

VILLAGE OF DOWNERS GROVE
Report for the Village
2/18/2025

SUBJECT:	SUBMITTED BY:
5241 Lyman Avenue and 831 Maple Avenue - Alley Vacation	Stan Popovich, AICP Director of Community Development

SYNOPSIS

The petitioners are requesting the vacation of a 16-foot by 50.75-foot right-of-way in between their two properties. The following items have been prepared:

1. An ordinance vacating the public alley.
2. A motion waiving the \$1,676.65 payment for the vacated public alley from the Downers Grove Park District.

STRATEGIC PLAN ALIGNMENT

The Goals for 2023 to 2025 include Exceptional Municipal Services.

FISCAL IMPACT

The Petitioner at 5241 Lyman will pay the Village \$1,676.65 for a portion of the vacated alley. The Park District is requesting a waiver of the payment required for the vacated public alley. 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 right-of-way to be Vacated	Estimated Value	Encumbered Value	5241 Lyman Avenue	831 Maple Avenue
\$545,000	812.18	\$10,161.51	\$3,353.3	\$1,676.65	\$1,676.65

RECOMMENDATION

UPDATE & RECOMMENDATION

This item was discussed at the February 11, 2025 Village Council meeting. Staff recommends approval on the February 18, 2025 Active Agenda.

Approval on the February 18, 2025 active agenda per the Planning and Zoning Commission's unanimous 7:0 positive recommendation. The Planning and Zoning Commission found that the proposal is compatible with the Comprehensive Plan and meets the requirements of the Village Council Policy, Resolution 2003-58.

BACKGROUND

Property Information and Zoning Request

The applicant is requesting that the Village vacate the 16-foot wide by 50.75-foot deep unimproved right-of-way immediately adjacent to and between the property at 5241 Lyman Avenue and 831 Maple Avenue. The resulting vacation would be split between the two abutting properties and provide more flexibility for future site development all lots.

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 easements.

Compliance with the Zoning Ordinance

No new construction or development is proposed at this time. Only a fence or driveway can be constructed with 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 table of the community, and modernization of the existing housing stock is one way to archive this. The vacation of the alley will provide more flexibility for future development.

Public Comment

There were no public comments.

ATTACHMENTS

Ordinance

Aerial Map

Staff Report with attachments dated January 27, 2025

Draft Minutes of the Planning and Zoning Commission Hearing dated January 27, 2025

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney **DATE:** February 18, 2025
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** 25-PZC-0005
(Board or Department)

NATURE OF ACTION:

☒ Ordinance
☐ Resolution
☐ Motion
☐ Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to adopt "AN ORDINANCE VACATING A PORTION OF AN UNIMPROVED PUBLIC RIGHT-OF-WAY ADJACENT TO AND BETWEEN 5241 LYMAN AVENUE AND 831 MAPLE AVENUE", as presented.



SUMMARY OF ITEM:

Adoption of this ordinance shall vacate a portion of an unimproved right-of-way adjacent to and between 5241 Lyman Avenue and 831 Maple Avenue.

RECORD OF ACTION TAKEN:

ORDINANCE NO. ____**AN ORDINANCE VACATING A
PORTION OF AN UNIMPROVED PUBLIC RIGHT-OF-WAY ADJACENT
TO AND BETWEEN 5241 LYMAN AVENUE AND 831 MAPLE 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 16-foot wide by 50.75-foot deep unimproved right-of-way located between the properties located at 5241 Lyman Avenue and 831 Maple Avenue, Downers Grove, Illinois, in said Village hereinafter more particularly described; and

WHEREAS, the Downers Grove Park District and Michael Lane ("Owners") of the Properties have filed with the Planning and Zoning 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 Planning and Zoning Commission on January 27, 2025 in accordance with applicable law; 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 property, to wit:

THE WEST 8 FEET OF A 16 FOOT WIDE ALLEYWAY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 7 IN BLOCK 1 OF LYMAN'S
ADDITION TO THE VILLAGE OF DOWNERS GROVE, BEING A SUBDIVISION OF PART
OF THE SOUTHEAST QUARTER AND OF THE SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN,
ACCORDING TO THE PLAT THEREOF RECORDED JULY 6, 1889 AS DOCUMENT 41274,
IN DUPAGE COUNTY, ILLINOIS; THENCE NORTH 60 DEGREES 30 MINUTES 27
SECONDS EAST AT DISTANCE OF 16 FEET TO A POINT ON THE SOUTHWEST LINE OF
LOT 1 IN C. B. BLODGETT HOMESTEAD SUBDIVISION, BEING A SUBDIVISION OF
PART OF LOT 4 OF THE ASSESSOR'S SUBDIVISION OF SECTION 8, TOWNSHIP 38
NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO
THE PLAT THEREOF RECORDED OCTOBER 16, 1923 AS DOCUMENT 170563, IN
DUPAGE COUNTY, ILLINOIS; THENCE S29 DEGREES 25 MINUTES 42 SECONDS EAST,
50.77 FEET TO THE SOUTHWEST CORNER OF LOT 1 IN C B BLODGETT HOMESTEAD
SUBDIVISION THEREOF; THENCE SOUTH 60 DEGREES 34 MINUTES 18 SECONDS
WEST, 16 FEET TO A POINT ON THE NORTHEAST LINE OF LOT 8 IN LYMAN'S
ADDITION TO THE VILLAGE OF DOWNERS GROVE SUBDIVISION THEREOF;
THENCE NORTH 29 DEGREES 25 MINUTES 42 SECONDS WEST 50.75 FEET TO THE
POINT OF BEGINNING.

