

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**2/13/2024**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Abrogation of an Easement at 529 Franklin Street	Stan Popovich, AICP Director of Community Development

**SYNOPSIS**

A resolution has been prepared to abrogate a five-foot wide public utility easement at 529 Franklin Street.

**STRATEGIC PLAN ALIGNMENT**

The goals of the 2023-2025 include *Top Quality Village Infrastructure and Facilities*.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval on the February 13, 2024 Consent Agenda.

**BACKGROUND**

The property at 529 Franklin Street is located on the south side of Franklin Street between Linden Place and Douglas Road. The property is zoned R-4, Residential Detached House 4. The petitioner has purchased the adjacent property at 527 Franklin Street and demolished all structures that were previously on the property. The petitioner wishes to construct an addition onto his existing house at 529 Franklin Street that would extend east onto the 527 Franklin Street property but a public utility and drainage easement was placed on their property when it was consolidated in 2017. The abrogation of the public utility easement and future lot consolidation with the adjacent vacant lot directly east will allow for the construction of a residential addition.

The property owner is requesting abrogation of certain Public Utility and Drainage Easements that are no longer necessary. The Village and public utility companies have determined that the abrogation of the Public Utility and Drainage Easement will not adversely affect the Village or utility companies, nor were any facilities located in the easement.

**ATTACHMENTS**

Resolution  
Location Map  
Plat of Abrogation

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION ABROGATING CERTAIN PUBLIC EASEMENTS  
IN THE VILLAGE OF DOWNERS GROVE FOR 529 FRANKLIN STREET**

WHEREAS, the property owner of 529 Franklin Street (“the Property”) is requesting abrogation of certain public easements that are no longer necessary due to an anticipated residential addition; 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

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

SECTION 1. That the 5-foot public easement dedicated via the Plat of Resubdivision recorded as document number R2017-055827 is hereby abrogated and closed as specifically depicted and marked in the Plat of Abrogation attached hereto as Exhibit A and described as follows:

THE EAST 5.00 FOOT EASEMENT EXCEPT THE SOUTH 10.00 FOOT OF THE FOLLOWING DESCRIBED PROPERTY:

LOT 1 IN NAVARRO RESUBDIVISION, BEING A RESUBDIVISION OF LOT 21 AND LOT 22, TOGETHER WITH THE NORTHERLY HALF OF THE VACATED ALLEY LYING SOUTH AND ADJOINING SAID LOTS, IN BLOCK 10 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 7, 2017, AS DOCUMENT R2017-055827, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY ADDRESS: 529 Franklin Street, Downers Grove, IL 60515 PIN 09-08-206-063

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 abrogation.

SECTION 3. That the Village of Downers Grove hereby approves the Plat of Abrogation on for the property located at 529 Franklin Street.

SECTION 4. That a certified copy of this resolution may be filed for record in the Office of the Recorder of Deeds, DuPage County, Illinois.

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.

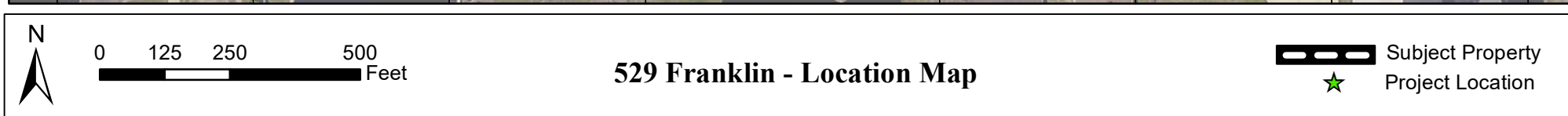
\_\_\_\_\_  
Mayor

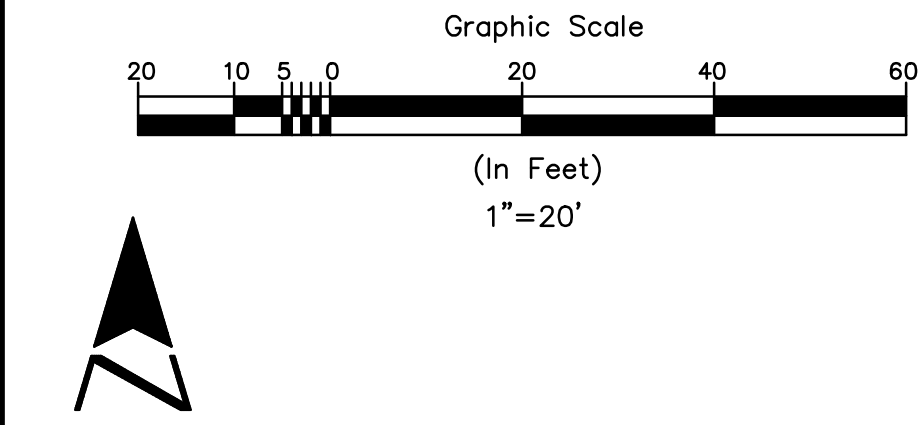
Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk





