

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
4/5/2016

SUBJECT:	SUBMITTED BY:
4147 Venard Road - Alley Vacation	Stan Popovich, AICP Director of Community Development

SYNOPSIS

The Downers Grove Park District has requested the vacation of the public alley adjacent to and between 4147 and 4205 Venard Road. The following items have been prepared:

1. A motion waiving the required \$4,901.18 payment for the vacated public alley.
2. An ordinance vacating the public alley.

STRATEGIC PLAN ALIGNMENT

The goals for 2015 to 2017 include *Exceptional Municipal Services*.

UPDATE & RECOMMENDATION

This item was discussed at the March 22, 2016 Village Council meeting. Staff recommends approval on the April 5, 2016 Active Agenda.

FISCAL IMPACT

Per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), staff determines the fair market value of the vacated alley and it is at the discretion of the Village Council to determine the amount and type of compensation to be required. Staff estimates the fair market value of the property to be \$4,901.18 for the entire alley to be vacated.

The fair market value is based on the latest assessment of land adjacent to the right-of-way. The value of the land would be discounted because the entire piece of land would be encumbered by an easement. 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
4205 Venard Rd	\$ 54,210.00	21,900	\$ 2.48	6,000	\$ 14,852.05	\$ 4,901.18

BACKGROUND

Property Information and Zoning Request

The Downers Grove Park District, which owns 4147 & 4205 Venard Road, is requesting that the Village vacate the 20-foot wide by 300-foot long unimproved alley between the two properties. The properties at 4147 and 4205 Venard Road are the only properties which abut the alley proposed to be vacated. The alley dead-ends to the east, is unimproved, and is not used for through traffic.

Per the Village's Right-of-Way vacation policy, staff contacted the utility companies and outside public agencies to determine if any rights to the alley should be retained. AT&T and Comcast have aerial copper and/or fiber cable on utility poles within the alley, and AT&T also has buried cable within the alley. The Downers Grove Sanitary District has an 18 inch public sewer main line within the alley. 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 petitioner has submitted a plat of easement that provides the required easement.

Compliance with the Zoning Ordinance

The vacated alley will be administratively consolidated with adjacent properties and would be zoned R-2, Residential Detached House 2. No new construction or development is proposed at this time. Any new construction would be limited by the easement. The proposed vacation is consistent with the Zoning Ordinance.

Compliance with the Comprehensive Plan

The proposed alley vacation would connect to and enlarge Doerhoerfer Park. The Parks, Open Space & Environmental Features section of the Comprehensive Plan recommends that the Village cooperate with the Park District to provide parks, open space and recreation in the community. The proposed vacation is consistent with the Comprehensive Plan.

Public Comment

There were no public comments.

ATTACHMENTS

Aerial Map

Staff Report with attachments dated March 7, 2016

Draft Minutes of the Plan Commission Hearing dated March 7, 2016

Vacation Compensation Waiver Request dated March 8, 2016

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Manager DATE: April 5, 2016
(Name)

RECOMMENDATION FROM: _____ FILE REF: _____
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to authorize a fee waiver in the amount of \$4,901.18 to the Downers Grove Park District for vacating a certain portion of a public alley right-of-way adjacent to 4147 & 4205 Venard Road.



SUMMARY OF ITEM:

Adoption of this motion shall authorize a fee waiver to the Downers Grove Park District in the amount of \$4,901.18 for the Vacated 4147 Venard Road Alley.

RECORD OF ACTION TAKEN:



0 25 50 75 100 Feet

4147 & 4205 Venard Road- Alley Vacation Location Map





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
MARCH 7, 2016 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
16-PLC-0005 4147 & 4205 Venard Road	Alley Vacation	Scott Williams Planner

REQUEST

The petitioners are requesting a vacation of a 20-foot wide by 300-foot deep alley immediately adjacent to and between their properties at 4147 & 4205 Venard 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

APPLICANT: Downers Grove Park District
2455 Warrenville Road
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-2, Residential Detached House 2 (adjacent properties)
EXISTING LAND USE: Unimproved Right-of-Way
PROPERTY SIZE: 6,000 square feet
PINS: 09-06-214-001; 008 (adjacent properties)

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-2, Residential Detached House 2	Parks & Open Space
SOUTH:	R-2, Residential Detached House 2	Single Family Residential
EAST:	B-3, General Services/Highway Business	Multi-Family Residential
WEST:	R-2, Residential Detached House 2	Single Family Residential

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. Location Map
3. Public Hearing
4. Project Narrative
5. Plats of Survey
6. Plat of Easement/Vacation
7. Village alley vacation policy (Resolution #2003-58)

PROJECT DESCRIPTION

The Downers Grove Park District, at 4147 & 4205 Venard Road, is requesting that the Village vacate the 20-foot wide by 300-foot long unimproved alley between the two properties. The alley includes overhead wires and mostly turf with trees and shrubs concentrated on the eastern portion.

