

VILLAGE OF DOWNERS GROVE
Report for the Village
8/21/2018

SUBJECT:	SUBMITTED BY:
Alley Vacation – 509 Gierz, 523 Gierz and 4732 Douglas	Stan Popovich, AICP Director of Community Development

SYNOPSIS

The petitioners are requesting the vacation of the public alley adjacent to their properties at 509 Gierz Avenue, 523 Gierz Avenue and 4732 Douglas Road.

STRATEGIC PLAN ALIGNMENT

The goals for 2017-2019 include *Exceptional Municipal Services*.

FISCAL IMPACT

Per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), the value of the alley is based on the fair market value of land per acre as defined by Section 20.300.d.2 of the Subdivision Ordinance. 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:

Land Value per Acre	Sq.Ft. of Alley to be Vacated	Estimated Value	Encumbered Value	523 Gierz Avenue	509 Gierz Avenue	4732 Douglas Road
\$545,000	1,747.56	\$21,864.56	\$7,215.30	\$3,607.65	\$1,875.98	\$1,731.67

UPDATE & RECOMMENDATION

This item was discussed at the August 7, 2018 Village Council meeting. Staff recommends approval on the August 21, 2018 active agenda.

BACKGROUNDProperty Information and Zoning Request

The applicant is requesting that the Village vacate the 14-foot wide by 124.83-foot deep alley immediately adjacent to and between the properties at 509 Gierz Avenue, 523 Gierz Avenue and 4732 Douglas Road. The resulting vacation would be split between the three abutting properties and provide more flexibility for future site development on all lots. The alley which runs north-south from Gierz Avenue to Prairie Avenue is

unimproved with the exception of an existing apron off of Gierz Avenue. The removal of the apron and restoration to green space with street curbing is a condition of approval.

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

No new construction or development is proposed at this time. Only a fence or driveway can be constructed within the vacated alley. The proposed vacation is consistent with the Zoning Ordinance.

Compliance with the Comprehensive Plan

The Residential Area Plan notes that the Village should continue to ensure that quality housing stock remains a staple of the community, and modernization of the existing housing stock is one way to achieve this. The vacation of the alley will provide more flexibility for future development.

Public Comment

There were no public comments.

ATTACHMENTS

Ordinance

Aerial Map

Plat of Vacation and Easement

Staff Report with attachments dated July 23, 2018

Draft Minutes of the Plan Commission Hearing dated July 23, 2018

ORDINANCE NO. _____**AN ORDINANCE VACATING A
PORTION OF A PUBLIC ALLEY ADJACENT
TO AND BETWEEN 4732 DOUGLAS ROAD, 509 GIERZ AVENUE AND 523 GIERZ AVENUE**

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 124.83-foot deep improved public alley right-of-way located between the properties located at 4732 Douglas Road and 509 Gierz Avenue and 523 Gierz Avenue, Downers Grove, Illinois, in said Village hereinafter more particularly described; and

WHEREAS, Timothy & Kristen O'Neill (4732 Douglas), Christian & Ann Nelson (509 Gierz) and John & Amanda Harrington (523 Gierz), ["Owners"] of the Properties have filed with the Plan Commission, a written petition requesting the vacation of said public right-of-way conforming to the requirements of the Village's Right-of-Way Vacation Policy (Resolution No. 2003-58); and

WHEREAS, the required public notice has been given and a public hearing respecting said vacation has been conducted by the Plan Commission on July 23, 2018 in accordance with applicable law; 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 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 all that part of the following described properties, to wit:

THE WEST 7.00 FEET OF THE 14.00 FOOT WIDE PUBLIC ALLEY LYING EAST OF AND ADJOINING LOT 11, AND LYING WEST OF AND ADJOINING LOTS 1 THRU 5 {BOTH INCLUSIVE), AND LYING SOUTH OF AND ADJOINING A LINE BETWEEN THE NORTHEAST CORNER OF SAID LOT 11 AND THE NORTHWEST CORNER OF SAID LOT 1, AND LYING NORTH OF AND ADJOINING A LINE BETWEEN THE SOUTHEAST CORNER OF SAID LOT 11 AND THE SOUTHWEST CORNER OF SAID LOT 5, ALL IN BLOCK 3 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, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1889 AS DOCUMENT NUMBER 41185, ALL IN DUPAGE COUNTY, ILLINOIS.

Commonly known as a vacant public alleyway adjacent to 523 Gierz Street, Downers Grove, IL
PIN: 09-08-213-017

THE NORTHERNMOST SIXTY-FIVE (65) FEET OF THE EAST 7.00 FEET OF THE 14.00 FOOT WIDE PUBLIC ALLEY LYING EAST OF AND ADJOINING LOT 11, AND LYING WEST OF AND ADJOINING LOTS 1 THRU 5 (BOTH INCLUSIVE), AND LYING SOUTH OF AND ADJOINING A LINE BETWEEN THE NORTHEAST CORNER OF SAID LOT 11 AND THE

NORTHWEST CORNER OF SAID LOT 1, AND LYING NORTH OF AND ADJOINING A LINE BETWEEN THE SOUTHEAST CORNER OF SAID LOT 11 AND THE SOUTHWEST CORNER OF SAID LOT 5, ALL IN BLOCK 3 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, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1889 AS DOCUMENT NUMBER 41185, ALL IN DUPAGE COUNTY, ILLINOIS.