# PLAT OF ABROGATION

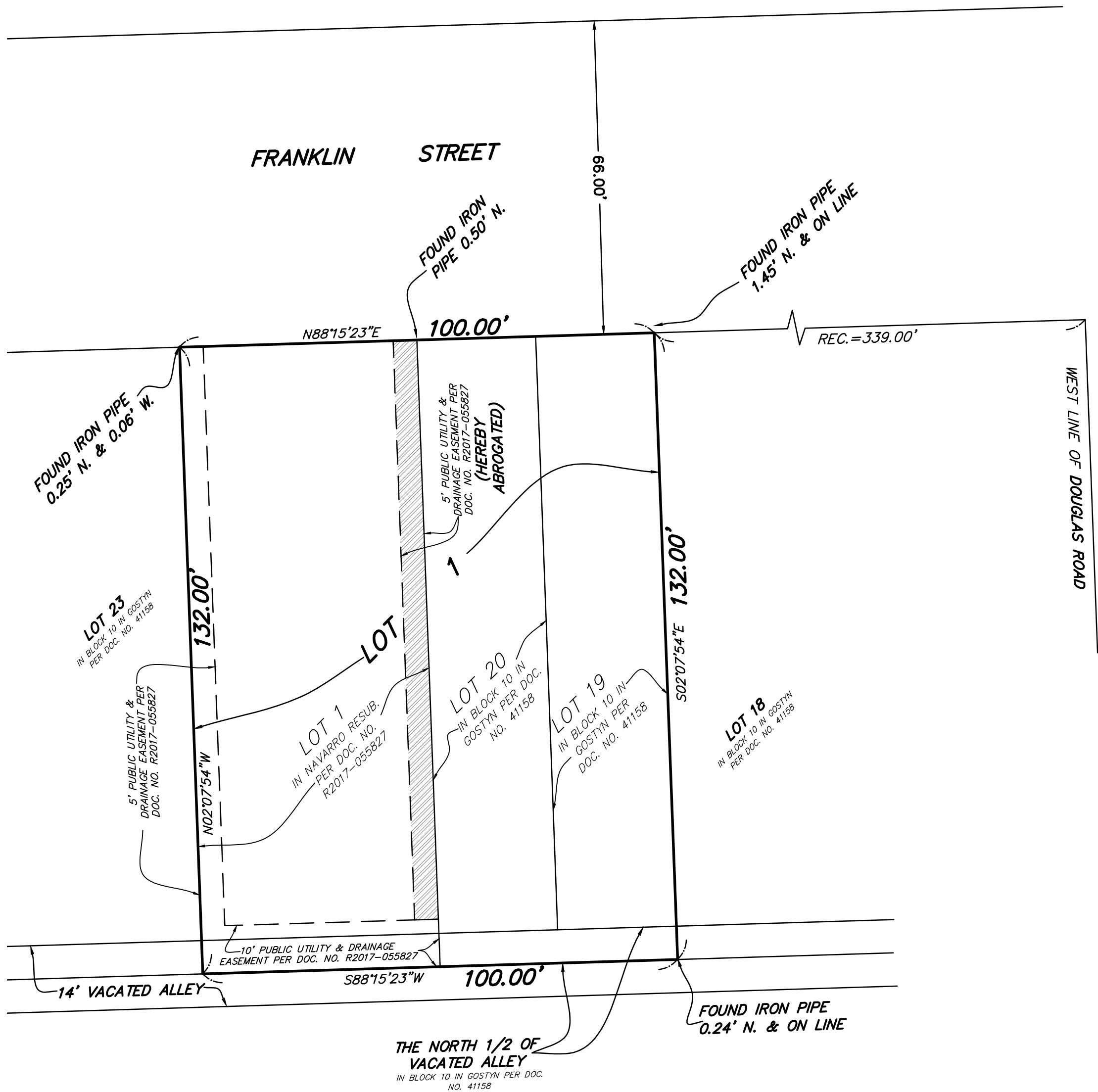
OF 5.00 FOOT EASEMENT

09-08-216-063

## LEGAL DESCRIPTION OF ABROGATION

(P.I.N. NO. 09-08-216-063)