The properties at 4147 and 4205 Venard Road are the only properties which abut the alley proposed to be vacated. The property to the north is part of Doerhoefer Park and has a parking lot, and the property to the south is now vacant land. The alley dead-ends to the east and was is not used for through traffic.

Per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), staff contacted the utility companies, outside public agencies and other village departments to determine if any rights to the public right-of-way should be retained. Currently, AT&T and Comcast have aerial copper and/or fiber cable on utility poles within the alley. AT&T also has buried cable within the alley right-of-way. The Downers Grove Sanitary District has an 18 inch public sewer main line within the alley 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 submitted a plat of easement as part of their application.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Parks, Open Space & Environmental Features section of the comprehensive plan recommends that the Village cooperates with the Park District to provide parks, open space and recreation in the community. The proposed alley vacation meets this recommendation by providing additional park space and connecting together Park District parcels. Furthermore, the vacation of this alley would not alter the future uses of the surrounding properties as the village will retain a permanent easement. Staff believes the proposed vacation is consistent with the Comprehensive Plan.

COMPLIANCE WITH ZONING ORDINANCE

The majority of surrounding properties are zoned R-2, Residential Detached House 2. The property to the east is zoned B-3, General Services and Highway Business and is home to an apartment complex. The portion of the alley being vacated will be consolidated with the adjacent property and zoned R-2, Residential Detached House 2.

At this time, the petitioner is not proposing any construction on their property. Because an easement is being placed on the entire alley, no new buildings or structures, other than a driveway or fence, could be constructed on the vacated alley. The proposed vacation is consistent with the Zoning Ordinance.

PUBLIC SAFETY REQUIREMENTS

The Fire Department has reviewed the plans for the vacation and noted no objections to the vacation of the right-of-way. The alley vacation will have no impact on emergency services.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing the legal notice in the *Downers Grove Suburban Life*. Staff received one phone call from a neighbor concerned about the future use of the alley.

FINDINGS OF FACT***Compliance with the Procedure to be followed in the Vacation of Streets, Alleys, and Public Rights-of-Way (Resolution #2003-58)***

The Village's alley vacation policy asks the following questions when it comes to determining if an alley can be vacated. These questions and staff's findings are listed below:

1. Is there written consent of at least two property owners who abut the proposed parcel to be vacated?
 - The Downers Grove Park District owns both parcels abutting the proposed parcel to be vacated.
2. Whether the Parcel or portion thereof, is no longer necessary for public use and whether the public interest will be served by such vacation request.
 - As noted above, staff contacted the utility companies and outside public agencies to determine the extent of public interest. Based on their replies, staff has determined the public interests are addressed by placing a public drainage, utility and access easement over the entire vacated alley.
3. Whether the Parcel or portion thereof, should be vacated and whether public utility easements and any ingress-egress easements are to be maintained.
 - A public drainage, utility and utility access easement will be retained over the entire alley length and width. As such, the petitioners will not be able to construct any permanent structure, other than a driveway or fence, within this easement.
4. The amount and type of compensation, if any, to be required as a condition to the effectiveness of the vacation of the parcel.
 - Staff recommends that the petitioners provide the Village with compensation for the alley to be vacated. 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 to reflect the blanket easement.

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
4205 Venard Rd	\$ 54,210	21,900	\$ 2.48	6,000	\$ 14,852.05	\$ 4,901.18

16-PLC-0005, Alley Vacation 4147 & 4205 Venard Road
March 7, 2016

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Based on the land value assessment model, the petitioner would be required to pay the Village a total of \$4,901.18.

RECOMMENDATIONS

Staff finds the proposed alley vacation is consistent with the Village's alley vacation policy (Resolution #2003-58) and surrounding zoning and land use classifications. Based on the findings listed above, staff recommends that the Plan Commission make a motion recommending approval of the alley right-of-way vacation associated with 16-PLC-0005 to the Village Council subject to the conditions below:

1. The vacation shall substantially conform to the staff report dated March 7, 2016.
2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 20-foot public drainage, utility and utility access easement along the entire length and width of the alley to be vacated.
3. Prior to execution of the plat, the petitioner shall pay the Village a total of \$4,901.18.