Commonly known as a vacant public alleyway adjacent to 5241 Lyman Avenue, Downers Grove, IL; PIN: 09-08-316-006

THE EAST 8 FEET OF A 16 FOOT WIDE ALLEYWAY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7 IN BLOCK 1 OF LYMAN'S ADDITION TO THE VILLAGE OF DOWNERS GROVE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER AND OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 6, 1889 AS DOCUMENT 41274, IN DUPAGE COUNTY, ILLINOIS; THENCE NORTH 60 DEGREES 30 MINUTES 27 SECONDS EAST AT DISTANCE OF 16 FEET TO A POINT ON THE SOUTHWEST LINE OF LOT 1 IN C. B. BLODGETT HOMESTEAD SUBDIVISION, BEING A SUBDIVISION OF PART OF LOT 4 OF THE ASSESSOR'S SUBDIVISION OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 16, 1923 AS DOCUMENT 170563, IN DUPAGE COUNTY, ILLINOIS; THENCE S29 DEGREES 25 MINUTES 42 SECONDS EAST, 50.77 FEET TO THE SOUTHWEST CORNER OF LOT 1 IN C B BLODGETT HOMESTEAD SUBDIVISION THEREOF; THENCE SOUTH 60 DEGREES 34 MINUTES 18 SECONDS WEST, 16 FEET TO A POINT ON THE NORTHEAST LINE OF LOT 8 IN LYMAN'S ADDITION TO THE VILLAGE OF DOWNERS GROVE SUBDIVISION THEREOF; THENCE NORTH 29 DEGREES 25 MINUTES 42 SECONDS WEST 50.75 FEET TO THE POINT OF BEGINNING.

Commonly known as a vacant unimproved right-of-way adjacent to 831 Maple Avenue, Downers Grove, IL; PIN: 09-08-316-003

(hereinafter referred to as the "Vacated Lyman & Maple Right-of-Way"), 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 Owners.

SECTION 2. This vacation shall be subject to the following conditions:

1. The vacation shall substantially conform to the staff report dated January 27, 2025.
2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 16-foot public drainage, utility and utility access easement along the entire length and width of the right-of-way to be vacated.
3. Prior to execution of the plat, Petitioner, Michael Lane, shall pay the Village a total of \$1,676.65.

SECTION 3. The Mayor and Clerk of the Village of Downers Grove are hereby authorized to sign the plat of vacation of the Vacated Lyman & Maple Right-of-Way described herein.

SECTION 4. That a certified copy of this ordinance and an accurate map of the Vacated Lyman & Maple Right-of-Way 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 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. 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

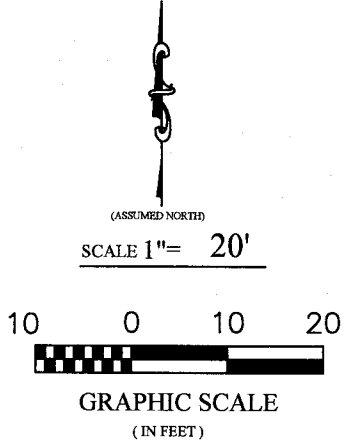
I:\mw\ord.25\Vacate-Lyman & Maple ROW-25-PZC-0005

Associated Surveying Group, LLC
Illinois Prof. Design Firm No. 184-004972
P.O. Box 810 Bolingbrook, IL 60440
PH: 630-759-0205 FAX: 630-759-9291

**PLAT OF EASEMENT
PLAT OF ROADWAY VACATION**

OVER A PORTION OF PUBLIC ALLEY OF LYMAN'S ADDITION TO THE VILLAGE OF DOWNERS GROVE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

TAX PARCEL NUMBER (PIN)
09-08-316-006 (LOT 7)
09-08-316-007 (LOT 8
& NORTH 1/2 LOT 9)



BASIS OF BEARINGS
BASIS OF BEARINGS IS FROM
PLAT OF EASEMENT/PLAT
OF ROADWAY VACATION
DOC. R2011-046228

AREA
PUBLIC ALLEY TO
BE VACATED
812.1753 SQ. FT. (0.1864)

LEGEND:
 DENOTES ALLEY HEREBY VACATED
 DENOTES PUBLIC UTILITY AND DRAINAGE
EASEMENT HEREBY GRANTED

ABBREVIATIONS:
A = ARC LENGTH N/LY = NORTHERLY
R = RADIUS S/LY = SOUTHERLY
CH = CHORD LENGTH E/LY = EASTERLY
Cv = RECORD VALUE W/LY = WESTERLY
Mv = MEASURED VALUE TYP = TYPICAL
B.S.L. = BUILDING SETBACK LINE D.H. = OVERHANG
P.U.E. = PUBLIC UTILITY EASEMENT
P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
V.E./C.E. = VILLAGE/CITY EASEMENT

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

MAYOR

VILLAGE CLERK

DUPAGE COUNTY RECORDER'S CERTIFICATE
STATE OF ILLINOIS }
COUNTY OF WILL } SS
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 _____

