

VILLAGE OF DOWNERS GROVE
Report for the Village
8/3/2021

SUBJECT:	SUBMITTED BY:
Abrogation of Easements - Belmont Bible Church - 5430 Belmont Road	Stan Popovich, AICP Director of Community Development

SYNOPSIS

A resolution has been prepared to accept and abrogate certain public easements at 5430 Belmont Road, commonly known as Belmont Bible Church.

STRATEGIC PLAN ALIGNMENT

The goals for 2019-2021 include *Top Quality Village Infrastructure and Facilities*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the August 3, 2021 consent agenda.

BACKGROUND

The subject property, Belmont Bible Church, is located on approximately 2.77 acres of land at the southwest corner of the intersection of Belmont Road and Inverness Avenue and is zoned INP-1, Neighborhood-Scale Institutional and Public District.

In 2021, the Village granted approval of an Annexation, Zoning Ordinance Map Amendment and a Special Use for a religious assembly and private school use in order to allow the construction of a two-story, 32,574 square-foot building for Belmont Bible Church. The property owner is requesting abrogation of certain public easements that are no longer necessary due to construction of the new building. With the abrogation request the property owner will also be dedicating certain public easements. This request fulfills a condition of approval, which stated that the applicant shall administratively consolidate the five lots into one lot of record and that easements shall be provided in accordance with the Subdivision Ordinance.

The Village had determined that the abrogation of the easements will not adversely affect the Village and the new provided easements will be sufficient.

ATTACHMENTS

Resolution
Plat of Easement and Abrogation

RESOLUTION NO. _____**A RESOLUTION ACCEPTING AND ABROGATING CERTAIN PUBLIC EASEMENTS
IN THE VILLAGE OF DOWNERS GROVE FOR 5430 BELMONT ROAD**

WHEREAS, 5416, 5418, 5430 Belmont Road and 2097 Inverness Avenue, Downers Grove, IL 60515 (PINs 08-12-411-010, -011, -015, -030 & -031) (hereinafter referred to as the "Property") is presently zoned in the "INP-1, Neighborhood-Scale Institutional and Public District" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the Village of Downers Grove ("the Village") approved a Special Use per Section 28.12.050 of the Zoning Ordinance to permit religious assembly and private school use; and

WHEREAS, the property owner is requesting abrogation of certain public easements that are no longer necessary due to anticipated construction of the religious assembly and private school use; and

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 these public easements on the Property; and

WHEREAS, the Village Council, after due investigation and consideration, has determined that there is no evidence of any Village use of these public easements; 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 abrogation of said public easements; and

WHEREAS, the property owner will also be dedicating certain public easements to the Village,

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

SECTION 1. That the public easements dedicated via the Plat of Subdivisions recorded as document numbers R1953-673822, R1950-594821, and R2008-131545 are hereby abrogated and closed as specifically depicted and marked in the Plat of Easement and Vacation attached hereto as Exhibit A and described as follows:

THE WEST 10' OF LOT 1 AND THE SOUTH & WEST 10' OF LOT 2 IN STEVENS BELMONT OFFICE SUBDIVISION, BEING A RESUBDIVISION OF LOT 1, LOT 2, AND LOT 3, IN CARLSON'S RESUBDIVISION OF LOT 24 IN ARTHUR T. MCINTOSH'S

BELMONT FARMS, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID CARLSON'S RESUBDIVISION RECORDED JULY 17, 1950 AS DOCUMENT 598421, CERTIFICATE OF CORRECTION RECORDED FEBRUARY 23, 1950 AS DOCUMENT 70856 AND DOCUMENT NO. 08-131545, IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

THE NORTH 10' OF THE WEST 100' AND THE WEST 10' OF LOT 4 IN CARLSON'S RESUBDIVISION, IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT R1950-598421, IN DUPAGE COUNTY, ILLINOIS

AND ALSO:

THE EAST AND SOUTH 10' OF LOT 1 AND THE EAST 10' OF THE SOUTH 110' AND THE SOUTH 10' OF LOT 2 IN RICHARD E. CARLSON'S RESUBDIVISION OF PART OF LOT 5 OF CARLSON'S RESUBDIVISION OF LOT 24 OF ARTHUR T. MCINTOSH AND COMPANY'S BELMONT FARMS, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF RICHARD E. CARLSON'S RESUBDIVISION OF PART OF LOT 5, AFORESAID RECORDED FEBRUARY 10, 1953 AS DOCUMENT 673822, IN DUPAGE COUNTY, ILLINOIS.

and that it is hereby declared that the same are no longer required for public use and that the public interest will be served by such abrogation.