Staff Report Approved By:



Stanley J. Popovich, AICP
Director of Community Development

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4147 & 4205 Venard Road- Alley Vacation Location Map 



Administration Office
2455 Warrenville Road
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Phone: 630.960.7500
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4500 Belmont Road
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Lincoln Center
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Museum
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January 13, 2016

Stan Popovich, AICP
Director of Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Re: Right-of-Way Vacation Request – Project Summary Letter

Dear Stan,

The Downers Grove Park District is seeking vacation of a 20-foot wide Right-of-Way between the parcels located at 4147 & 4205 Venard Road. During the last several years, the Park District has purchased these two properties adjacent to Doerhoefer Park, and now owns the parcels on both sides of the alley Right-of-Way. The Park District would like to make the southernmost parcel (4205 Venard Road) a part of Doerhoefer Park, but the parcel is currently separated from the park by a 20-foot wide Alley Right-of-Way.

The Park District is seeking vacation of this Right-of-Way in order to allow the 4205 Venard Road parcel to be functionally linked to Doerhoefer Park, and allow the Park District to add pathways or other improvements to the alley that would connect this parcel to Doerhoefer Park.

Please feel free to contact me with any questions.

Sincerely,

Paul Fyle, ASLA
Superintendent of Planning

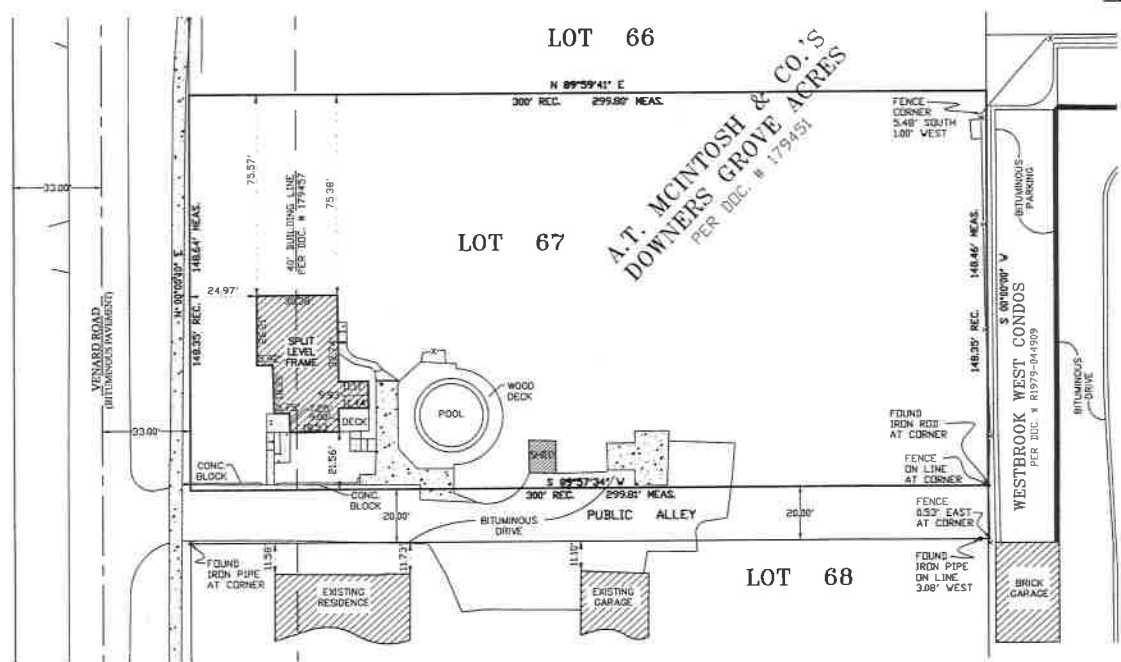
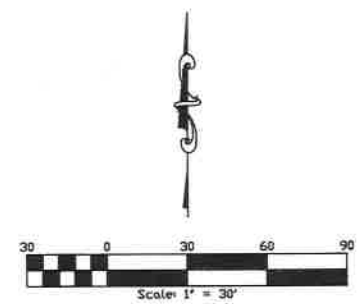
cc: Geoff Penman, Director of Operations & Development



PLAT OF SURVEY

LOT 67, AND THE 20' PUBLIC ALLEY ABUTTING THE SOUTH LINE OF SAID LOT 67, IN ARTHUR T. MCINTOSH AND COMPANY'S DOWNERS GROVE ACRES, A SUBDIVISION OF THAT PART OF THE EAST HALF OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 11, AND THE SOUTH EAST QUARTER OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

LOT AREA: LOT 67 44,536 SF, 1.02 ACRES
PUBLIC ALLEY 5,996 SF, 0.14 ACRES



STATE OF ILLINOIS)
)S.S.
COUNTY OF DUPAGE)


I, DONALD E. RERICKA, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED AT WARRENVILLE, ILL. THIS 3RD DAY OF AUGUST A.D. 2009

Donald E. Rericka
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3465
EXPIRES: NOVEMBER 30, 2010



V:DOWNERS GROVE PARK DISTRICT/290701/SURVEY/290701 POS.DWG



ENGINEERING RESOURCE ASSOCIATES, INC.
CONSULTING ENGINEERS, SCIENTISTS AND SURVEYORS

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VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

MARCH 7, 2016, 7:00 P.M.