Commonly known as a vacant public alleyway adjacent to 509 Gierz Street, Downers Grove, IL
PIN: 09-08-213-034

THE SOUTHERNMOST SIXTY (60) FEET OF THE EAST 7.00 FEET OF THE 14.00 FOOT WIDE PUBLIC ALLEY LYING EAST OF AND ADJOINING LOT 11, AND LYING WEST OF AND ADJOINING LOTS 1 THRU 5 (BOTH INCLUSIVE), AND LYING SOUTH OF AND ADJOINING A LINE BETWEEN THE NORTHEAST CORNER OF SAID LOT 11 AND THE NORTHWEST CORNER OF SAID LOT 1, AND LYING NORTH OF AND ADJOINING A LINE BETWEEN THE SOUTHEAST CORNER OF SAID LOT 11 AND THE SOUTHWEST CORNER OF SAID LOT 5, ALL IN BLOCK 3 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, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1889 AS DOCUMENT NUMBER 41185, ALL IN DUPAGE COUNTY, ILLINOIS.

Commonly known as a vacant public alleyway adjacent to 4732 Douglas Road, Downers Grove, IL
PIN: 09-08-213-035

TOTAL AREA OF VACATED ALLEY= 1747.58 SQUARE FEET

(hereinafter referred to as the "Vacated Douglas-Gierz Alley"), 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 and that title shall be vested with the adjacent Owners of the property as described in the above legal descriptions.

SECTION 2. A perpetual non-exclusive easement is hereby reserved for and granted to the Village of Downers Grove, Illinois, the DuPage Water Commission and to those public utility companies operating under franchises from the said Village including, but not limited to, AT&T, Comcast Cable, Northern Illinois Gas Company, Commonwealth Edison Company, and Downers Grove Sanitary District and their respective successors and assigns, over, on, across, under, and through all of the areas on the final plat of vacation marked "Public Utilities and Access Easement Reservation" of the Vacated Douglas-Gierz Alley 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, fencing, paved parking, driveways 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 July 23, 2018.

2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 14-foot public drainage, utility and utility access easement along the entire length and width of the alley to be vacated.
3. The existing driveway approach, directly north of the alley, shall be removed and restored to match the existing right of way.
4. Prior to execution of the plat, the property owners shall pay the Village a total of \$7,215.30 (523 Gierz - \$3,607.65; 509 Gierz - \$1,875.98 and 4732 Douglas - \$1,731.67).

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 Douglas-Gierz Alley described herein.

SECTION 5. That a certified copy of this ordinance and an accurate map of the Vacated Douglas-Gierz Alley 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, upon satisfaction of all conditions contained in Section 3 of this ordinance.

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

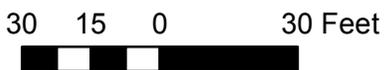
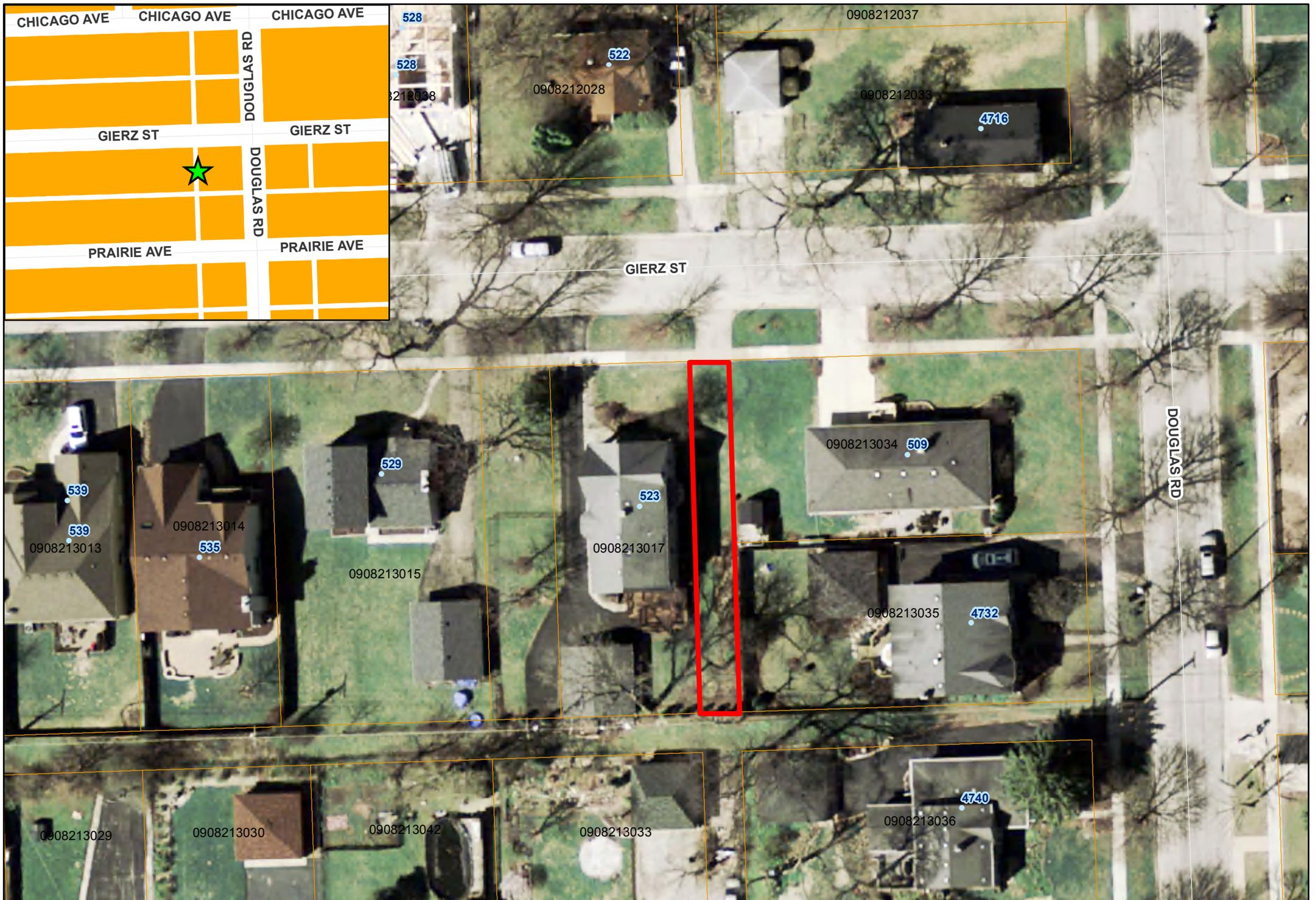
Passed:

