

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**9/9/2025**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
5317 Washington Street and 5310 Lyman Avenue – Right-of-Way Vacation	Stan Popovich, AICP Director of Community Development

**SYNOPSIS**

The petitioners are requesting a vacation of a 16-foot by 65.92-foot right-of-way adjacent to and between 5317 Washington Street and 5310 Lyman Avenue.

**STRATEGIC PLAN ALIGNMENT**

The Goals for 2023 to 2025 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 right-of-way to be Vacated	Estimated Value	Encumbered Value	5317 Washington Street	5310 Lyman Avenue
\$545,000	1,054.85	\$13,197.73	\$4,355.25	\$2,177.63	\$2,177.63

**UPDATE & RECOMMENDATION**

This item was discussed at the September 2, 2025 Village Council meeting. Staff recommends approval on the September 9, 2025 active agenda per the Planning and Zoning Commission's 5:1 positive recommendation. The dissenting Planning and Zoning Commission member felt that the right-of-way was still necessary for public use. 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. Adoption of this Ordinance requires an affirmative vote of 6 members of the Village Council.

## BACKGROUND

### Property Information and Zoning Request

The petitioners are requesting that the Village vacate the 16-foot by 65.92-foot deep unimproved right-of-way immediately adjacent to and between the property at 5317 Washington Street and 5310 Lyman Avenue. The resulting vacation would be split between the two abutting properties and provide more flexibility for future site improvements.

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 Comprehensive Plan

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

### 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 right-of-way. The proposed vacation is consistent with the Zoning Ordinance.

### Public Comment

Two members of the public shared that the vacation would impede the ability to use this right-of-way as a public way in the neighborhood. Staff shared that the improved alley terminates immediately north of proposed right-of-way vacation. Only the two properties located immediately south of the existing right-of-way have direct access to it.