Chairman Rickard called the March 7, 2016 meeting of the Downers Grove Plan Commission to order at 7:02 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard, Mr. Cronin, Ms. Gassen, Ms. Hogstrom, Ms. Johnson, Mr. Quirk, Mr. Thoman (ex-officio Ms. Lupesco)

ABSENT: Mr. Cozzo, Ms. Rabattah, ex-officio Mr. Menninga, Mr. Livorsi

STAFF: Community Development Senior Planner Rebecca Leitschuh and Planner Scott Williams

VISITORS: Paul Fyle, 2455 Warrenville Road; Michael and Sheila Maschek, 4248 Saratoga Avenue; Milo Salak, 313 N. Park Street, Westmont; John and Cheryl Baker, 4623 Roslyn Road; Randy Spal, 4601 Roslyn Road; Phil Gardner, 4621 Roslyn Road; Shawn Flemming, 4634 Roslyn Road

New Plan Commissioner Zelina Johnson was introduced and welcomed by the commissioners.

APPROVAL OF February 1, 2016 MINUTES

MINUTES OF THE FEBRUARY 1, 2016 MEETING WERE APPROVED ON MOTION BY MR. THOMAN. SECONDED BY MS. HOGSTROM. MOTION CARRIED BY VOICE VOTE OF 7-0.

PUBLIC HEARINGS:

Chairman Rickard explained the protocol for the public hearings and swore in those individuals that would be speaking on the petitions listed below.

FILE 16-PLC-0005 - A petition seeking approval for the Right-of-way Vacation of an alley. The adjacent properties are zoned R-2, Residential Detached House 2. The subject property runs east-west between the properties at 4147 & 4205 Venard Road, north of Ogden Avenue and south of Drove Avenue, Downers Grove, IL (09-06-214-001, -008). Paul Fyle, Superintendent of Planning, Downers Grove Park District, Petitioner and Owner.

Planner Williams drew commissioners' attention to the overhead and Staff Report and reviewed the request to vacate the public right-of-way. Details followed. He showed the location of the utilities in the unimproved alley and mentioned that an easement would be placed over the entire length and

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width of the alley in accordance with the wishes of the utility companies. Because the entire alley would be placed under an easement, an encumbered value was presented to meet the compensation requirement for a vacation. Planner Williams also stated that the vacation is consistent with the comprehensive plan in working with the park district to provide parks and open space.

Comments/questions from the commissioners followed. Mr. Thoman asked if the park district and the village were coterminous. He also clarified if the village would be responsible for any utility work that would occur within the easement.

Petitioner, Mr. Paul Fyle, Downers Grove Park District, 2455 Warrenville Road, stated that the Park District wished to acquire the alley since they own the lots on both sides, and would retain a permanent easement.

No further questions followed. The chairman opened up the meeting to public comment. No comments were made.

Hearing no further comment, public comment was closed. Mr. Fyle had no closing statement.

For the record, Chairman Rickard stated he believed the standards for approval were met for the vacation; other commissioners concurred.

WITH RESPECT TO FILE 16-PLC-0005 MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, AS PRESENTED.

SECONDED BY MR. QUIRK. ROLL CALL:

AYE: MR. THOMAN, MR. QUIRK, CHAIRMAN RICKARD, MS. GASSEN, MS. HOGSTOM, MR. CRONIN, MS. JOHNSON

NAY: NONE

MOTION CARRIED. VOTE: 7-0

**Administration Office**

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Museum

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Interpretive Center**

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March 8, 2016

Mayor Martin T. Tully
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Re: Right-of-Way Vacation – Compensation Waiver Request

Dear Mayor Tully and Village Council,

Thank you for your consideration of the Downers Grove Park District's right-of-way vacation request related to a 20-foot wide Alley adjacent to Doerhoefer Park. The Park District's goal in making this request is to allow the recently-acquired parcel at 4205 Venard Road to be incorporated into Doerhoefer Park.

As I'm sure you are aware, the Downers Grove Park District is nearly coterminous with the Village of Downers Grove, and serves the same residents. Upon vacation of the alley right-of-way, the Park District will be accepting responsibility for maintaining this property, relieving the Village of this ongoing responsibility and expense, yet it will remain public open space accessible by all Downers Grove residents.

For these reasons, the Park District respectfully requests that the Village Council consider waiving the \$4,901.18 compensation for the vacated alley property.

Sincerely,

William G. McAdam
Executive Director