THE EAST 5.00 FOOT EASEMENT EXCEPT THE SOUTH 10.00 FOOT OF THE FOLLOWING DESCRIBED PROPERTY:  
LOT 1 IN NAVARRO RESUBDIVISION, BEING A RESUBDIVISION OF LOT 21 AND LOT 22, TOGETHER WITH THE NORTHERLY HALF OF THE VACATED ALLEY LYING SOUTH AND ADJOINING SAID LOTS, IN BLOCK 10 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 7, 2017, AS DOCUMENT R2017-055827. IN DUPAGE COUNTY, ILLINOIS;



## OWNER

STATE OF ILLINOIS )  
COUNTY OF DUPAGE )

THIS IS TO CERTIFY THAT THE UNDERSIGNED ARE THE OWNER OF THE LAND DESCRIBED IN THE ATTACHED PLAT AND HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON FOR THE USES AND PURPOSES HEREIN INDICATED, AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE HEREIN INDICATED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ AD, 20 \_\_\_\_.

OWNER \_\_\_\_\_ OWNER \_\_\_\_\_  
OWNER \_\_\_\_\_ OWNER \_\_\_\_\_

## COMMONWEALTH EDISON

STATE OF ILLINOIS )  
COUNTY OF DUPAGE )

RELEASE OF THAT PART OF THE EASEMENT SHOWN AND DESCRIBED HEREON APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_

COMMONWEALTH EDISON

BY: \_\_\_\_\_  
SIGNATURE

ITS: \_\_\_\_\_  
TITLE

## COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE )

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_, AT \_\_\_\_ O'CLOCK \_\_\_\_M. AS DOCUMENT NUMBER \_\_\_\_\_.

DUPAGE COUNTY RECORDER OF DEEDS

## NOTARY

STATE OF ILLINOIS )  
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 FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE PLAT AS THEIR OWN FREE VOLUNTARY ACT FOR THE USE AND PURPOSES HEREIN SET FORTH AND HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON SHOWN.

GIVEN UNDER MY HAND AND NOTARIAL SEAL AT \_\_\_\_\_

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ AD 20 \_\_\_\_.

NOTARY PUBLIC

## VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DUPAGE )

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

MAJOR

VILLAGE CLERK

## SURVEYORS CERTIFICATE

STATE OF ILLINOIS )  
COUNTY OF DuPAGE )

I, JOSEPH F. GENTILE, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THE PLAT HEREON DRAWN HAS BEEN PREPARED AT AND UNDER MY DIRECTION FOR THE PURPOSE OF ABROGATING AN EASEMENT AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF THE AREA DESCRIBED HEREON.

GIVEN UNDER MY HAND AND SEAL AT LOMBARD, ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. \_\_\_\_\_  
MY LICENSE EXPIRES NOVEMBER 30, 2024.

NO.	DATE	DESCRIPTION	BY
4	01/05/2024	VILLAGE COUNCIL CERTIFICATE ADDED	MMG
3	01/03/2024	COMMONWEALTH EDISON CERTIFICATE ADDED	MMG
2	10/13/2023	DIRECTOR OF COMMUNITY DEVELOPMENT & VILLAGE ENGINEER'S CERTIFICATES REMOVED	MMG
1	09/20/2023	UTILITY COMPANIES CERTIFICATE REMOVED	MMG

PREPARED BY:

**G** GENTILE & ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS  
550 E. ST. CHARLES PLACE  
LOMBARD, ILLINOIS 60148  
PHONE (630) 916-6262

SUBMITTED BY/MAIL TO:  
VILLAGE OF DOWNERS GROVE  
801 BURLINGTON AVE,  
DOWNERS GROVE, IL 60515

PREPARED FOR: **BILL STANG**

DRAWN BY: MMG ILLINOIS PROFESSIONAL DESIGN  
ORDER NO.: **23-22716 ABRO-REV 4** FIRM LICENSE NO. 184.002870