Published:

Attest:

Village Clerk

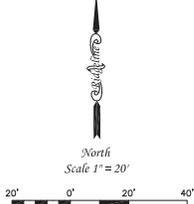
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4732 Douglas, 509 Gierz, and 523 Gierz - Alley Vacation Request - 18-PLC-0017



Plat of Vacation and Plat of Easement



ABBREVIATION LEGEND

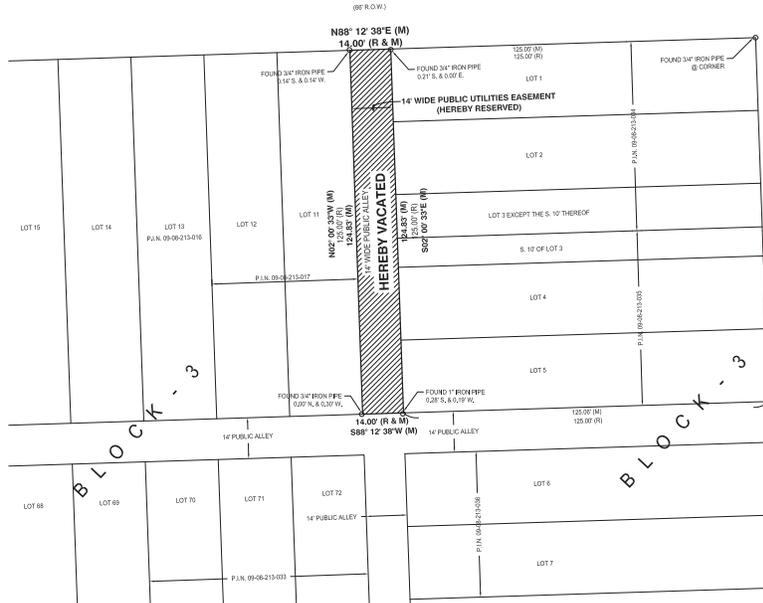
- E = EAST
- M = MEASURED DISTANCE
- N = NORTH
- R = RECORD DISTANCE
- R.O.W. = RIGHT OF WAY
- S = SOUTH
- W = WEST

SYMBOL LEGEND

- = AREA OF VACATION AND AREA OF PUBLIC UTILITIES EASEMENT PREMISES

LEGAL DESCRIPTION OF VACATED ALLEY AND PUBLIC UTILITIES EASEMENT PREMISES:
 THAT PART OF THE 14.00 FOOT WIDE PUBLIC ALLEY LYING EAST OF AND ADJOINING LOT 11, AND LYING WEST OF AND ADJOINING LOTS 1 THROUGH 5 BOTH INCLUSIVE, AND LYING SOUTH OF AND ADJOINING A LINE BETWEEN THE NORTHWEST CORNER OF SAID LOT 11 AND THE NORTHWEST CORNER OF SAID LOT 1, AND LYING NORTH OF AND ADJOINING A LINE BETWEEN THE SOUTHWEST CORNER OF SAID LOT 11 AND THE SOUTHWEST CORNER OF SAID LOT 6, ALL IN BLOCK 3 IN GOSTYN, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTERS OF SECTION 26, TOWNSHIP 26 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1888 AS DOCUMENT NUMBER 41185, ALL IN BURIDGE COUNTY, ILLINOIS,
 AREA OF VACATED ALLEY = 1747.56 SQUARE FEET

GIERZ AVENUE



DOUGLAS ROAD
(R.O.W.)

EASEMENT PROVISIONS
 AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO COMMONWEALTH EDISON COMPANY AND SBC TELEPHONE COMPANY, GRANTEEES.

THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE, FROM TIME TO TIME, POLES, GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL, REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON OR ON ADJACENT LOTS, AND COMMON AREAS OR AREAS, THE RIGHT TO CUT, TOP OR REMOVE TREES, SHRUBS, ROOTS AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE "CONDOMINIUM PROPERTY ACT", CHAPTER 765 ILCS 605/2(C), AS AMENDED FROM TIME TO TIME.

THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "COURTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS" AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT. RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF THE GRANTEE/LOT OWNER UPON WRITTEN REQUEST.

PUBLIC RIGHT-OF-WAY VACATION;

EXISTING EASEMENT PROVISIONS:

AN EASEMENT IS 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 AREAS MARKED "PUBLIC UTILITIES EASEMENT" RESERVATION ON THE PLAT OF VACATION OF THE VACATED STREET 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 TELEVISION SYSTEMS AND ALL NECESSARY 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 THE 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 (IMPROVEMENTS) AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE FORESAID USES AND RIGHTS. ANY INSTALLATIONS OF IMPROVEMENTS PLACED IN THE EASEMENT SHALL BE AT THE PROPERTY OWNER'S SOLE EXPENSE AND THE VILLAGE SHALL NOT BE RESPONSIBLE FOR REPAIRING, MAINTAINING OR REPLACING ANY IMPROVEMENTS. THE PROPERTY OWNERS SHALL INDEMNIFY AND HOLD HARMLESS THE VILLAGE, ITS AGENTS, OFFICERS AND EMPLOYEES AGAINST ALL INJURIES, DEATHS, LOSSES, DAMAGES, CLAIMS, SUITS, JUDGEMENTS, COSTS AND EXPENSES WHICH MAY ARISE DIRECTLY OR INDIRECTLY FROM THE INSTALLATION OF ANY AND IMPROVEMENTS IN THE EASEMENT AREA. THE VILLAGE SHALL NOT BE RESPONSIBLE OR LIABLE FOR ANY DAMAGE INCURRED TO THE IMPROVEMENTS DURING OR AS A RESULT OF ANY REPAIR, MAINTENANCE, OPERATION, USE OR INSTALLATION OF EQUIPMENT OR FACILITIES WITHIN THE EASEMENT AREA. ALL INSTALLATIONS OF IMPROVEMENTS 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 PROGRESS, EGRESS AND THE PERFORMANCE OF ANY AND ALL MUNICIPAL AND OTHER GOVERNMENTAL SERVICES.

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
) JSS
 COUNTY OF DUPAGE)
 APPROVED THIS _____ DAY OF _____, A.D. 20____ BY
 THE VILLAGE COUNCIL OF THE VILLAGE OF DOWNERS GROVE, PURSUANT TO
 ORDINANCE / RESOLUTION NUMBER _____

BY: _____
 MAYOR
 ATTEST:
 VILLAGE CLERK: _____

COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
) JSS
 COUNTY OF DUPAGE)
 I, THE UNDERSIGNED, AS THE RECORDER OF DEEDS FOR
 COUNTY DO HEREBY CERTIFY THAT INSTRUMENT NUMBER
 _____ WAS FILED FOR RECORD IN THE RECORDERS OFFICE OF
 _____ COUNTY, ILLINOIS, ON THE _____ DAY OF
 _____, A.D. 20____ AT _____ O'CLOCK _____ M.

RECORDER OF DEEDS

PLEASE TYPE/PRINT NAME

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
) SS
 COUNTY OF KANE)

WE, THE ENGINE CONSULTANTS, LLC, HEREBY STATE THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF THE SAME. FOR THE PURPOSES SHOWN HEREON,
 DATED THIS _____ DAY OF _____, A.D. 20____.

GEORGE H. SKULAVIK
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2560
 MY LICENSE EXPIRES / RENEWS 11/30/18

Page 1 of 1



GEORGE H. SKULAVIK P.L.S. 038-002580 EXPIRATION DATE 11/30/2018
 STACY L. STEWART P.L.S. 035-002415 EXPIRATION DATE 11/30/2018
 PROFESSIONAL DESIGN FIRM NO. 154-004755
 1661 ARDENT ROAD
 NILES, ILLINOIS 60067
 PHONE 830-401-1727 FAX 830-401-1385

File Name	File Size	Created
201811	100 KB	11/30/2018 10:00:00 AM
Client	Project	Checked By
GEORGE H. SKULAVIK	DOUGLAS ROAD	GHS
Drawn By	Checked By	Checked By
GHS	GHS	GHS
Drawn By	Checked By	Checked By
GHS	GHS	GHS
Client	Project	Checked By
GEORGE H. SKULAVIK	DOUGLAS ROAD	GHS
Drawn By	Checked By	Checked By
GHS	GHS	GHS



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
JULY 23rd, 2018 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
18-PLC-0017 4732 Douglas Road, 509 Gierz Avenue, and 523 Gierz Avenue	Alley Vacation	Flora Ramirez Planner

REQUEST

The petitioner is requesting a vacation of a 14-foot wide by 124.83-foot deep alley immediately adjacent to and between the properties at 4732 Douglas Road, 509 Gierz Avenue, and 523 Gierz Avenue