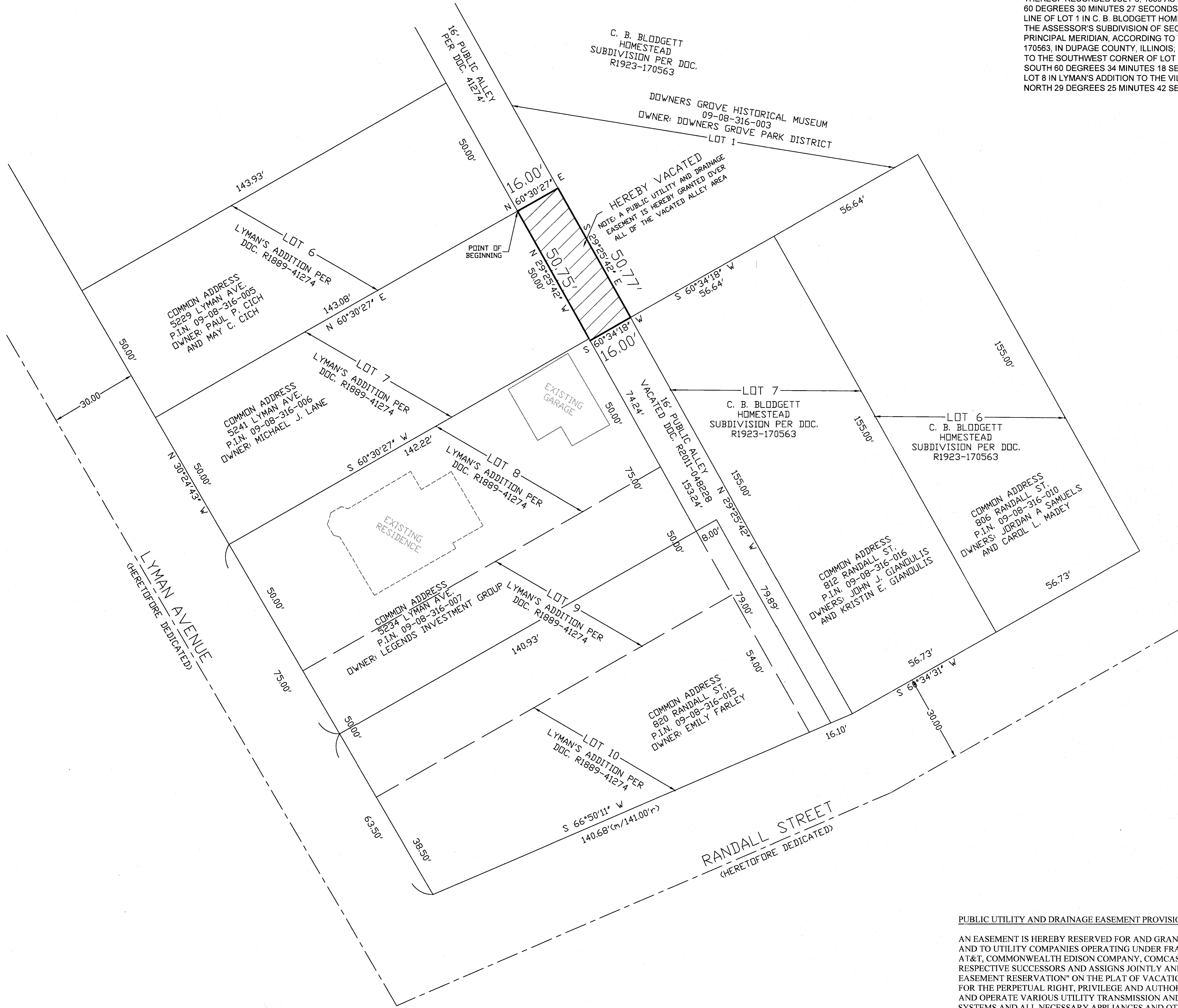
RECORDER OF DEEDS

SURVEYOR'S CERTIFICATE
STATE OF ILLINOIS }
COUNTY OF WILL } SS
THIS IS TO CERTIFY THAT THIS DOCUMENT WAS PREPARED UNDER MY
DIRECT SUPERVISION FROM EXISTING MAPS, PLATS, AND RECORDS
FOR THE PURPOSE OF ROADWAY VACATION.

DATED, THIS 28TH DAY OF OCTOBER, A.D., 2024 AT BOLINGBROOK, IL.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-002900
LICENSE EXPIRES: NOVEMBER 30, 2024

NOTES:
1. ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.



LEGAL DESCRIPTION OF ALLEY BEING VACATED
THAT PART OF A 16 FOOT WIDE ALLEYWAY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7 IN BLOCK 1 OF LYMAN'S ADDITION TO THE VILLAGE OF DOWNERS GROVE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER AND OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 6, 1889 AS DOCUMENT 41274, IN DUPAGE COUNTY, ILLINOIS; THENCE NORTH 60 DEGREES 30 MINUTES 27 SECONDS EAST AT DISTANCE OF 16 FEET TO A POINT ON THE SOUTHWEST LINE OF LOT 1 IN C. B. BLODGETT HOMESTEAD SUBDIVISION, BEING A SUBDIVISION OF PART OF LOT 4 OF THE ASSESSOR'S SUBDIVISION OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 16, 1923 AS DOCUMENT 170563, IN DUPAGE COUNTY, ILLINOIS; THENCE S29 DEGREES 25 MINUTES 42 SECONDS EAST, 50.77 FEET TO THE SOUTHWEST CORNER OF LOT 1 IN C. B. BLODGETT HOMESTEAD SUBDIVISION THEREOF; THENCE SOUTH 60 DEGREES 34 MINUTES 18 SECONDS WEST, 16 FEET TO A POINT ON THE NORTHEAST LINE OF LOT 8 IN LYMAN'S ADDITION TO THE VILLAGE OF DOWNERS GROVE SUBDIVISION THEREOF; THENCE NORTH 29 DEGREES 25 MINUTES 42 SECONDS WEST 50.75 FEET TO THE POINT OF BEGINNING.

PUBLIC UTILITY AND DRAINAGE 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 ALLEY RIGHT-OF-WAY AS DESCRIBED HEREIN FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY OF 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 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 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.



