THE SIXTY-THIRD 3200 FEET, TO THE SIXTY-FOURTH 3250 FEET, TO THE SIXTY-FIFTH 3300 FEET, TO THE SIXTY-SIXTH 3350 FEET, TO THE SIXTY-SEVENTH 3400 FEET, TO THE SIXTY-EIGHTH 3450 FEET, TO THE SIXTY-NINTH 3500 FEET, TO THE SEVENTY 3550 FEET, TO THE SEVENTY-FIRST 3600 FEET, TO THE SEVENTY-SECOND 3650 FEET, TO THE SEVENTY-THIRD 3700 FEET, TO THE SEVENTY-FOURTH 3750 FEET, TO THE SEVENTY-FIFTH 3800 FEET, TO THE SEVENTY-SIXTH 3850 FEET, TO THE SEVENTY-SEVENTH 3900 FEET, TO THE SEVENTY-EIGHTH 3950 FEET, TO THE SEVENTY-NINTH 4000 FEET, TO THE EIGHTY 4050 FEET, TO THE EIGHTY-FIRST 4100 FEET, TO THE EIGHTY-SECOND 4150 FEET, TO THE EIGHTY-THIRD 4200 FEET, TO THE EIGHTY-FOURTH 4250 FEET, TO THE EIGHTY-FIFTH 4300 FEET, TO THE EIGHTY-SIXTH 4350 FEET, TO THE EIGHTY-SEVENTH 4400 FEET, TO THE EIGHTY-EIGHTH 4450 FEET, TO THE EIGHTY-NINTH 4500 FEET, TO THE NINETY 4550 FEET, TO THE NINETY-FIRST 4600 FEET, TO THE NINETY-SECOND 4650 FEET, TO THE NINETY-THIRD 4700 FEET, TO THE NINETY-FOURTH 4750 FEET, TO THE NINETY-FIFTH 4800 FEET, TO THE NINETY-SIXTH 4850 FEET, TO THE NINETY-SEVENTH 4900 FEET, TO THE NINETY-EIGHTH 4950 FEET, TO THE HUNDRED 5000 FEET.

<p>GRANTEE:</p> <p>PO INVESTMENTS, LTD</p> <p>AN ELIOTT LIMITED LIABILITY COMPANY</p>	<p>GRANTEE:</p> <p>THE VILLAGE OF FARMERS GROVE</p>
<p>BY: PAUL WEISKOPF, MEMBER</p>	<p>BY: RON SANDACK, MAJOR</p> <p>ATTEST:</p>

SURVEYOR'S CERTIFICATE

THIS _____ DAY OF _____ A.D. 20____

BY: _____

_____ VILLAGE MANAGER

ATTEST: _____

_____ VILLAGE CLERK

LOT 1 - NEUCO SUBDIVISION					
PLAN OF EASEMENT AND PLAN OF EASEMENT VACATION					
SOURCE SCALE 1"=20'	DRAWN/COR. DATE 02/22/11	TITLE 7201 PE	F.S. BK./PG. 233/51	SHEET NO. 3 OF 3	