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: Timothy O'Neill
4732 Douglas Road
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-4, Residential Detached House 4 (adjacent properties)
EXISTING LAND USE: Unimproved Right-of-Way
PROPERTY SIZE: 1,747.56 square feet
PINS: 09-08-213-016, -017, -034, -035 (adjacent properties)

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-4, Residential Detached House 4	Single Family Detached
SOUTH:	R-4, Residential Detached House 4	Single Family Detached
EAST:	R-4, Residential Detached House 4	Single Family Detached
WEST:	R-4, Residential Detached House 4	Single Family Detached

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. Project Narrative
3. Plats of Survey
4. Plat of Easement/Vacation

PROJECT DESCRIPTION

The applicant is requesting that the Village vacate the 14-foot wide by 124.83-foot long unimproved alley adjacent to 4732 Douglas Road, 509 Gierz Avenue, and 523 Gierz Avenue.

The properties at 4732 Douglas Road, 509 Gierz Avenue, and 523 Gierz Avenue are the only properties which abut the alley proposed to be vacated. The alley runs north-south from Gierz Avenue to Prairie Avenue and is unimproved with the exception of an existing apron off of Gierz Avenue. The removal of this approach and restoration to green space with street curbing as a condition of approval.

Written consent was received for the three abutting property owners. The owner of 4732 Douglas Road filed the petition subject to purchasing a quarter of the alley that abuts their property. The owners of 523 Gierz Avenue have provided written consent subject to purchasing half of the alley that abuts their property. The owners of 509 Gierz Avenue have also provided written consent subject to purchasing a quarter of the alley that abuts their property.

The table below summarizes the estimated fair market value of the entire alley to be vacated:

Land Value per Acre	Sq.Ft. of Alley to be Vacated	Estimated Value	Encumbered Value	523 Gierz Avenue	509 Gierz Avenue	4732 Douglas Road
\$545,000	1,747.56	\$21,864.56	\$7,215.30	\$3,607.65	\$1,803.83	\$1,803.83

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. The utility providers and the Village do not object 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 vacation that includes the required easements.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

According to the Future Land Use Plan, the neighboring properties and all surrounding properties are designated as Single Family Residential. The vacation of this alley would not alter the future uses of the surrounding properties, and the Village will retain a permanent easement.

The Residential Area Plan notes that the Village should continue to ensure that quality housing stock remains a staple of the community, and modernization of the existing housing stock is one way to achieve this. The vacation of the alley will provide more flexibility for future development.

COMPLIANCE WITH ZONING ORDINANCE

All of the surrounding properties are zoned R-4, Residential Detached House 4. The portion of the alley being vacated will be split between the adjacent properties and zoned R-4, Residential Detached House 4.

At this time, no construction is proposed on any of the properties. Because an easement is required on the entire alley, no new buildings or structures, other than a driveway or fence, could be constructed on the vacated alley.

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 expressing interest in the alley vacation process.

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 are listed below:

1. Is there written consent of at least two property owners who abut 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.
3. Whether the Parcel or portion thereof, should be vacated and whether public utility easements and any ingress-egress easements are to be maintained.
4. The amount and type of compensation, if any, to be required as a condition to the effectiveness of the vacation of the parcel.

RECOMMENDATIONS

Staff will provide a recommendation at the July 23, 2018 Plan Commission Meeting.

DRAFT MOTION

Should the Plan Commission find that the request complies with the alley vacation policy, staff has prepared a draft motion that the Plan Commission may make for approval of 18-PLC-0017:

Based on the petitioner's submittal, the staff report, and the testimony presented, the proposed alley vacation complies with the alley vacation policy of the Village and is in the public interest. Therefore, I move that the Plan Commission recommend that Village Council approve 18-PLC-0017. Subject to the following conditions:

1. The vacation shall substantially conform to the staff report dated July 23, 2018.
2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 14-foot public drainage, utility and utility access easement along the entire length and width of the alley to be vacated.

3. The existing driveway approach, directly north of the alley, shall be removed and restored to match the existing right of way.
4. Prior to execution of the plat, the petitioners shall pay the Village a total of \$7,215.30.

Staff Report Approved By:



Stanley J. Popovich, AICP
Director of Community Development

Project Summary/Narrative Letter

April 18, 2018

Department of Community Development

801 Burlington Avenue

Downer Grove, IL 60515

RE: Petition for Plan Commission; Right-of-Way Vacation of Alley

To whom it may concern:

The purpose of this letter is to address item number 5. "Project Summary Narrative Letter" on the Plan Commission Petitioner's Submittal Checklist.

The owners of 4732 Douglas Road, 509 Gierz Street, and 523 Gierz Street would like to purchase the "right-of-way" alley that connects our properties. Included with this submission are all documents requested in the Petitioner's Submittal Checklist. The property owners would like to acquire the alleyway to increase the footprint of their respective yard.

The three property owners adjoining the right-of-way plan to divide the property into three sections. The alley way is 14' wide and that will be bifurcated. The property line between 4732 Douglas and 509 Gierz will extend the 7" into the right-of-way and that line will divide the entire section into three parts. The map on the following page shows how the property will be divided.

ORANGE → 509 Gierz

Green → 4732 Douglas

Yellow → 523 Gierz

Please direct all questions or request for needed information to, Timothy O'Neill of 4732 Douglas Road.

