

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
SEPTEMBER 18, 2012 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Plat of Abrogation - 5237 Benton Avenue	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Motion <input type="checkbox"/> Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A resolution for a Plat of Abrogation has been prepared to abrogate a 12 square foot area and a 98 square foot area of a stormwater detention easement located at 5237 Benton Avenue.

STRATEGIC PLAN ALIGNMENT

The Goals 2011-2018 identified *Exceptional Municipal Services*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the September 18, 2012 consent agenda per staff's recommendation.

BACKGROUND

In 2010, the Village purchased the property at 5237 Benton Avenue and constructed an underground stormwater detention facility per the Village's Stormwater Master Plan to mitigate flooding issues in the area. In 2011, the Village consolidated the two underlying lots into a single lot and placed a 40-foot wide by 131-foot (5,258 square feet) blanket stormwater drainage easement over the detention basin. The easement covers the detention basin and approximately 10 feet north of the detention basin to provide the Village with access to the basin if maintenance or repairs are required. The access area is 10 feet wide to allow maintenance equipment to park and set-up adjacent to the basin without parking on top of the basin. At the time the easement was established, the Village did not know the exact design of any future house that would be constructed on the lot and thus a wider easement was established. The easement prevents construction of any type of structure (except for a fence or driveway) over the easement.

In 2012, the property was sold to a private home builder. The builder has applied for a building permit to construct a single-family home on the property. To construct the home and meet the setback requirements along the north property line, the builder has requested the Village abrogate two small areas of the stormwater drainage easement. The house foundations nearest the detention basin will be designed so that they will not be impacted if the Village has to excavate the basin in the future.

Staff has reviewed the proposal and has determined that the requested abrogation will not negatively impact the ability of the Village to access and maintain the basin. The requested abrogated areas are within the access area to the basin and are not located over the basin itself. Even with the smaller access width,

maintenance equipment will still be able to access the basin. Maintenance equipment will be able to set-up within the wider easement areas and undertake any maintenance that is required. The abrogation will assist the home builder in redeveloping the site with a new home. Staff recommends the Council approve the resolution.

ATTACHMENTS

Aerial Map

Resolution

Plat of Abrogation

RESOLUTION NO. _____

**A RESOLUTION ABROGATING TWO AREAS
OF A STORMWATER DETENTION 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 two areas of a stormwater detention 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 these areas of the stormwater detention 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 stormwater detention easement,

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

SECTION 1. That two areas of the stormwater detention easement on Lot 1 of the final plat of subdivision of Village of Downers Grove Benton Avenue Resubdivision as follows:

Area #1:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, THENCE N 00° 47' 46" E, A DISTANCE OF 40.00 FEET; THENCE N 90° 04' 41" E, A DISTANCE OF 31.00 FEET TO THE POINT OF BEGINNING; THENCE N 90° 04' 41" W, 26.00 FEET; THENCE S 00° 15' 50" W, 3.75 FEET; THENCE N 89° 55'19" W, 26.00 FEET; THENCE N 00° 47' 46" E, 3.75 FEET TO THE POINT OF BEGINNING.

Area #2

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, THENCE N 00° 47' 46" E, A DISTANCE OF 40.00 FEET; THENCE N 90° 04' 41" E, A DISTANCE OF 71.83 FEET TO THE POINT OF BEGINNING; THENCE N 90° 04' 41" W, 7.83 FEET; THENCE S 00° 15' 50" W, 1.50 FEET; THENCE N 89° 55'19" W, 7.83 FEET; THENCE N 00° 47' 46" E, 1.50 FEET TO THE POINT OF BEGINNING.

Commonly known as (portions of) 5237 Benton Avenue; PINs 09-08-409-047 (hereinafter referred to as the "Abrogated Stormwater Detention Easement"), are hereby abrogated and closed, and 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.