0 25 50
Feet

**5241 Lyman Avenue and 831 Maple Avenue -
Alley Vacation Location Map**



Subject Property



Project Location



VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLANNING AND ZONING COMMISSION
JANUARY 27TH, 2025 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
24-PZC-0005 5241 Lyman Avenue & 831 Maple Avenue	Right-of-Way Vacation	Flora León, AICP Senior Planner

REQUEST

The petitioners are requesting a vacation of a 16-foot by 50.75-foot right-of-way immediately adjacent to and between the properties at 5241 Lyman Avenue and 831 Maple Avenue.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: Village of Downers Grove
850 Curtiss Street
Downers Grove, IL 60515

PETITIONERS: Michael Lane
5234 Lyman Avenue
Downers Grove, IL 60515

Paul Fyle
Downers Grove Park District
2455 Warrenville 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: 812.18 sq. ft. (.02 acres)
PIN: 09-08-316-006 and -003 (adjacent properties)

SURROUNDING ZONING AND LAND USES

ZONING

NORTH: R-4, Residential Detached House 4
SOUTH: R-4, Residential Detached House 4
EAST: R-4, Residential Detached House 4
WEST: R-4, Residential Detached House 4

FUTURE LAND USE

Single Family Detached
Single Family Detached
Single Family Detached
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 petitioners are requesting that the Village vacate the 16-foot by 50.75-foot right-of-way immediately adjacent to and between the properties at 5241 Lyman Avenue and 831 Maple Avenue. The properties at 5241 Lyman Avenue and 831 Maple Avenue are the only properties that abut the right-of-way proposed for vacation. The right-of-way runs northwest-southeast between the two properties and is unimproved. Written consent was received from the two abutting property owners.

The table below summarizes the estimated fair market value of the entire right-of-way to be vacated:

Land Value per Acre	Sq. Ft. of right-of-way to be Vacated	Estimated Value	Encumbered Value	5241 Lyman Avenue	831 Maple Avenue
\$545,000	812.18	\$10,161.51	\$3,353.3	\$1,676.65	\$1,676.65

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 right-of-way. 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 petitioners have 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 right-of-way 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 right-of-way 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 right-of-way being vacated will be split evenly 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 right-of-way, no new buildings or structures, other than a driveway or fence, could be constructed on the vacated right-of-way.

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 right-of-way 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 *Daily Herald Life*. Staff received one phone call from a neighbor expressing interest in the right-of-way vacation process.

STANDARDS OF APPROVAL

The petitioners are requesting a right-of-way vacation. The review and approval criteria is listed below. The petitioner has submitted a narrative that attempts to address all the standards of approval. The Planning and Zoning Commission should consider the petitioner's documentation, the staff report and the discussion at the Planning and Zoning Commission meeting in determining whether the standards for approval have been met.

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

The Village's right-of-way vacation policy asks the following questions when it comes to determining if a right-of-way 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.*

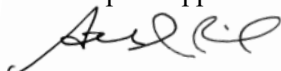
DRAFT MOTION

Staff will provide a recommendation at the January 27, 2025 meeting. Should the Planning and Zoning Commission find that the request is consistent with the Comprehensive Plan and meets the requirements of the Zoning Ordinance, staff has prepared a draft motion that the Planning and Zoning Commission may make for the recommendation approval of 24-PZC-0005:

Based on the petitioner's submittal, the staff report, and the testimony presented, the proposed right-of-way vacation complies with the right-of-way vacation policy of the Village and is in the public interest. Therefore, I move that the Planning and Zoning Commission recommend that Village Council approve 24-PZC-0005. Subject to the following conditions:

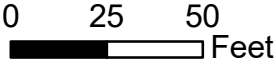

1. The vacation shall substantially conform to the staff report dated January 27, 2025.
2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 16-foot public drainage, utility and utility access easement along the entire length and width of the right-of-way to be vacated.
3. Prior to execution of the plat, the petitioners shall pay the Village a total of \$3,353.30.

Staff Report Approved By:

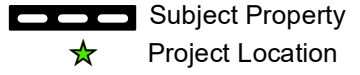


Stanley J. Popovich, AICP
Director of Community Development





**5241 Lyman Avenue and 831 Maple Avenue -
Alley Vacation Location Map**



Michael Lane
5234 Lyman Ave
Downers Grove, IL 60515
C: 630.212.6219
mike@greenstreethomes.com

RE: Alley Vacation located at rear of 5241 Lyman Ave, Downers Grove, IL 60515 Vacant Lot

Project Summary/Narrative Letter

The village of downers grove owns a piece of property adjacent to the rear of the vacant lot I own at 5241 Lyman Ave, Downers Grove, IL. There used to be an alley that ran behind the property, but several years ago it was sold off to a neighbor to build a home. The villages portion behind my vacant lot is landlocked, and I have been maintaining it. As such, if I'm going to continue to maintain this piece of property, I would like to own my portion if possible. It is my understanding that the park district – neighbor to the east - would also like to own their portion as well, although I would be interested in purchasing their portion.

Criteria per RES 2003-58

- (i) The parcel is no longer necessary for public use, as a portion of the alley has already been vacated previously to a home on Randall Park. Therefore, the alley is not currently useable as an alley. It currently dead ends directly behind 5241 Lyman.
- (ii) My understanding is there will remain a public utility easement along the portion of the vacated alley.
- (iii) The compensation that the city is requesting for my portion of the vacated lot at 5241 Lyman is: \$1,676.65

If any additional information is required, please don't hesitate to let me know.

Michael Lane



Form #001

Owner Authorization

Address of Project Site: 831 Maple Avenue, Downers Grove, IL 60515

Project/Activity Description for the permit application:

Vacation of Right-of-way between 831 Maple Ave and 5241 Lyman Avenue

I hearby affirm that I am the owner of the above property. By signing below, I authorize the contractor associated with this project to act as my authorized agent with regard to any and all permit applications, associated with this project, made to the Village of Downers Grove.

