

VILLAGE OF DOWNERS GROVE
Report for the Village
1/14/2025

SUBJECT:	SUBMITTED BY:
Plat of Abrogation - 425 40th Street	Stan Popovich, AICP Director of Community Development

SYNOPSIS

A resolution has been prepared that will authorize the abrogation of a public utility easement at 425 40th Street.

STRATEGIC PLAN ALIGNMENT

The goals for 2023-2025 include Top Quality Infrastructure.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the January 14, 2025 consent agenda.

BACKGROUND

The subject property is located on approximately 0.42 acres of land on the south side of 40th Street and is zoned R-2, Detached House 2.

In 2018, the Village approved a Lot Reconfiguration for 4001 Douglas Road, 425 40th Street, and 4000 Fairview Avenue. The lot reconfiguration shifted the original western lot line at 425 40th Street 50 feet to the west. The 5-foot utility easements associated with the original subdivision (R1923-169326) on each side this original western lot line were left remaining on the subject property. The property owner is requesting an abrogation of these public utility and drainage easements. The abrogation removes the original aggregate ten-foot public utility easement. It has been deemed that the easements are no longer necessary based on input from utility companies and the Public Works Department.

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

ATTACHMENTS

Resolution
Location Map
Plat of Abrogation

RESOLUTION NO. _____**A RESOLUTION ABROGATING CERTAIN PUBLIC EASEMENTS
IN THE VILLAGE OF DOWNERS GROVE FOR 425 40th STREET**

WHEREAS, the property owner of 425 40th 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 two (2) 5-foot public easements dedicated via the Plat of Subdivision recorded as document number R1923-169326 are hereby abrogated and closed as specifically depicted and marked in the Plat of Abrogation attached hereto as Exhibit A and described as follows:

THE WEST 233.0 OF LOT 18, EXCEPT THE WEST 223.0 FEET THEREOF AND THE SOUTH 10 FEET OF LOT 18, EXCEPT THE WEST 223.0 FEET THEREOF, TOGETHER WITH THE SOUTH 10 FEET OF THE WEST 5 FEET OF LOT 1, IN BLOCK 17 IN ARTHUR T. MCINTOSH AND COMPANY'S FAIRVIEW AVENUE SUBDIVISION IN THE EAST HALF OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 11 AND IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 7, 1923 AS DOCUMENT NUMBER 169326, IN DUPAGE COUNTY, ILLINOIS

OF THE FOLLOWING DESCRIBED PROPERTY:

LOT 1, EXCEPT THE EAST 173.0 FEET AS MEASURED ALONG THE SOUTH LINE THEREOF, AND LOT 18, EXCEPT THE WEST 223.0 FEET THEREOF, IN BLOCK 17 IN ARTHUR T. MCINTOSH AND COMPANY'S FAIRVIEW AVENUE SUBDIVISION, IN THE EAST HALF OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 11 AND IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 7, 1923 AS DOCUMENT NO. 169326, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY ADDRESS: 425 40th Street, Downers Grove, IL 60515 PIN 09-05-209-024

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 3. That the Village of Downers Grove hereby approves the Plat of Abrogation for the property located at 425 40th 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.