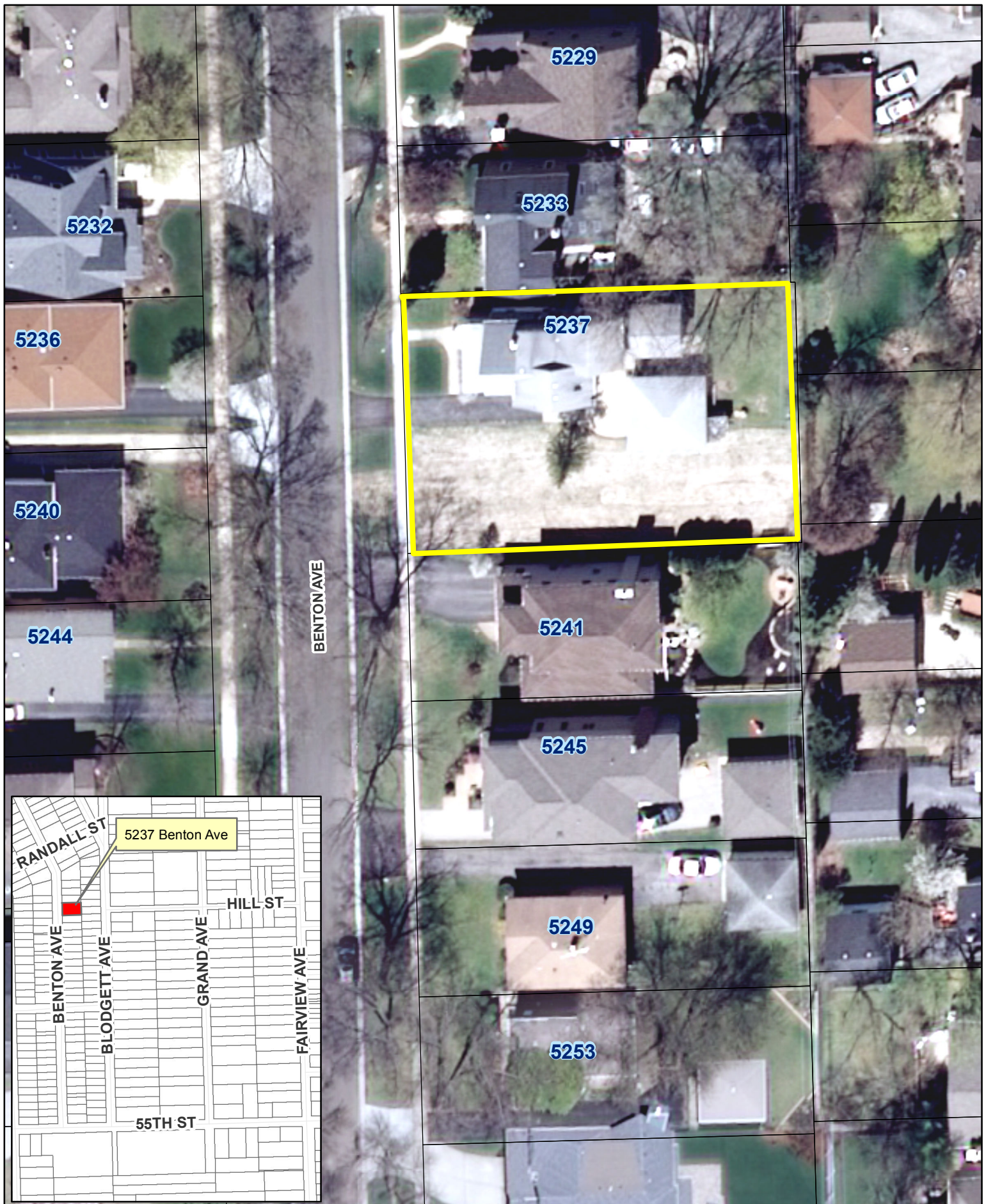
SECTION 5. That this resolution shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

Mayor

Passed:

Published:

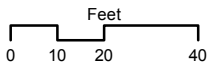
Attest: _____
Village Clerk



BENTON AVE



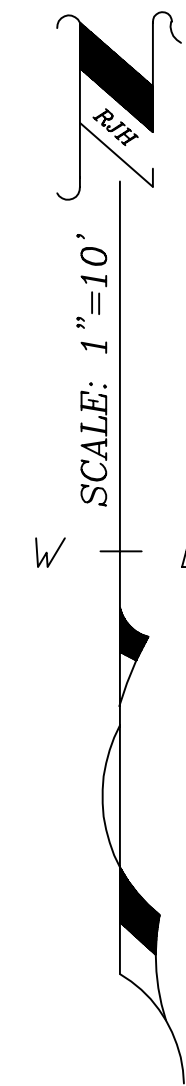
5237 Benton Ave



5237 Benton Avenue

PLAT OF ABROGATION

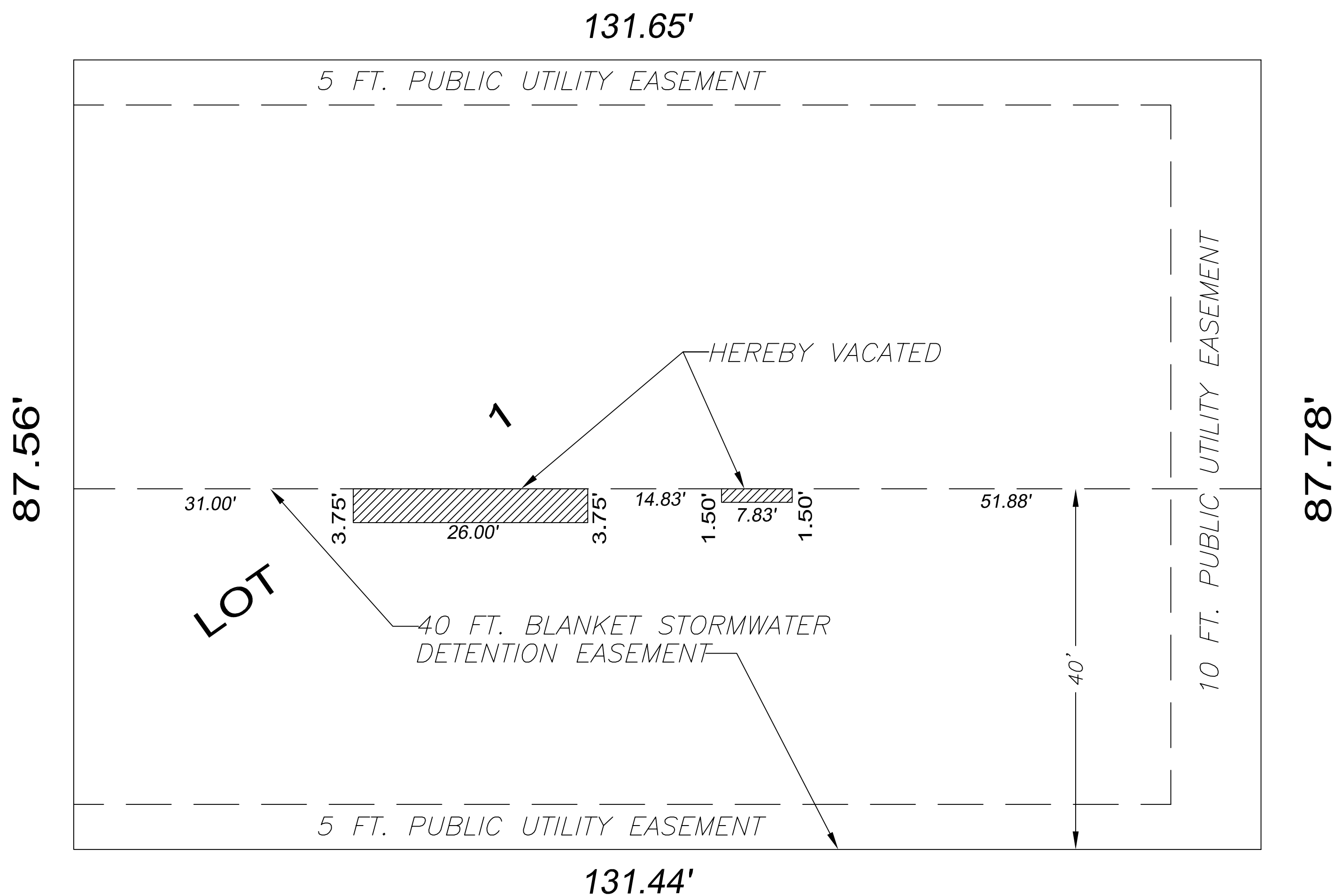
OVER PART OF LOT 1 IN THE FINAL PLAT OF SUBDIVISION OF VILLAGE OF DOWNERS GROVE BENTON AVENUE RESUBDIVISION OF PART OF SECTIONS 7 AND 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER R2011117293 DATED OCTOBER 5, 2011 AND CORRECTED ON JUNE 8, 2012 AS DOCUMENT NUMBER R2012073186.



P.I.N. 09-08-409-007 AND 09-08-409-008

PROPERTY ADDRESS: 5237 BENTON AVENUE

BENTON AVENUE
66' R.O.W.



OWNER'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

_____ HEREBY CERTIFY THAT THEY (OR IT) ARE THE OWNERS (OR OWNER) OF THE ABOVE DESCRIBED PROPERTY AND HAVE CAUSED THE SHOWN EASEMENT TO BE ABROGATED, FOR THE USES AND PURPOSES THEREIN SET FORTH AND AS ALLOWED AND PROVIDED BY STATUTES, AND SAID INDIVIDUALS (OR CORPORATION) DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE TITLE AFORESAID.

DATED THIS ____ DAY OF _____ A.D. 20__

OWNER _____

OWNER _____

NOTARY CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID,

DO HEREBY CERTIFY THAT _____ AND _____, PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FORGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED THE ANNEXED PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF _____ A.D. 20__

NOTARY PUBLIC

COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS,

ON THE ____ DAY OF _____, A.D. 20__, AT ____ O'CLOCK __.M. AS

DOCUMENT NUMBER _____.

COUNTY RECORDER OF DEEDS

VILLAGE COUNCIL'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

APPROVED THIS ____ DAY OF _____ A.D. 20__ BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE

MAYOR: _____

CLERK: _____

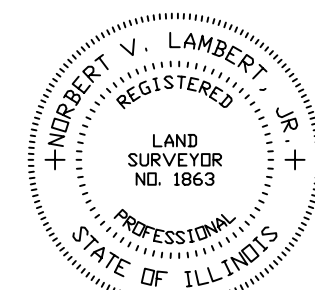
SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

THIS IS TO CERTIFY THAT I, NORBERT V. LAMBERT, JR., AN ILLINOIS LAND SURVEYOR NUMBER 1863, 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 PURPOSE STATED HEREON, AND AS SHOWN BY THE PLAT HEREON DRAWN.

GIVEN UNDER MY HAND AND SEAL THIS ____ DAY OF _____ A.D. 20__

ILLINOIS LAND SURVEYOR NO. 1863



PREPARED BY:
LAMBERT AND ASSOCIATES
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