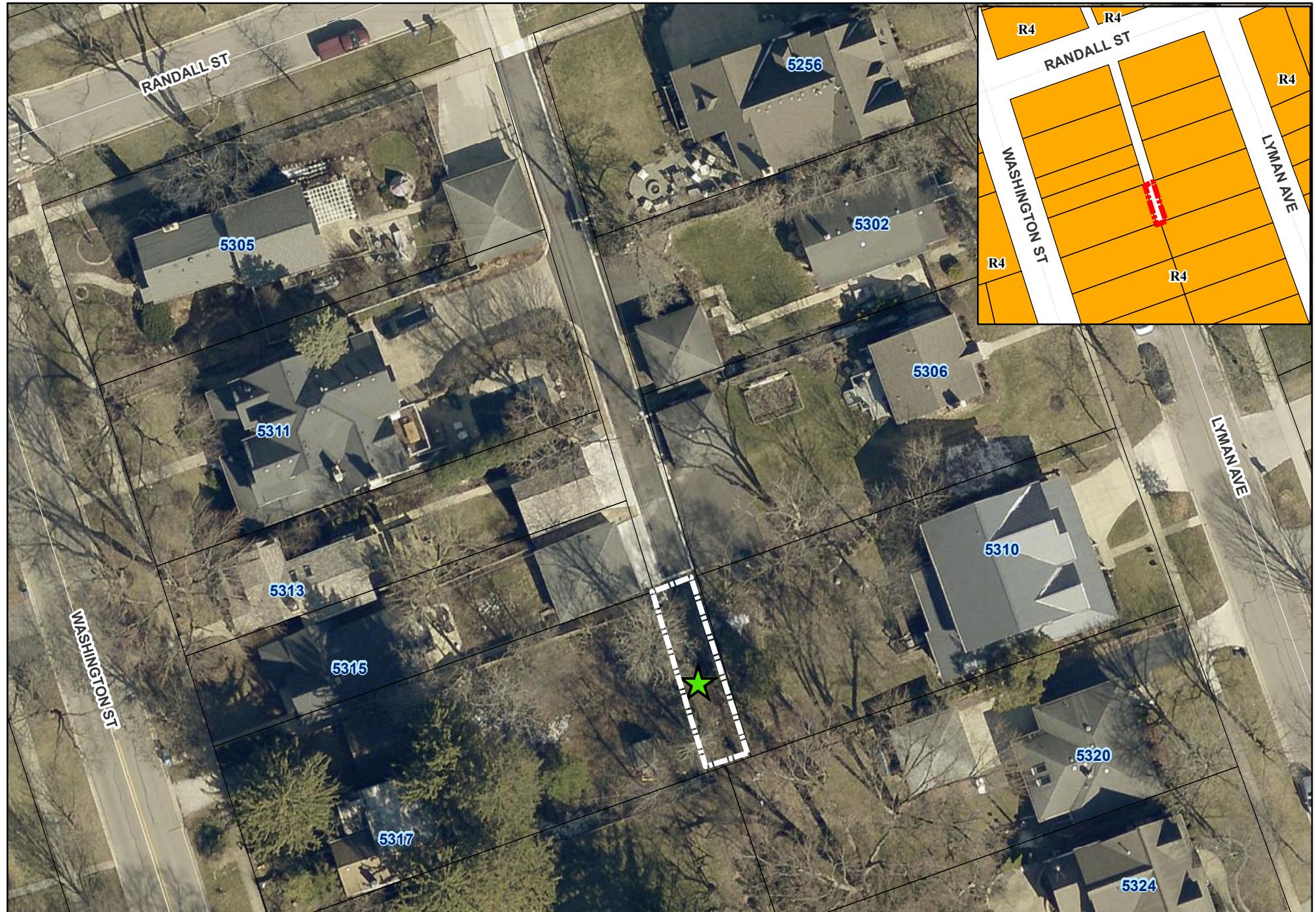
## ATTACHMENTS

Aerial Map

Ordinance

Staff Report with attachments dated August 4, 2025

Draft Minutes of the Planning and Zoning Commission Hearing dated August 4, 2025



0 25 50  
Feet

5317 Washington Street and 5310 Lyman Avenue -  
Alley Vacation Location Map

Subject Property  
 Project Location

**VILLAGE OF OWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Village Attorney **DATE:** September 9, 2025  
(Name)

**RECOMMENDATION FROM:** \_\_\_\_\_ **FILE REF:** 25-PZC-0020  
(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 5317 WASHINGTON STREET AND 5310 LYMAN AVENUE", as presented.

*65*

**SUMMARY OF ITEM:**

Adoption of this ordinance shall vacate a portion of an unimproved right-of-way adjacent to and between 5317 Washington Street and 5310 Lyman Avenue.

**RECORD OF ACTION TAKEN:**

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**ORDINANCE NO. \_\_\_\_****AN ORDINANCE VACATING A  
PORTION OF AN UNIMPROVED PUBLIC RIGHT-OF-WAY ADJACENT  
TO AND BETWEEN 5317 WASHINGTON STREET AND 5310 LYMAN 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-feet by 65.92-feet unimproved right-of-way located adjacent to and between the properties located at 5317 Washington Street and 5310 Lyman Avenue, Downers Grove, Illinois, in said Village hereinafter more particularly described; and

WHEREAS, the Joseph Gemino, owner of the property located at 5310 Lyman Avenue and 5317 Washington St., LLC, owner of the property located at 5317 Washington Street 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 August 4, 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 EIGHT FEET (8') OF A 16 FOOT ALLEYWAY:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 13 IN BLOCK 3 IN 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 17 DEGREES 59 MINUTES WEST, ON THE EAST LINE OF SAID LOT 13, 65.93 FEET TO THE NORTHEAST CORNER OF SAID LOT 13; THENCE NORTH 70 DEGREES 12 MINUTES 02 SECONDS EAST, 16.01 FEET TO THE NORTHWEST CORNER OF LOT 4 IN SAID LYMAN'S EAST, ON THE WEST LINE OF SAID LOT 4, 65.92 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 70 DEGREES 09 MINUTES 07 SECONDS WEST, 16.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 13 AND TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

Commonly known as a vacant alleyway adjacent to 5317 Washington Street, Downers Grove, IL PINs 09-08-323-005; -023

THE EAST EIGHT FEET (8') OF A 16 FOOT ALLEYWAY

BEGINNING AT THE SOUTHWEST CORNER OF LOT 13 IN BLOCK 3 IN 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 17 DEGREES 59 MINUTES WEST, ON THE EAST LINE OF SAID LOT 13, 65.93 FEET TO THE NORTHEAST CORNER OF SAID LOT 13; THENCE NORTH 70 DEGREES 12 MINUTES 02 SECONDS EAST, 16.01 FEET TO THE NORTHWEST CORNER OF LOT 4 IN SAID LYMAN'S EAST, ON THE WEST LINE OF SAID LOT 4, 65.92 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 70 DEGREES 09 MINUTES 07 SECONDS WEST, 16.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 13 AND TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

Commonly known as a vacant alleyway adjacent to 5310 Lyman Avenue, Downers Grove, IL PINs 09-08-323-023

(hereinafter referred to as the "Vacated Washington & Lyman 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 adjacent property owners at 5317 Washington Street and 5310 Lyman Avenue, as depicted on the final plat of vacation.