Under Penalty of Intentional Misrepresentation and/or Perjury, I declare that I have examined and/or made this application and it is true and correct to the best of my knowledge and belief. I agree to construct said improvement(s) in compliance with all provisions of the applicable ordinances, rules and regulations of the Village and any other applicable governing bodies. I realize that the information that I have affirmed hereon forms a basis for the issuance of the permit(s) herein applied for. I hereby grant the Village, its employees and agents the temporary right to enter the property subject to this permit throughout the duration of the permit to complete any inspections as necessary to confirm compliance with all applicable ordinances, rules and regulations of the Village and other governing bodies. I hereby agree to hold the Village, its officers, employees, and agents harmless from any and all costs, damages, liabilities and attorney's fees which may occur or be claimed to occur by reasons of any work performed under this permit.

I agree to pay:

1. Any and all fees, as referenced in the User Fee, License and Fine Schedule, latest edition.
2. I agree to pay Run-off Storage Fees based upon the permitted project(s) watershed at the rate per square foot of new impervious as outlined below: Sawmill Creek \$0.464/sq. ft., East Branch DuPage River \$0.565/sq. ft., and Salt Creek \$0.71/ sq. ft.
3. Fees for outside consultants that the Village may elect to utilize to perform all or portions of the stormwater management review. These fees will be collected regardless if the permit is issued or canceled.

Paul Fyle

Digitally signed by Paul Fyle
Date: 2024.12.30 10:48:03 -06'00'

12/30/2024

Property Owner Signature

Date

Paul Fyle, Director of Planning, Downers Grove Park District

Property Owner Printed Name

By including your email below, your information will be added to receive notification of any changes to your permit(s).

paulfyle@dgparks.org

Property Owner's Email Address



Form #001

Owner Authorization

Address of Project Site: _____

Project/Activity Description for the permit application:

I hearby affirm that I am the owner of the above property. By signing below, I authorize the contractor associated with this project to act as my authorized agent with regard to any and all permit applications, associated with this project, made to the Village of Downers Grove.

Under Penalty of Intentional Misrepresentation and/or Perjury, I declare that I have examined and/or made this application and it is true and correct to the best of my knowledge and belief. I agree to construct said improvement(s) in compliance with all provisions of the applicable ordinances, rules and regulations of the Village and any other applicable governing bodies. I realize that the information that I have affirmed hereon forms a basis for the issuance of the permit(s) herein applied for. I hereby grant the Village, its employees and agents the temporary right to enter the property subject to this permit throughout the duration of the permit to complete any inspections as necessary to confirm compliance with all applicable ordinances, rules and regulations of the Village and other governing bodies. I hereby agree to hold the Village, its officers, employees, and agents harmless from any and all costs, damages, liabilities and attorney's fees which may occur or be claimed to occur by reasons of any work performed under this permit.

I agree to pay:

1. Any and all fees, as referenced in the User Fee, License and Fine Schedule, latest edition.
2. I agree to pay Run-off Storage Fees based upon the permitted project(s) watershed at the rate per square foot of new impervious as outlined below: Sawmill Creek \$0.464/sq. ft., East Branch DuPage River \$0.565/sq. ft., and Salt Creek \$0.71/ sq. ft.
3. Fees for outside consultants that the Village may elect to utilize to perform all or portions of the stormwater management review. These fees will be collected regardless if the permit is issued or canceled.

Michael Lane

Property Owner Signature

Date

Property Owner Printed Name

By including your email below, your information will be added to receive notification of any changes to your permit(s).

Property Owner's Email Address

Associated Surveying Group, LLC
Illinois Prof. Design Firm No. 184-004972
P.O. Box 810 Bolingbrook, IL 60440
PH: 630-759-0205 FAX: 630-759-9291

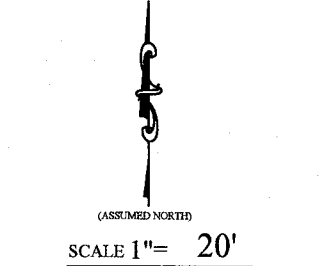
**PLAT OF EASEMENT
PLAT OF ROADWAY VACATION**

OVER A PORTION OF PUBLIC ALLEY OF LYMAN'S ADDITION TO THE VILLAGE OF DOWNERS GROVE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER AND PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

TAX PARCEL NUMBER (PIN)
09-08-316-006 (LOT 7)
09-08-316-007 (LOT 8
& NORTH 1/2 LOT 9)

LEGAL DESCRIPTION OF ALLEY BEING VACATED

THAT PART OF A 16 FOOT WIDE ALLEYWAY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7 IN BLOCK 1 OF LYMAN'S ADDITION TO THE VILLAGE OF DOWNERS GROVE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER AND OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 6, 1889 AS DOCUMENT 41274, IN DUPAGE COUNTY, ILLINOIS; THENCE NORTH 60 DEGREES 30 MINUTES 27 SECONDS EAST AT DISTANCE OF 16 FEET TO A POINT ON THE SOUTHWEST LINE OF LOT 1 IN C. B. BLODGETT HOMESTEAD SUBDIVISION, BEING A SUBDIVISION OF PART OF LOT 4 OF THE ASSESSOR'S SUBDIVISION OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 16, 1923 AS DOCUMENT 170563, IN DUPAGE COUNTY, ILLINOIS; THENCE S29 DEGREES 25 MINUTES 42 SECONDS EAST, 50.77 FEET TO THE SOUTHWEST CORNER OF LOT 1 IN C. B. BLODGETT HOMESTEAD SUBDIVISION THEREOF; THENCE SOUTH 60 DEGREES 34 MINUTES 18 SECONDS WEST, 16 FEET TO A POINT ON THE NORTHEAST LINE OF LOT 8 IN LYMAN'S ADDITION TO THE VILLAGE OF DOWNERS GROVE SUBDIVISION THEREOF; THENCE NORTH 29 DEGREES 25 MINUTES 42 SECONDS WEST 50.75 FEET TO THE POINT OF BEGINNING.