SECTION 2. That the Village of Downers Grove accepts the public utility easement shown as dedicated in Exhibit A.

SECTION 3. That a certified copy of this resolution may be filed for record in the Office of the Recorder of Deeds, DuPage County, Illinois.

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:

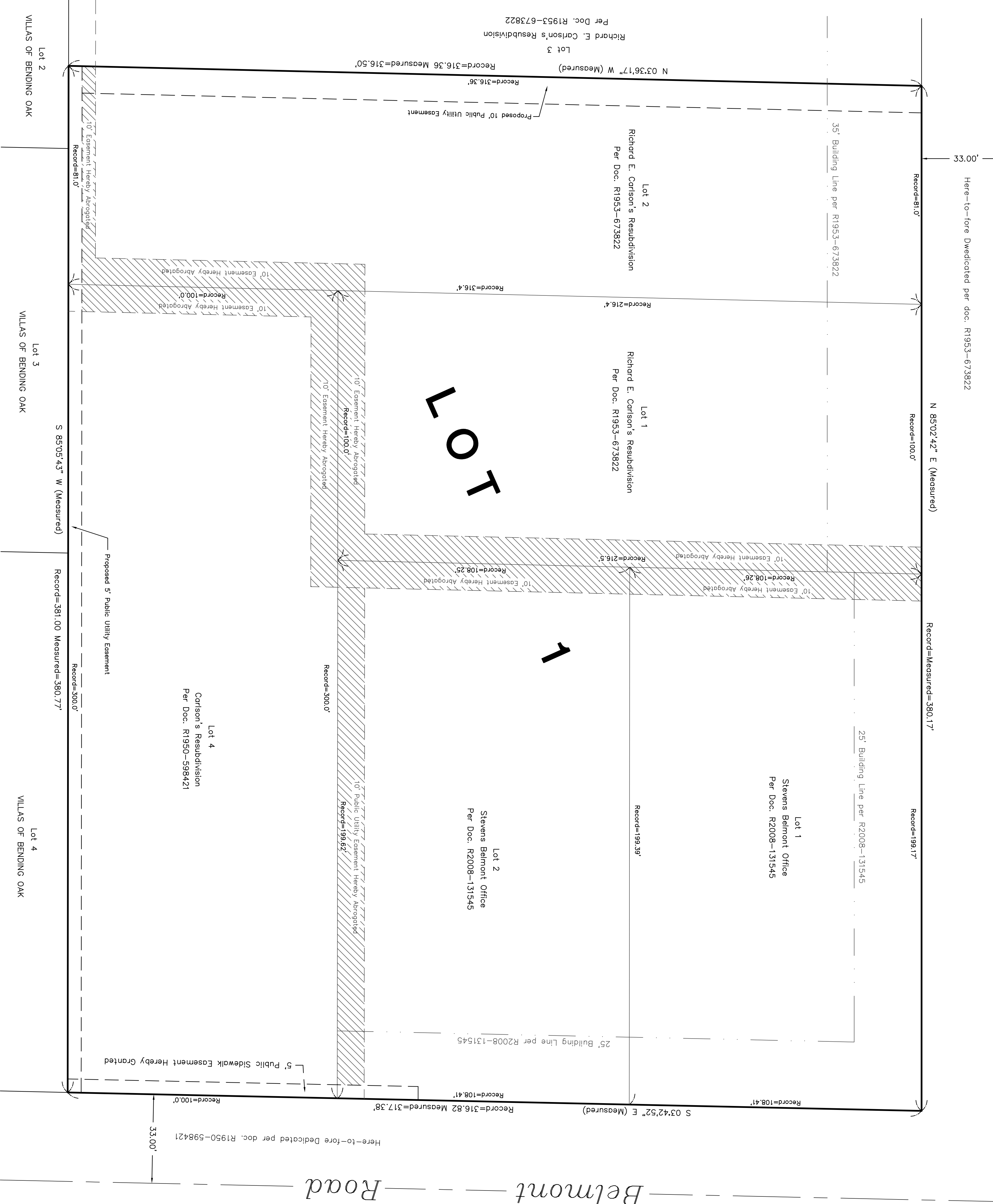
Attest: _____

Village Clerk

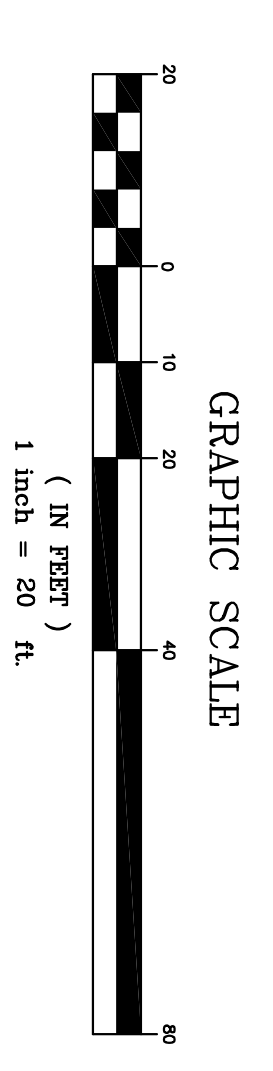
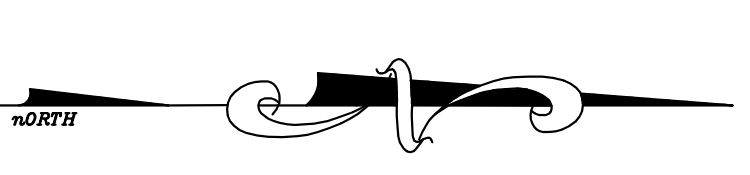
BELMONT BIBLE CHURCH CONSOLIDATION

OF PART OF THE NORTHWEST FRACTIONAL QUARTER AND THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 34 TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS.

Inverness Avenue



Belmont Road



PN: 08-12-4H-010,011,015,030 +031

Easement Legend	
	Existing Easement Hereby Abrogated (No Utilities located within this area)
	Public Utility Easement Hereby Granted

SURVEYOR'S CERTIFICATE
 STATE OF ILLINOIS)
) S.S.
 COUNTY OF DUPAGE)

THIS IS TO CERTIFY I, WILLIAM M. WINGSTEDT, HAVE SURVEYED AND CONSOLIDATED THE PROPERTY DESCRIBED AS FOLLOWS:

LOTS 1 AND 2 IN STEVENS BELMONT OFFICE SUBDIVISION, BEING A RESUBDIVISION OF LOT 1, LOT 2, AND LOT 3, IN CARLSON'S RESUBDIVISION OF LOT 24 IN ARTHUR T. CARLSON'S FARM, BEING A RESUBDIVISION OF THE SOUTH PRINCIPAL MERIDIAN, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID CARLSON'S RESUBDIVISION RECORDED JULY 17, 1950 AS DOCUMENT 598421, CERTIFICATE OF CORRECTION FEBRUARY 23, 195 AS DOCUMENT 70856 AND DOCUMENT NO. 08-131545, IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:
 LOT 4 IN CARLSON'S RESUBDIVISION, IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS