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

1. The vacation shall substantially conform to the staff report dated August 4, 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 \$4,355.25.

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

SECTION 4. That a certified copy of this ordinance and an accurate map of the Vacated Washington & Lyman 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.

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Mayor

Passed:

Published:

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

Village Clerk





**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE PLANNING AND ZONING COMMISSION**  
**AUGUST 4<sup>TH</sup>, 2025 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
25-PZC-0020 5317 Washington Street & 5310 Lyman Avenue	Right-of-Way Vacation	Flora León, AICP Senior Planner

**REQUEST**

The petitioners are requesting a vacation of a 16-foot by 65.92-foot right-of-way immediately adjacent to and between the properties at 5317 Washington Street and 5310 Lyman Avenue.

**NOTICE**

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

**GENERAL INFORMATION**

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

**PETITIONERS:** 5317 Washington St. LLC  
4508 Douglas Road  
Downers Grove, IL 60515

Joseph Geminio  
5310 Lyman Avenue  
Downers Grove, IL 60515

**PROPERTY INFORMATION**

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**EXISTING ZONING:** R-4, Residential Detached House 4 (adjacent properties)  
**EXISTING LAND USE:** Unimproved Right-of-Way  
**PROPERTY SIZE:** 1,054.85 sq. ft. (.02 acres)  
**PIN:** 09-08-323-005 and -023 (adjacent properties)

**SURROUNDING ZONING AND LAND USES**

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

## ANALYSIS

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### 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 65.92-foot unimproved right-of-way immediately adjacent to and between the properties at 5317 Washington and 5310 Lyman Avenue. The properties at 5317 Washington and 5310 Lyman 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	5317 Washington Street	5310 Lyman Avenue
\$545,000	1,054.85	\$13,197.73	\$4,355.25	\$2,177.63	\$2,177.63

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 two phone calls and one email from neighbors 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**

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Staff will provide a recommendation at the August 4<sup>th</sup>, 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 25-PZC-0020:

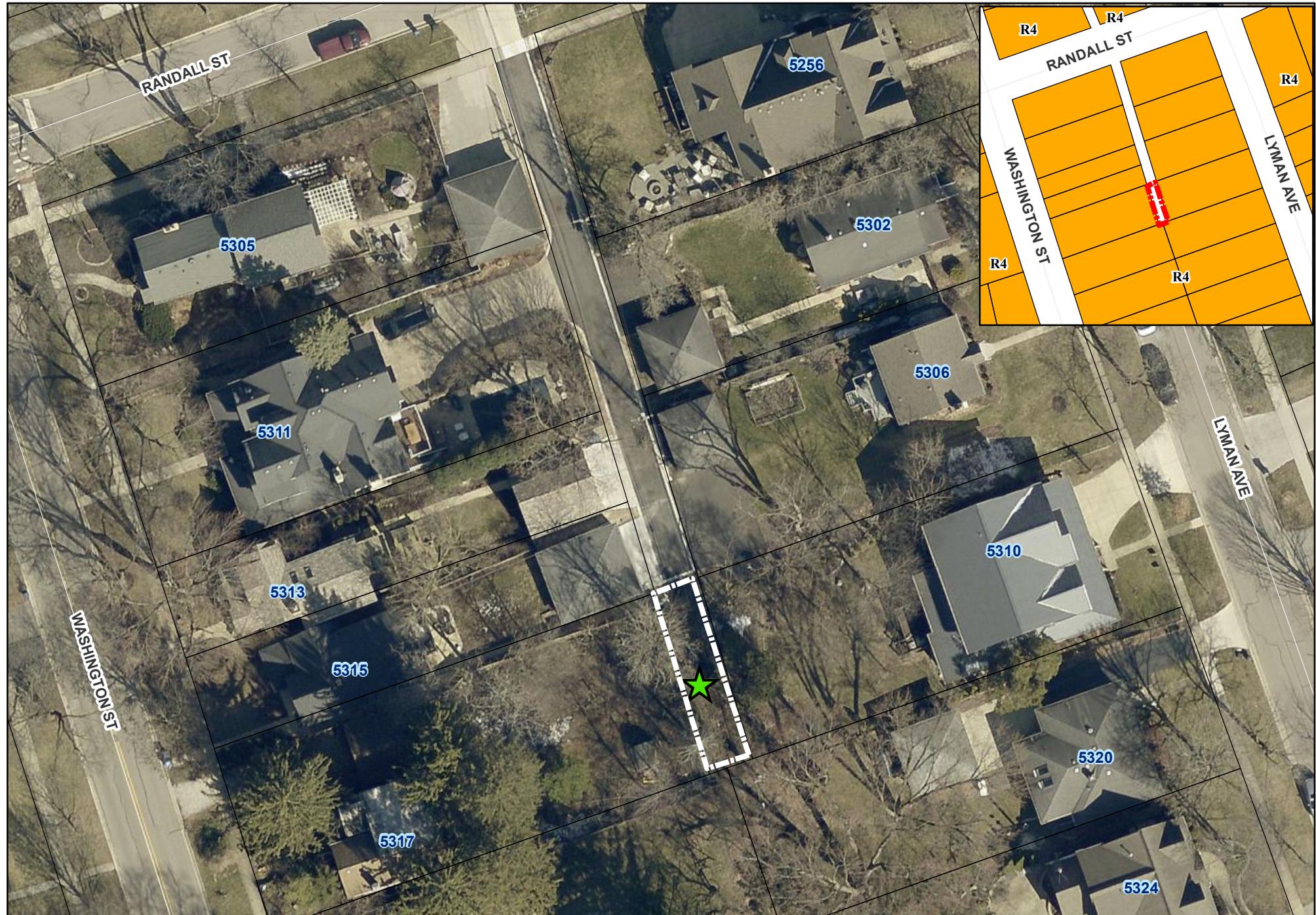
Based on the petitioner's submittal, the staff report, and the testimony presented, the proposed right-of-way vacation complies with the right-of-way vacation policy of the Village and is in the public interest. Therefore, I move that the Planning and Zoning Commission recommend that Village Council approve 25-PZC-0020. Subject to the following conditions:

1. The vacation shall substantially conform to the staff report dated August 4<sup>th</sup>, 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 \$4,355.25.

Staff Report Approved By:



Stanley J. Popovich, AICP  
Director of Community Development



0 25 50  
Feet

5317 Washington Street and 5310 Lyman Avenue -  
Alley Vacation Location Map

Subject Property  
 Project Location

5317 Washington Street LLC & Joseph Geminio

**RE: Alley vacation located between the two parcels: 5317 Washington Street and 5310 Lyman Avenue**

**Project Summary / Narrative:**

The Village of Downers Grove owns a piece of vacant property (roughly 66' x 16') at the rear of and between the two properties referenced above. There is no alley at this location and the parcel consists of overgrown vegetation. We are the owners of each property referenced above and would each like to purchase half of this property (approx. 66' x 8' each) from the village so that we can properly maintain this land.

**Legal Description of alley to be vacated:**

THAT PART OF A 16 FOOT ALLEYWAY DESCRIBED AS FOLLOW:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 13 IN BLOCK 3 IN 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 17 DEGREES 59 MINUTES WEST, ON THE EAST LINE OF SAID LOT 13, 65.93 FEET TO THE NORTHEAST CORNER OF SAID LOT 13; THENCE NORTH 70 DEGREES 12 MINUTES 02 SECONDS EAST, 16.01 FEET TO THE NORTHWEST CORNER OF LOT 4 IN SAID LYMAN'S EAST, ON THE WEST LINE OF SAID LOT 4, 65.92 FEET TO THE SUTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 70 DEGREES 09 MINUTES 07 SECONDS WEST, 16.01 FEET TO THE NORTHEAST CORNER OF SAID LOT 13 AND TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

**Criteria per Downers Grove Res: 2003-58:**

**(i) 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.**

Response: The property is not currently being used for public use and dead ends after 5317 Washington and 5310 Lyman. Given the property currently consists of only vegetation, the land would be better served vacated with each petitioner maintaining the land in the future.