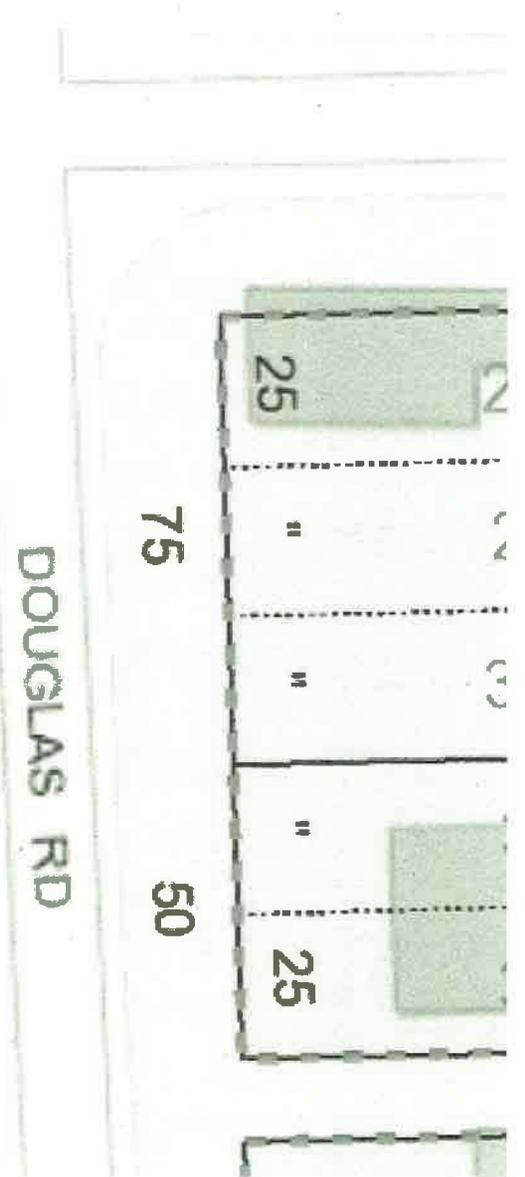
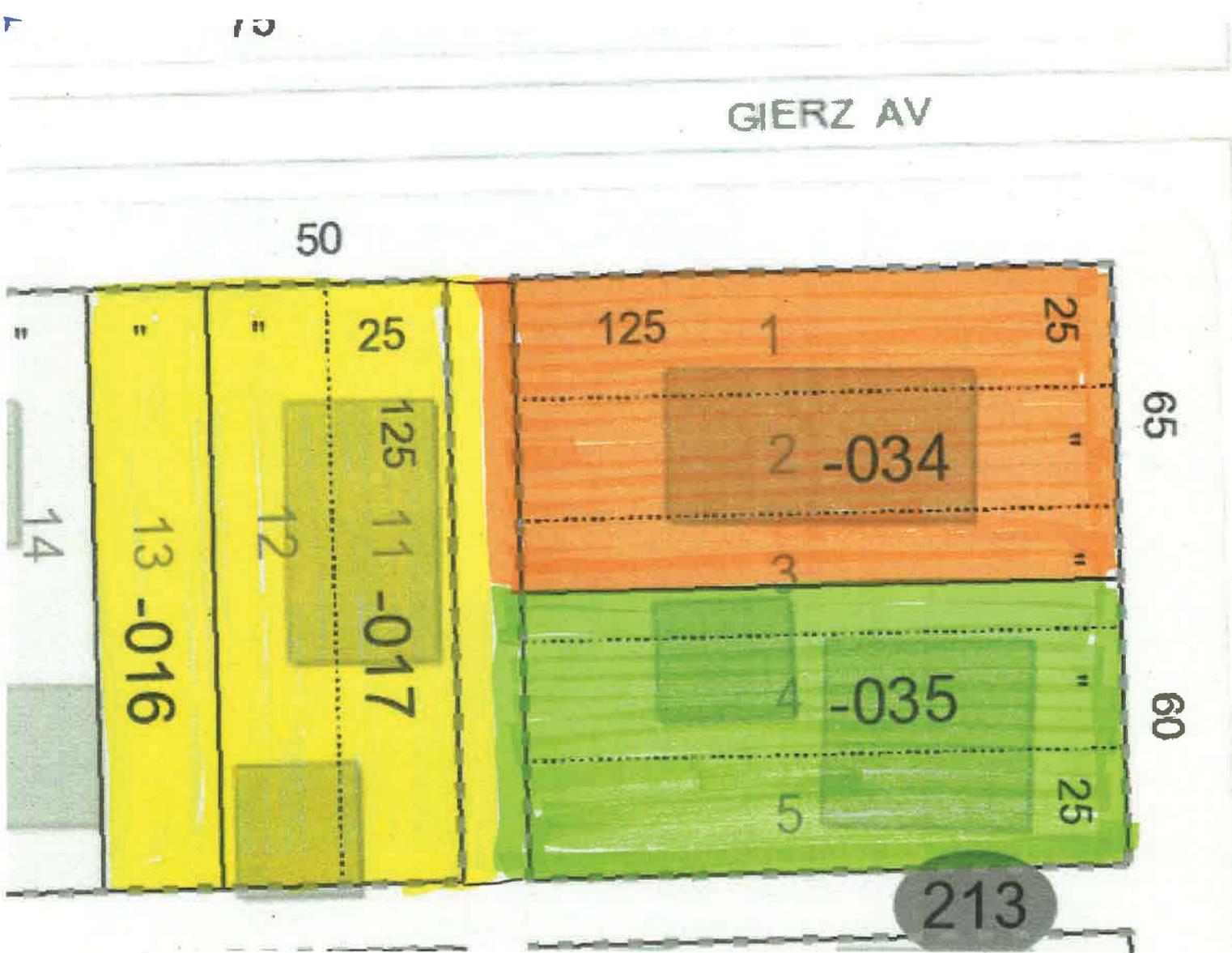
Sincerely,