 AND ALSO:

LOT 1 AND LOT 2 IN RICHARD E. CARLSON'S RESUBDIVISION OF PART OF LOT 5 OF CARLSON'S RESUBDIVISION OF LOT 24 OF ARTHUR T. MINTOSH AND COMPANY'S BELMONT FARMS, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF RICHARD E. CARLSON'S RESUBDIVISION OF PART OF LOT 5, AFORESAID RECORDED FEBRUARY 10, 1953 AS DOCUMENT 673822, IN DUPAGE COUNTY, ILLINOIS.

AS SHOWN BY THE ANNEXED PLAT WHICH IS A CORRECT AND TRUE REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

I FURTHER CERTIFY THAT ALL OF THE LOT CORNERS SHOWN ON THE PLAT HERON DRAWN HAVE BEEN MONUMENTED WITH IRON PIPE STAKES AND/OR CONCRETE MONUMENTS.
 I FURTHER AUTHORIZE BELMONT BIBLE REPRESENTATIVE TO RECORD THIS PLAT.
 GIVEN UNDER MY HAND AND SEAL AT OSWEGO, ILLINOIS,
 THIS _____ DAY OF _____ A.D. 20____

WILLIAM M. WINGSTEDT ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-002675
 EXP. 11-30-20

BELMONT BIBLE CHURCH CONSOLIDATION

OF PART OF THE NORTHWEST FRACTIONAL QUARTER AND THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 34 TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS.

FIN: 08-12-411-010.011015.030 +031

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DU PAGE)
APPROVED AND ACCEPTED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF DOWNERS GROVE.

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

MAYOR _____

VILLAGE CLERK _____

VILLAGE OF DOWNERS GROVE COLLECTOR CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DU PAGE)
COLLECTOR FOR THE VILLAGE OF DOWNERS GROVE DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPOINTED AGAINST THE TRACT OF LAND, INCLUDED IN THIS PLAT.