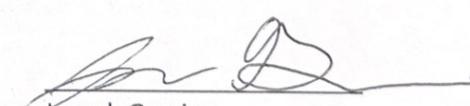
**(ii) Whether the Parcel or portion thereof, should be vacated and whether public utility easements and any ingress-egress easements are to be maintained.**

Response: We fully understand that the entire vacated area will have a public utility and drainage easement.

**(iii) The amount and type of compensation, if any, to be required as a condition to the effectiveness of the vacation of the parcel.**

Response: We understand that we will need to compensate the village in an amount TBD as a condition of the alley vacation and are fully prepared to provide payment. We are under the assumption that the initial estimate is: \$4,360.00.

  
5317 Washington Street LLC  
5317 Washington Street

  
Joseph Geminio  
5310 Lyman Avenue

# PLAT OF SURVEY

OF

LOT 4 IN BLOCK 3 OF LYMAN'S ADDITION TO DOWNTOWN GROVE, SAID PREMISES BEING SITUATED UPON A PART OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF DOWNTOWN GROVE, DUPAGE COUNTY, ILLINOIS.

## LEGEND

(R)	- RECORD	TF	- TOP OF FOUNDATION
(M)	- MEASURED	BL	- BRICK LEDGE
D	- DEED	TC	- TOP OF CURB
L	- ARC LENGTH	BC	- BACK OF CURB
R	- RADIUS	TW	- TOP OF WALL
CH	- CHORD	FF	- FINISHED FLOOR



SCALE: 20'

FIELD WORK COMPLETED ON THE 20TH DAY OF MARCH, 2025.

(STATE OF ILLINOIS)  
(COUNTY OF WILL) SS

NEKOLA SURVEY INC. DOES HEREBY CERTIFY THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 20TH DAY OF MARCH, 2025.

IPLS No. 2923

LICENSE RENEWAL DATE: 30 NOVEMBER 2026.

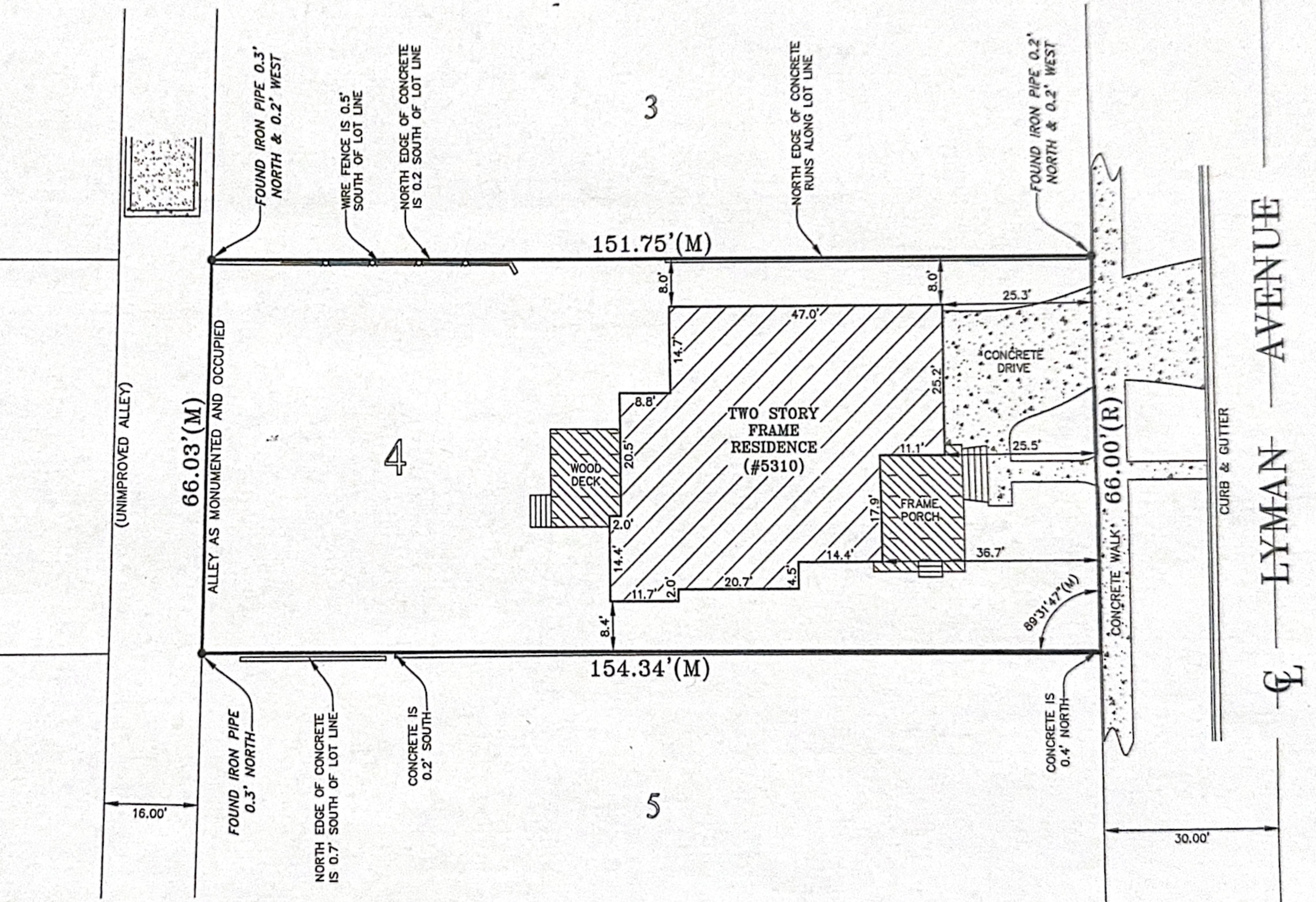
© COPYRIGHT NEKOLA SURVEY INC. 2025 "ALL RIGHTS RESERVED"