Timothy O'Neill

312-802-6656

Toneill312@gmail.com





4732 Douglas, 509 Gierz, and 523 Gierz - Alley Vacation Request - 18-PLC-0017





KABAL SURVEYING COMPANY

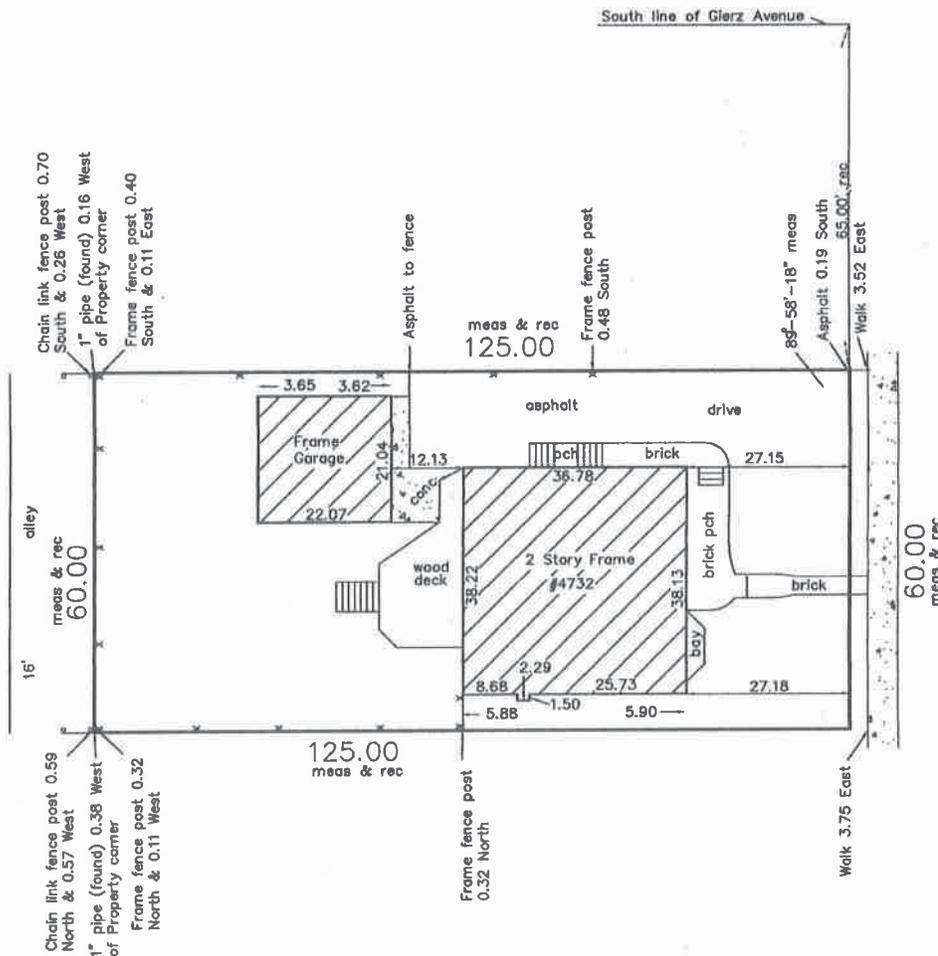
Land Surveying Services

Plat of Survey

The South 10 feet of Lot 3 and all of Lots 4 and 5 in Block 3 in Costyn, being a Subdivision of part of the Northeast quarter of Section 8, Township 38 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof recorded June 8, 1889 as Document Number 41185, in DuPage County, Illinois.

Address: 4732 Douglas Road, Downers Grove

2411 Hawthorne Avenue
Westchester, Illinois 60154
(708) 662-2662
Fax (708) 662-7914
email: kabal-surveying@comcast.net
website: KabalSurveyingCompany.com
Registration No. 184-003081



LEGEND

- conc = concrete, pc = point of curve
- R.O.W. = right-of-way
- rec = record, N = North
- meas = measured
- pch = porch, rad = radius
- prc = point of reverse curve

Area of property is approximately 7,500 square feet

"X" in box indicates that hereon drawn plat was ordered as a non-monumented survey

Please check Legal Description with Deed and report any discrepancy immediately.

Surveyed July 25, 20 14
Building Located July 25, 20 14

Scale: 1 inch = 20 ft.
Order No. 140706
Ordered By: The Fry Group, LLC

This professional service conforms to the current Illinois minimum standards for a boundary survey

STATE OF ILLINOIS }
COUNTY OF COOK } s.s.