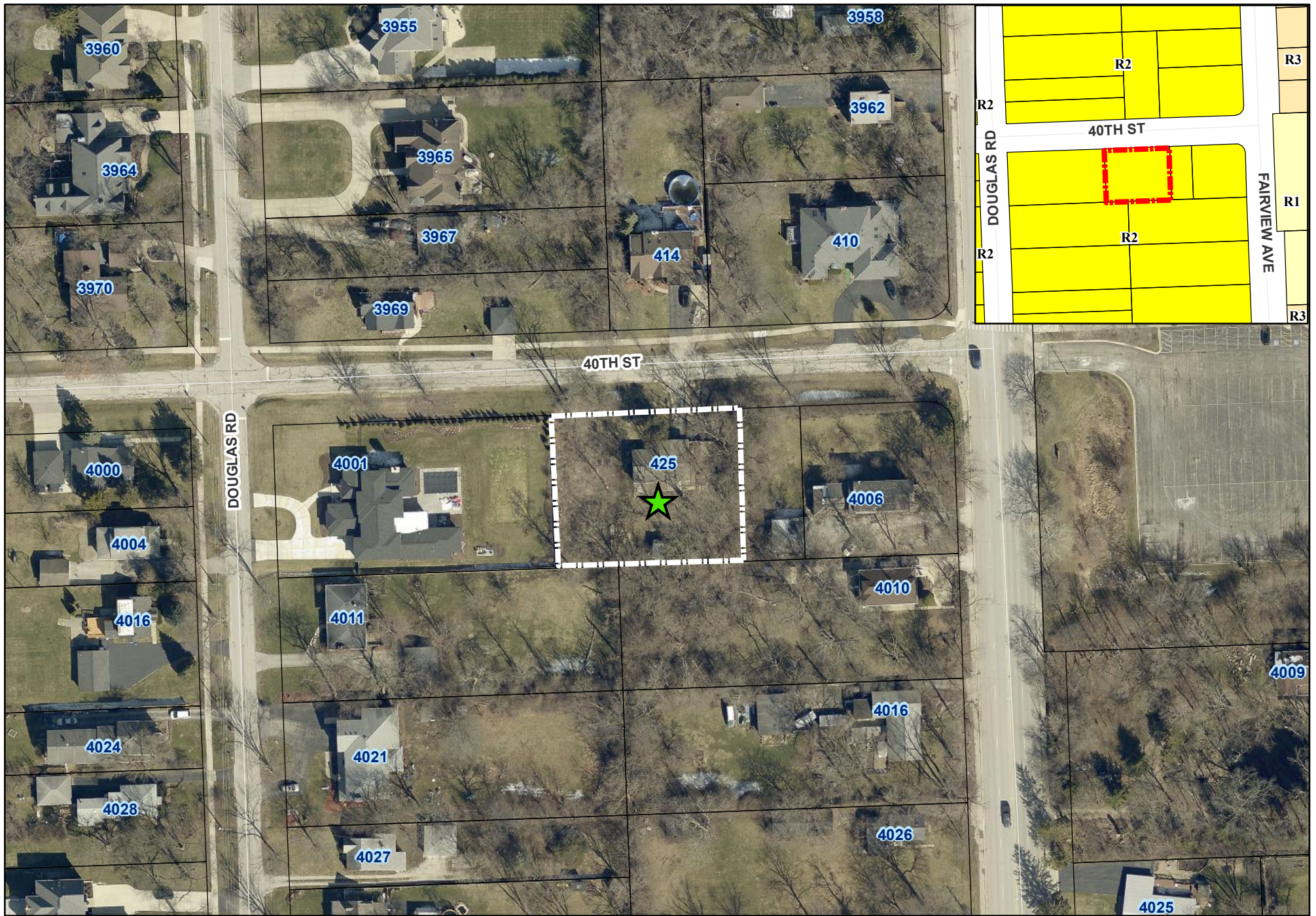
Mayor

Passed:

Published:



Attest: _____

Village Clerk



0 50 100 Feet

425 40th Street - Location Map

 Subject Property
 Project Location

425 40TH STREET, DOWNERS GROVE, ILLINOIS PLAT OF EASEMENT & ABROGATION

THIS PLAT HAS BEEN SUBMITTED FOR RECORDING BY AND RETURN TO:
NAME: DOWNERS GROVE VILLAGE CLERK
ADDRESS: 801 BURLINGTON AVENUE
DOWNERS GROVE, IL 60515

09-05-209-024
TAX PARCEL NUMBER

LEGEND

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

= EASEMENT PREMISES
 = ADJOINING LOTS
 = SUBJECT PROPERTY



Vicinity Map
(No Scale)

BASIS OF BEARINGS:
ALL MEASURED BEARINGS SHOWN HEREON ARE BASED ON NAD 83 ILLINOIS COORDINATE SYSTEM, EAST ZONE (2011 CORRECTION), AS DETERMINED BY USE OF TRIMBLE'S VRS (GPS) NETWORK AND EQUIPMENT.

AREAS:
GROSS AREA OF SUBJECT PROPERTY = 18,442 SQ. FT.
EASEMENT PREMISES = 1,678 SQ. FT. HEREBY GRANTED

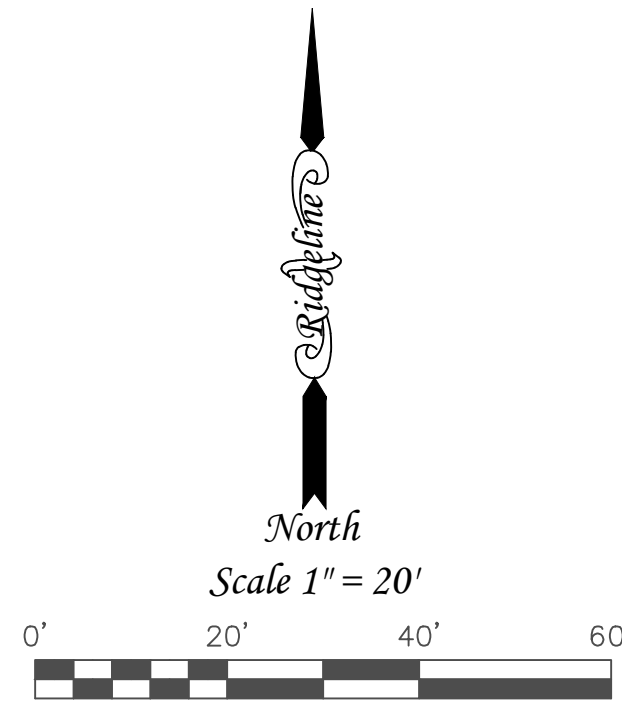
LEGAL DESCRIPTION:

LOT 1, EXCEPT THE EAST 173.0 FEET AS MEASURED ALONG THE SOUTH LINE THEREOF, AND LOT 18, EXCEPT THE WEST 223.0 FEET THEREOF, IN BLOCK 17 IN ARTHUR T. MCINTOSH AND COMPANY'S FAIRVIEW AVENUE SUBDIVISION, IN THE EAST HALF OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 11 AND IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 7, 1923 AS DOCUMENT NO. 169326, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 425 40TH STREET, DOWNERS GROVE, ILLINOIS.

LEGAL DESCRIPTION OF EASEMENT PREMISES:

THE WEST 233.0 OF LOT 18, EXCEPT THE WEST 223.0 FEET THEREOF AND THE SOUTH 10 FEET OF LOT 18, EXCEPT THE WEST 223.0 FEET THEREOF, TOGETHER WITH THE SOUTH 10 FEET OF THE WEST 5 FEET OF LOT 1, IN BLOCK 17 IN ARTHUR T. MCINTOSH AND COMPANY'S FAIRVIEW AVENUE SUBDIVISION IN THE EAST HALF OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 11 AND IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 7, 1923 AS DOCUMENT NUMBER 169326, IN DUPAGE COUNTY, ILLINOIS



OWNER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF) SS
THIS IS TO CERTIFY THAT IS THE OWNER 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 _____, ILLINOIS, THIS ____ DAY
OF _____ (MONTH), 20 ____.
BY: _____ ATTEST: _____
TITLE: _____ TITLE: _____
PRINT TITLE PRINT TITLE

DUPAGE COUNTY CLERK'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
I, _____, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THIS PLAT.
GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, THIS ____ DAY OF _____, A.D. 20 ____.

COUNTY CLERK AND SEAL

VILLAGE COUNCIL CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
APPROVED THIS ____ DAY OF _____, A.D. 20 ____ BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