PREPARED FOR: CIESLA & PEARSE, PC  
 JOB ADDRESS: 5310 LYMAN AVE., DOWNTOWN GROVE, IL.  
 SELLER/BUYER: TOMCHEK / GEMINO  
 JOB NO.: 25-02-0058

**NEKOLA SURVEY, INC.**  
 PROFESSIONAL LAND SURVEYING SERVICES  
 WWW.NEKOLASURVEY.COM  
 400 N. SCHMIDT RD., STE. 203  
 BOLINGBROOK, ILLINOIS 60440  
 (630) 226-1530 PHONE (630) 226-1430 FAX  
 DESIGN FIRM NO. 184.005564

- "X" IN BOX INDICATES THE HEREON DRAWN PLAT WAS ORDERED AS A NON MONUMENTED SURVEY.

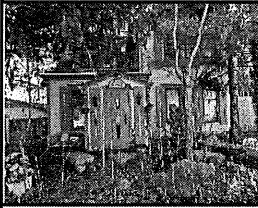
NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES. FENCE LOCATIONS ARE MADE TO CENTER OF POSTS UNLESS OTHERWISE NOTED.



AREA = 10,101 SQ. FT.  
MORE OR LESS



2504.0879  
PLAT OF SURVEY  
DUPAGE COUNTY



PROPERTY ADDRESS:  
5317 WASHINGTON STREET, DOWNS GROVE, ILLINOIS 60515

SURVEY NUMBER: 2504.0879

DATE SIGNED: 04/07/25 FIELD WORK DATE: 4/4/2025

REVISION DATE(S):  
(REV 1 4/7/2025)

POINTS OF INTEREST:  
NONE VISIBLE

STATE OF ILLINOIS SS  
COUNTY OF GRUNDY

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS  
TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY  
SURVEY, GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON.