I, STEPHEN J. BALEK, an Illinois Professional Land Surveyor, hereby certify that I have surveyed the property described above and the plat hereon drawn is a correct representation of said survey.

Dimensions are in feet and decimal parts thereof and are corrected to a temperature of 62 degrees Fahrenheit.

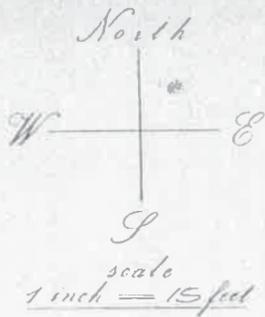


Stephen J. Balek

Illinois Professional Land Surveyor No. 035-001712
My license expires on November 30, 2014

ORIGINAL SEAL IN RED

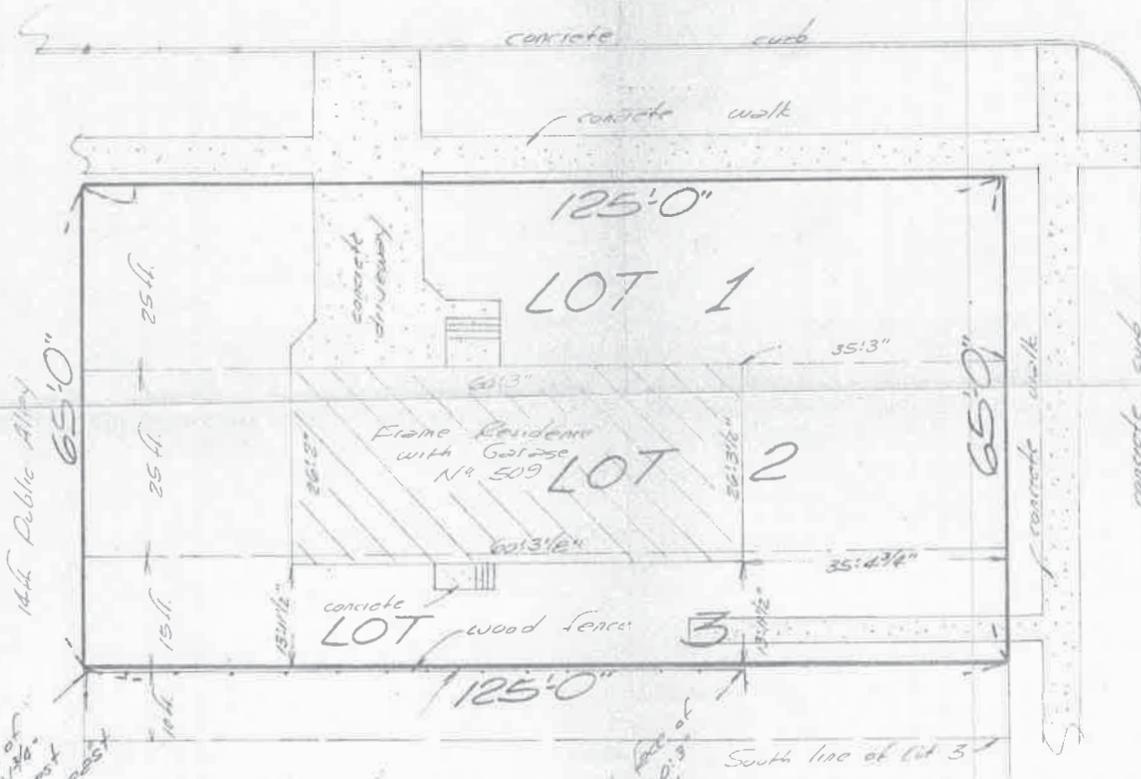
Plat Of Survey



Property located at: 509 Gierz Street
 Legally described as:

All lots 1 and 2 and 3 (except the South 10 feet thereof) in Block 3 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, according to the Plat thereof recorded June 8, 1889 as Document 41158, in Du Page County, Illinois.

GIERZ ST.



mark line of fence is 0.176" south and west face is 0.171" east

mark line of fence is 0.3" south

North line of the South 10 feet of Lot 3

State of Illinois) ss
 County of Cook)
 I, Michael J. Emmert, a Registered Illinois Land Surveyor, do hereby certify that I have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey dated this 8 TH day of DECEMBER 19 94

by Michael J. Emmert Registered Illinois Land Surveyor — no. 2499
 115 WEST PALATINE ROAD
 Palatine, Ill. 60067
 994 6898



DRAFT MINUTES

that the Plan Commission recommend that Village Council approve 18-PLC-0017. Subject to the following conditions:

1. The vacation shall substantially conform to the staff report dated July 23, 2018.
2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 14-foot public drainage, utility and utility access easement along the entire length and width of the alley to be vacated.
3. The existing driveway approach, directly north of the alley, shall be removed and restored to match the existing right of way.
4. Prior to execution of the plat, the petitioners shall pay the Village a total of \$7,215.30.

Ms. Johnson seconded the Motion.

AYES: Mr. Boyle, Ms. Johnson, Mr. Kulovany, Ms. Majauskas, Ms. Rollins, Ch. Rickard

NAYS: None

The Motion passed unanimously.

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