BASIS OF BEARINGS

BASIS OF BEARINGS IS FROM
PLAT OF EASEMENT/PLAT
OF ROADWAY VACATION
DOC. R2011-046228

AREA

PUBLIC ALLEY TO
BE VACATED
812.1753 SQ. FT. (0.1864)

LEGEND:

DENOTES ALLEY HEREBY VACATED
 DENOTES PUBLIC UTILITY AND DRAINAGE
EASEMENT HEREBY GRANTED

ABBREVIATIONS:

A = ARC LENGTH
R = RADIUS
CH = CHORD LENGTH
Cv = RECORD VALUE
Mv = MEASURED VALUE
B.S.L. = BUILDING SETBACK LINE
P.U.E. = PUBLIC UTILITY EASEMENT
P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
V.E./C.E. = VILLAGE/CITY EASEMENT

N/LY = NORTHERLY
S/LY = SOUTHERLY
E/LY = EASTERLY
W/LY = WESTERLY
TYP = TYPICAL
D.H. = OVERHANG

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF WILL } ss
APPROVED THIS _____ DAY OF _____, A.D., 20____
BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

MAYOR

VILLAGE CLERK

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF WILL } ss
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 _____

RECORDER OF DEEDS

SURVEYOR'S CERTIFICATE

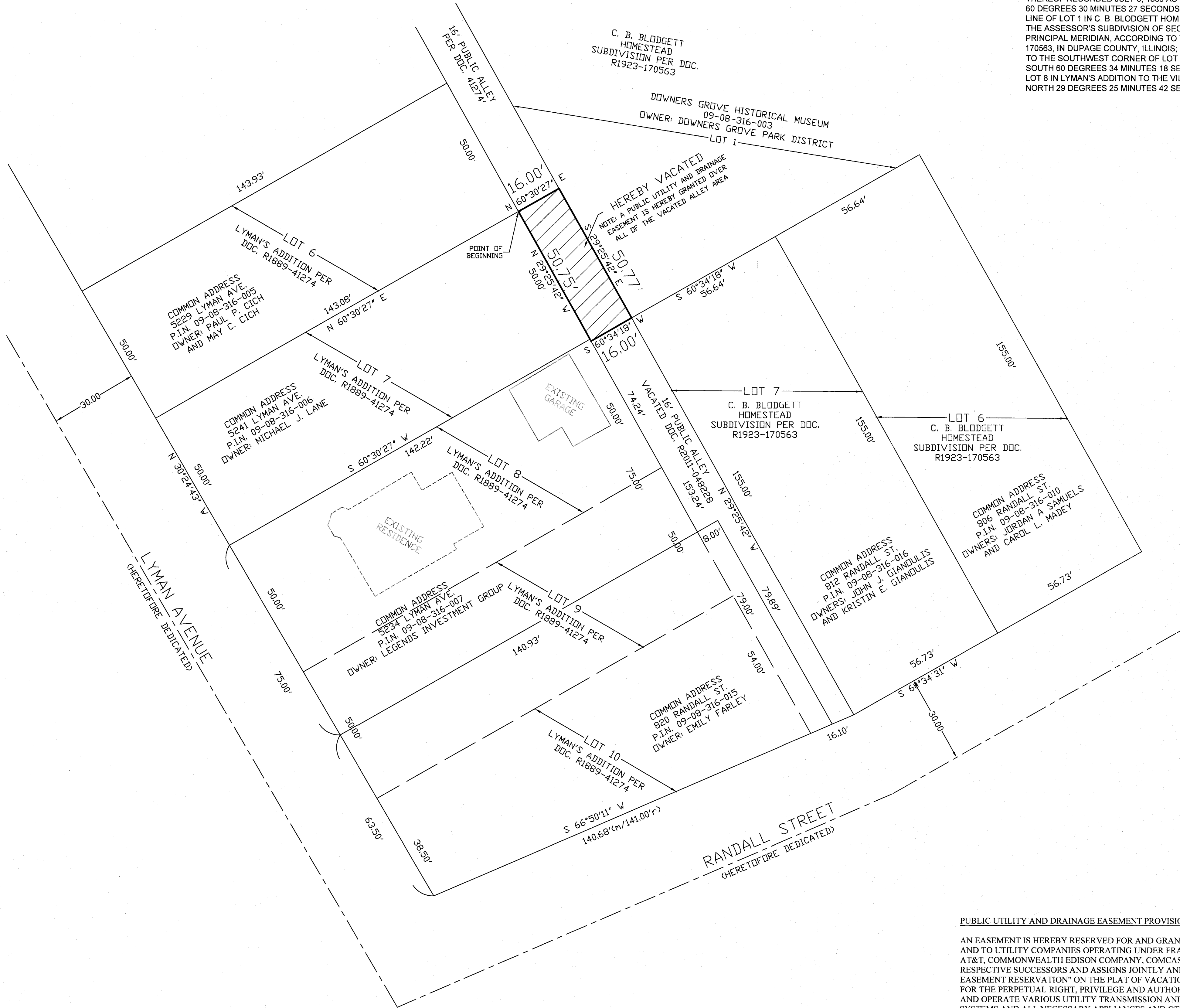
STATE OF ILLINOIS }
COUNTY OF WILL } ss
THIS IS TO CERTIFY THAT THIS DOCUMENT WAS PREPARED UNDER MY
DIRECT SUPERVISION FROM EXISTING MAPS, PLATS, AND RECORDS
FOR THE PURPOSE OF ROADWAY VACATION.