MAYOR

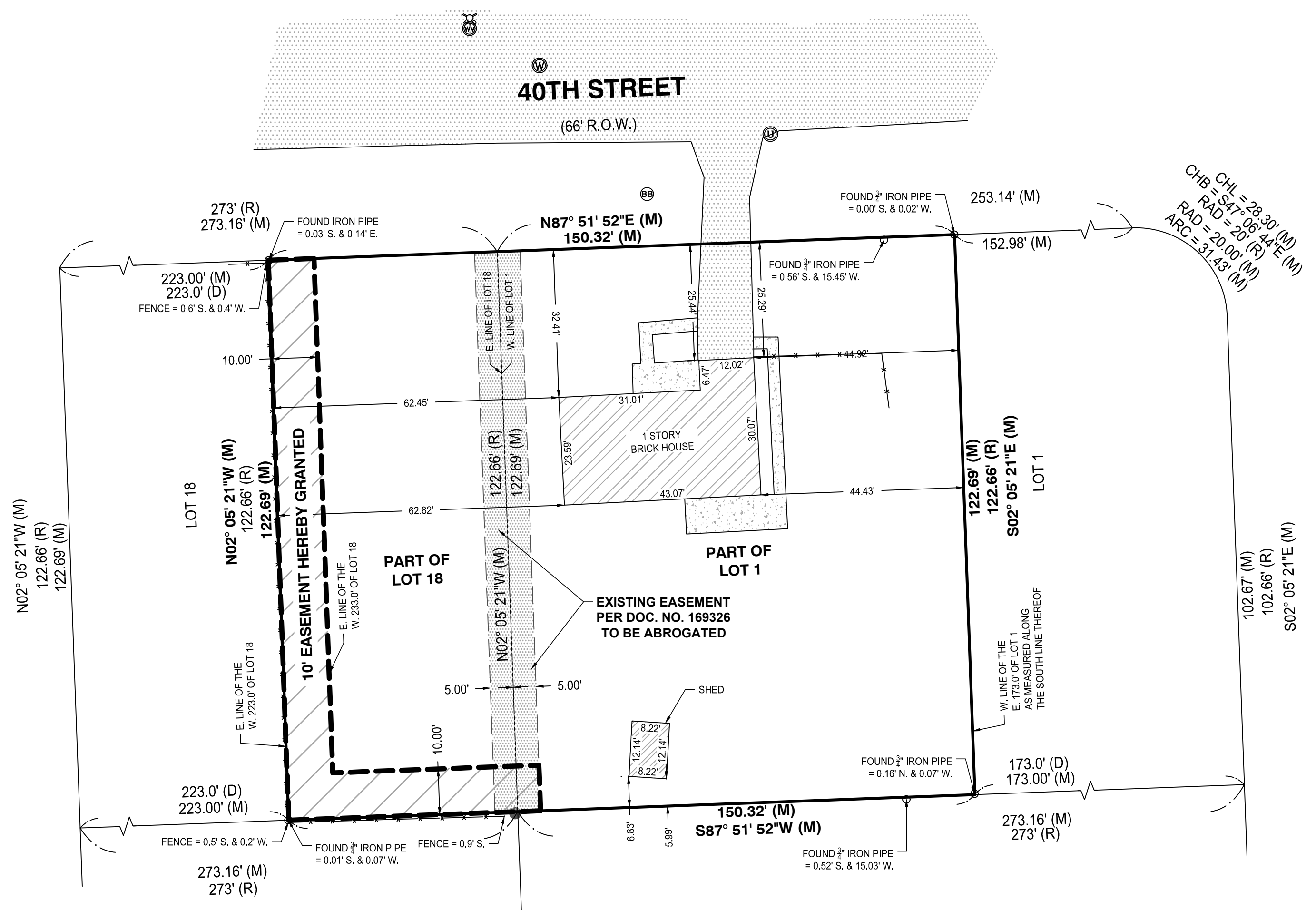
VILLAGE CLERK

NOTARY PUBLIC CERTIFICATE
STATE OF _____)
COUNTY OF _____) SS
I, _____ (PRINT NAME), A NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ (PRINT NAME), _____ (TITLE), AND _____ (PRINT NAME), _____ (TITLE), OF SAID OWNER, WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FORGOING INSTRUMENT AS SUCH _____ (TITLE), AND _____ (TITLE), RESPECTFULLY, APPEARED 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 FREE AND VOLUNTARY ACT OF SAID OWNER FOR THE USES AND PURPOSES THEREIN SET FORTH.
GIVEN UNDER MY HAND AND NOTORIAL SEAL
THIS ____ DAY OF _____, A.D. 20 ____.

NOTARY PUBLIC SIGNATURE
PRINT NAME
MY COMMISSION EXPIRES ON ____ MONTH ____ DAY, 20 ____.

DUPAGE COUNTY RECORDER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
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



PUBLIC UTILITIES 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 TELEHOLDINGS INCORPORATED, ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEEES, THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEPARATELY, 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 AS "COMMON AREA OR AREAS", 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 AREA OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPPLINGS 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, 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 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 GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

SURVEYOR'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF KANE) SS
I, JIANFENG HUA, AN ILLINOIS LICENSED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAT FROM EXISTING RECORDS FOR THE PURPOSE OF GRANTING A PUBLIC UTILITY EASEMENT AND THAT THIS PLAT IS AN ACCURATE DEPICTION AND DESCRIPTION OF SAID EASEMENT.
GIVEN UNDER MY HAND AND SEAL AT MONTGOMERY, ILLINOIS, THIS ____ DAY OF _____, 20 ____.

JIANFENG HUA
PROFESSIONAL LAND SURVEYOR NO. 035-004071
LICENSE EXPIRES 11-30-2026
PROFESSIONAL DESIGN FIRM NO. 184-004766

VILLAGE PROJECT # XX-XXXXXXX

CONSULTANT	PREPARED FOR / PROPERTY OWNER	PROJECT NAME	CONSULTANT PROJECT NUMBER	PREPARED DATE: NOVEMBER 13, 2023	SHEET 1 OF 1
RIDGELINE CONSULTANTS, LLC 1661 AUCUTT ROAD MONTGOMERY, ILLINOIS 60538 PHONE 630-801-7927 FAX 630-701-1385	BRADLEY CONSTRUCTION	425 40TH STREET DOWNERS GROVE, ILLINOIS	2023-0495	DATE	
				5/20/24	
				12/10/24	