DATED AT THE VILLAGE OF DOWNERS GROVE, ILLINOIS, THIS _____ DAY OF _____, A.D. 20__.

VILLAGE OF DOWNERS GROVE COLLECTOR _____

DOWNERS GROVE SANITARY DISTRICT CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DU PAGE)
COLLECTOR OF THE DOWNERS GROVE SANITARY DISTRICT DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPOINTED AGAINST THE TRACT OF LAND, INCLUDED IN THIS PLAT.

DATED AT THE VILLAGE OF DOWNERS GROVE, ILLINOIS, THIS _____ DAY OF _____, A.D. 20__.

VILLAGE OF DOWNERS GROVE COLLECTOR _____

DUPAGE COUNTY DIVISION OF TRANSPORTATION CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DU PAGE)
THIS PLAT HAS BEEN APPROVED BY THE DUPAGE COUNTY DIVISION OF TRANSPORTATION WITH RESPECT TO ROADWAY ACCESS TO COUNTY HIGHWAY ROUTE 200 (HAWKINS ROAD) AND COUNTY HIGHWAY ROUTE ILLCS 206/2; HOWEVER, A HIGHWAY PERMIT FOR ACCESS IS REQUIRED OF THE OWNER OF THE PROPERTY PRIOR TO CONSTRUCTION WITHIN THE COUNTY'S RIGHTS-OF-WAY.

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

BY: _____ COUNTY ENGINEER _____

ENGINEER'S SURFACE WATER DRAINAGE CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE)SS
This is to certify that I, a Registered Professional Engineer, and owner of the land depicted hereon or its duly authorized attorney, do hereby state, that to the best of our knowledge and belief, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the consolidator has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to adjoining property because of the construction of consolidation. Further, as engineer, I hereby certify that the property which is the subject of this consolidation or any part thereof is not located within a special flood hazard area as identified by the Federal Emergency Management Agency.

RYNIEAR & SON, INC. By: Clarence W. Ryniewski
Name _____

595 Biltwood Circle, Naperville, Illinois 60540
Address _____

PC#184-004637 ILPE #092-023923
Registration Number _____

Dated this _____ day of _____, 20__.

Owner or Attorney _____

Dated this _____ day of _____, 20__.

SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DU PAGE)
THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND KNOW AS SET FORTH IN BELMONT BIBLE CHURCH CONSOLIDATION PLAT TO THE BEST OF THEIR KNOWLEDGE, IS LOCATED WITHIN THE HIGH SCHOOL DISTRICT OF _____ ELEMENTARY SCHOOL DISTRICT IN DUPAGE COUNTY, ILLINOIS.

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

BY: _____

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 AT&T Telebellings Incorporated, Illinois a.k.a. Illinois Bell Telephone Company, Grantees, 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), "Utility Easement", "Public Utility Easement", "P.U.E." (or similar designation) without the prior written consent of Grantees. 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 60/5.2, 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 "outlots", "common elements", "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 Grantees at cost of the Grantor/Lot Owner, upon written request.

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DU PAGE)
THIS INSTRUMENT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____, A.D. 20__ AT _____ O'CLOCK _____ M

RECORDER OF DEEDS _____

DUPAGE COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE)SS
COUNTY CLERK OF DU PAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

I, FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT WHEATON, ILLINOIS, THIS _____ DAY OF _____, A.D. 20__.

COUNTY CLERK _____

OWNERS CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF _____)SS

THIS IS TO CERTIFY THAT _____ ARE THE OWNERS OF THE PROPERTY DESCRIBED ABOVE AND AS SUCH OWNER HAS CAUSED THE SAME TO BE PLATTED AS SHOWN HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND AS ALLOWED AND PROVIDED BY STATUTES, AND SAID OWNER DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE AFORESAID.
DATED AT _____ CITY _____ ILLINOIS, THIS _____ DAY OF _____ MONTH _____, A.D. 20__.

BY: _____ OWNER SIGNATURE AND _____ OWNER SIGNATURE

NOTARY'S CERTIFICATE
STATE OF _____)
COUNTY OF _____)SS

I, _____ A NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____

OF SAID OWNER, WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT HAS SUCH _____ AND _____ TITLE _____ AND _____ TITLE _____

BEFORE ME THIS DAY IN PERSON AND JOINTLY AND SEVERALLY ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE TRUE AND VOLUNTARY ACT OF SAID OWNER FOR THE USES AND PURPOSES THEREIN SET FORTH.

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

NOTARY PUBLIC SIGNATURE _____

PRINT NAME _____

MY COMMISSION EXPIRES ON _____, A.D. 20__.