DATED, THIS 28TH DAY OF OCTOBER, A.D., 2024 AT BOLINGBROOK, IL.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-002900
LICENSE EXPIRES: NOVEMBER 30, 2024

NOTES:

1. ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.



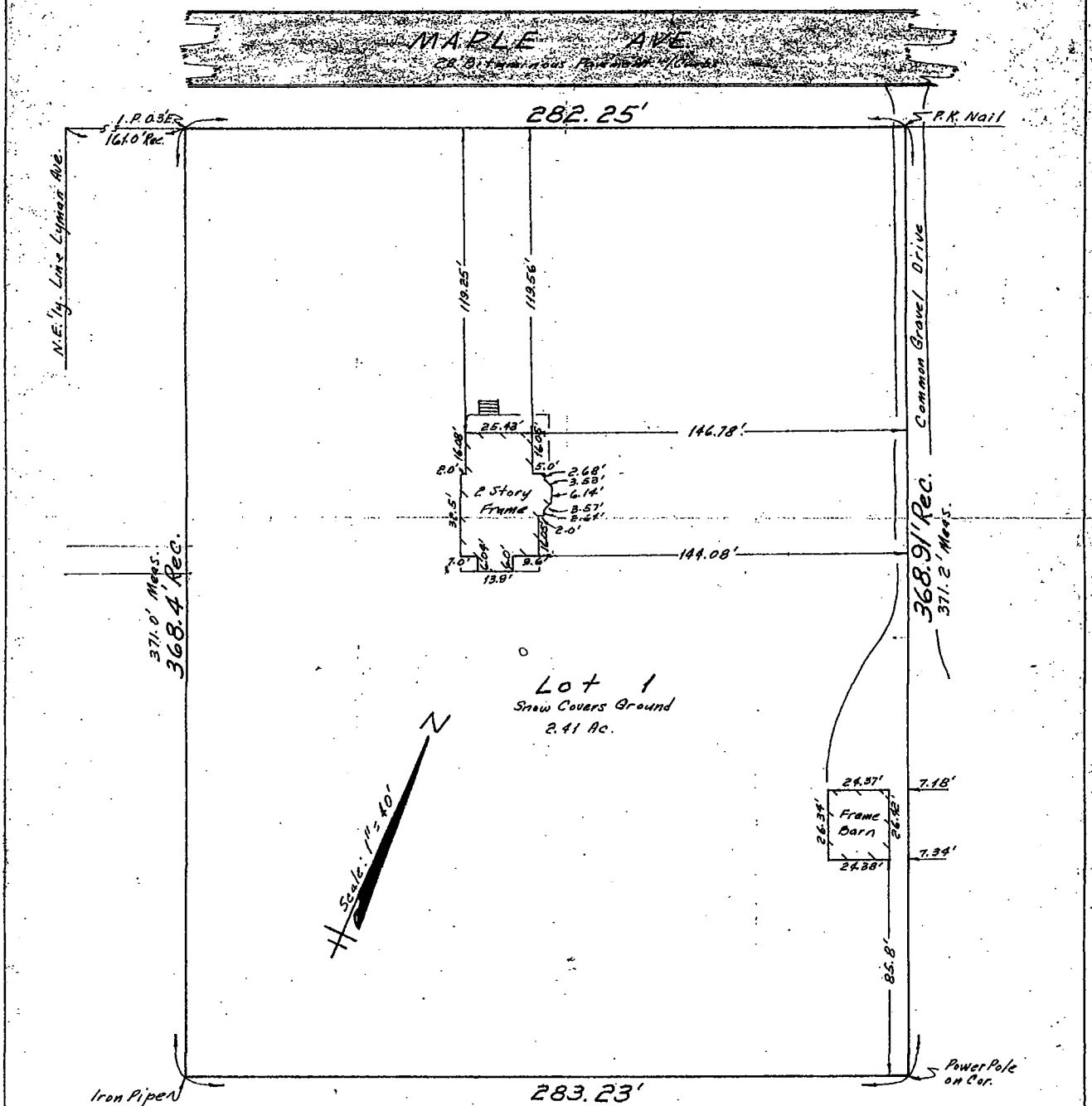
PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS

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 ALLEY RIGHT-OF-WAY AS DESCRIBED HEREIN FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY OF 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 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 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.

LOT 1 IN C. B. BLODGETT HOMESTEAD SUBDIVISION IN DOWNERS GROVE,
A SUBDIVISION OF PART OF LOT 1, IN ASSESSOR'S SUBDIVISION IN SECTION
8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERI-
DIAN, IN DU PAGE COUNTY, ILLINOIS.

RICHARD C. FIELD
REGISTERED LAND SURVEYOR
15W 729 LEXINGTON STREET
ELMHURST, ILLINOIS 60126
PHONE 279-2245

MAPLE AVE.



STATE OF ILLINOIS }
COUNTY OF DU PAGE } S.S.

I, RICHARD C. FIELD, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF, CORRECT AT 62° F.

Feb. 13, 1974
DATE

BY Richard C. Field
ILLINOIS REGISTERED
LAND SURVEYOR #1974

ADDRESS: 831 Maple Avenue
Downers Grove, Illinois
SURVEYED FOR: Donald Mc Gowan

Refer to Deed, Title Policy, and Local Ordinances for Building Restrictions.










Illinois Prof. Design Firm No. 184-004973
P.O. Box 810 Bolingbrook, IL 60440
PH: 630-759-0205 FAX: 630-759-9291



(ASSUMED NORTH)

SCALE 1" = 30'



LEGEND:
(NOT TO SCALE)

	BRICK		ASPHALT		ADJACENT BLDG.
	WALL		CONCRETE		GRAVEL
	WOOD/ PVC		ENCLOSED COVERED		STONE

○ SET IRON PIPE	● IRON PIPE	+ CROSS		UTILITY POLE
■ REBAR/ROD	— NOTCH			CATCH BASIN
● MAG NAIL	●●● PK NAILS AS NOTCH			
x				
—○—				
—○—				
—○—				

CHAIN LINK FENCE
 WOOD FENCE
 ALL OTHER FENCE TYPES

ABBREVIATIONS:

A = ARC LENGTH	NLY = NORTHERLY
R = RADIUS	S'LY = SOUTHERLY
CH = CHORD LENGTH	E'LY = EASTERLY
(r) = RECORD VALUE	W'LY = WESTERLY
(m) = MEASURED VALUE	TYP = TYPICAL
B.S.L. = BUILDING SETBACK LINE	O.H. = OVERHANG
P.U.E. = PUBLIC UTILITY EASEMENT	
P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT	
V.E./C.F. = VILLAGE/CITY EASEMENT	

VILLAGE OF DOWNERS GROVE
PLANNING AND ZONING COMMISSION MEETING

January 27, 2025, 7:00 P.M.

FILE 24-PCZ-0005: A PETITION SEEKING APPROVAL FOR A RIGHT-OF-WAY VACATION. THE ADJACENT PROPERTIES ARE ZONED R-4, RESIDENTIAL DETACHED HOUSE 4. THE NORTH-SOUTH ALLEY IS APPROXIMATELY 140 FEET NORTHWEST OF THE INTERSECTION OF LYMAN AVENUE AND RANDALL STREET BETWEEN 5241 LYMAN AVENUE AND 831 MAPLE AVENUE. (PIN: 09-08-316-006 AND 09-08-316-003). MICHAEL LANE AND DOWNERS GROVE PARK DISTRICT, PETITIONERS, VILLAGE OF DOWNERS GROVE, OWNER.

Michael Lane, petitioner, explained that he resides at 5234 Lyman Ave and owns the 5241 Lyman lot across the street. He noted that there used to be an alley there that went all the way through to Randall Park, but it was previously vacated. He said he has been taking care of that piece of property and is now requesting to purchase it. He displayed the plat of vacation and the properties surrounding it. He stated that the alley dead ends there and does not go through, but a fence crosses it. He believes there is one electric line there and understands that he has to buy that from the city.

Chairman Rickard asked for questions for the petitioner.

Commissioner Eberhardt asked how long the petitioner has owned the lot, and why he is looking to change it now. Mr. Lane responded that he acquired the lot in 2021, and explained there is a garden there that is not being maintained. He has tenants there and may want to have a fence but does not want the people on Randall to also build a fence with a property in between that the village will not be taking care of. He added that if he puts up a fence, he wants it to be where it is supposed to be.

Chairman Rickard asked for public input.

There was no public comment on this petition.

Chairman Rickard asked for the staff report.

Flora Leon, Senior Planner, presented on the request for a right-of-way vacation for 5241 Lyman Ave and 831 Maple Avenue. She displayed a location map and the public hearing notice sign. She stated that staff sent out mailed notices to all property owners within 250 feet, and received two comments, who wanted and were given confirmation that access to the alley would not be compromised. She showed the vacation plat and the alley that is proposed to be vacated. She noted there will be an easement placed over the entire length and width of the alley, so construction will not be permitted, and only things like driveways and fences are allowed. She gave the encumbered cost estimate and the right-of-way standards of approval. Staff found that all four standards of approval were met.

Chairman Rickard asked for questions for staff.

Commissioner Lincoln asked if there was a formula to go from estimated value to encumbered value. Ms. Leon responded that she did not remember the ratio, but the encumbered value is that deduction because there is an easement placed over it, resulting in a reduced value. She believes the multiplier is one-third.

Commissioner Eberhardt asked Ms. Leon to highlight where the access was from the alley to Lyman that the neighbors commented about. Ms. Leon pointed out the alley and the three detached garages that neighbors are using the alley to get into.

Commissioner Lincoln asked if they were sure the Village did not see a reason why they would ever need the alley again. Ms. Leon answered yes.

Chairman Rickard asked the petitioner to come back up and address any comments or questions.

Mr. Lane had nothing further to add.

Chairman Rickard asked for discussion from the commissioners.

Commissioner V. Patel commented that it appears to comply with Village policies on vacation and of interest to the public. He supported it.

Commissioner Lincoln voiced that he did not see any reason not to support it.

Commissioner Rutledge agreed the standards have been met.

Commissioner Frankovic agreed and believed the standards have been met.

WITH RESPECT TO FILE 24-PCZ-0005 BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, AND THE TESTIMONY PRESENTED, THE PROPOSED RIGHT-OF-WAY VACATION COMPLIES WITH THE RIGHT-OF-WAY POLICY OF THE VILLAGE AND IS IN THE PUBLIC INTEREST, AND THEREFORE, COMMISSIONER V. PATEL MADE A MOTION THAT THE PLANNING AND ZONING COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF FILE 24-PCZ-0005, SUBJECT TO THE CONDITIONS AS IDENTIFIED IN THE STAFF REPORT.

SECOND BY COMMISSIONER LINCOLN

ROLL CALL:

AYE: BOYLE, FRANKOVIC, V. PATEL, RUTLEDGE, LINCOLN, EBERHARDT, CHAIRMAN RICKARD

NAY: NONE

MOTION APPROVED. VOTE: 7-0

/s/ Celeste K. Weilandt
Recording Secretary

(As transcribed by Ditto Transcripts)