*Kenneth Kennedy*



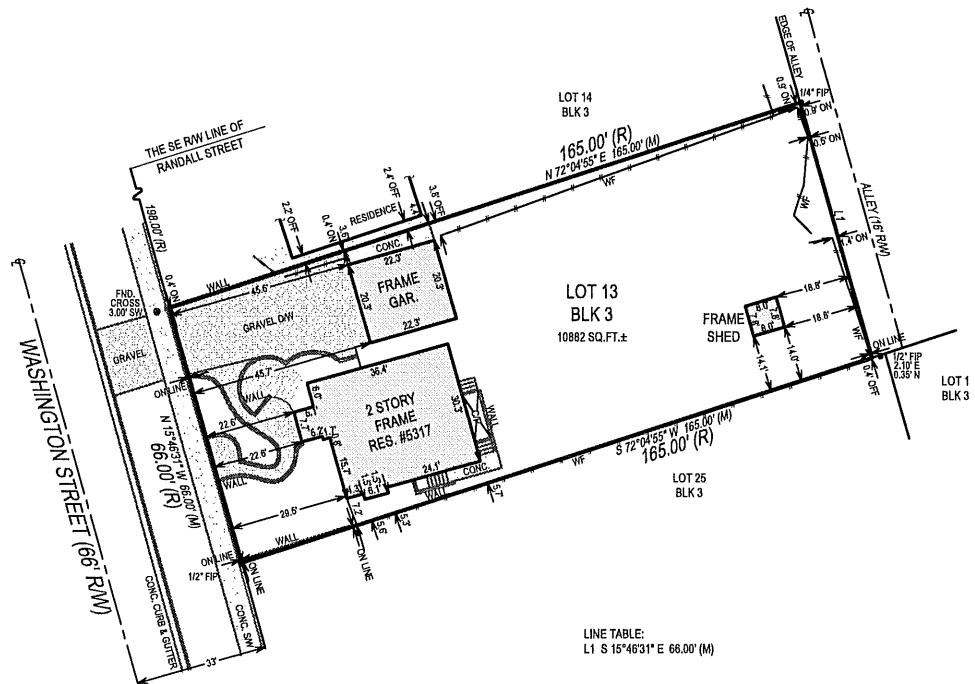
ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3403  
LICENSE EXPIRES 11/30/2026  
EXACTA LAND SURVEYORS, LLC  
PROFESSIONAL DESIGN FIRM 18-1003059-0008



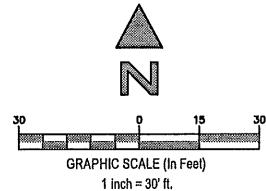
Exacta Land Surveyors, LLC  
PDF # 1840008059  
o: 773.305.4011  
316 East Jackson Street | Morris, IL 60450



SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION  
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES



LINE TABLE:  
L1 S 15°46'31" E 66.00' (M)





DRAFT

**VILLAGE OF DOWNERS GROVE  
PLANNING AND ZONING COMMISSION MEETING**

August 4, 2025, 7:00 P.M.

**FILE 25-PZC-0020: A PETITION REQUESTING APPROVAL FOR A RIGHT-OF-WAY VACATION. THE NORTH-SOUTH RIGHT-OF-WAY IS APPROXIMATELY 250 FEET SOUTHWEST OF THE INTERSECTION OF LYMAN AVENUE AND RANDALL STREET BETWEEN 5317 WASHINGTON STREET 5310 LYMAN AVENUE. 5317 WASHINGTON ST. LLC AND JOSEPH GEMINO, PETITIONERS, VILLAGE OF DOWNERS GROVE, OWNER**

Shaine Muha, owner of 5317 Washington Street, presented on the vacation of an alley request between 5310 Lyman Avenue and 5317 Washington Street. He displayed a map showing the unapproved alley that runs between those two lots that currently has no infrastructure or development. He said the proposed vacated alley area is overgrown and not maintained, and the current paved alley terminates at the rear of the two lots to the north. He added there is no alley approved or unapproved beyond 5317 Washington and 5310 Lyman and is not practically accessible and does not serve any public function. The two property owners believe vacating the alley is in the public's best interest and they are committed to maintaining the land moving forward. They understand the utility and drainage easement will remain in place over the entire vacated portion and they are prepared to pay for this.

Chairman Rickard asked for public comment.

David Dipple stated that the paved part of the alley was done by all the neighbors from 5317 Washington to the north, so they all have alley access to their garages in the back. He voiced that what the petitioners are calling this an unused alley is more of a pathway that connects one side of their neighborhood to another and many people use it daily as a pathway to walk through, as well as many kids. He stated that he has been there 28 years and felt the builder was coming in without understanding what the neighborhood is and they should not have to change just because the builder wants a bigger lot. He believed many people would be affected by this.

Chris Jensen expressed that this is a well-used public walkway and he uses it weekly. He felt that it would impact the neighborhood and would like to continue being able to walk through that area.

Chairman Rickard asked for the staff report.

Flora Leon, Senior Planner, reported that the petition includes 5317 Washington Street and 5310 Lyman, and is requesting to vacate a right-of-way. She stated that both properties are both zoned R-4 Residential Detached House 4 and they completed all the required notices. They received three questions wanting to understand the nature of the request and ensuring that the access for the paved section of the alley would not change. She noted that the request will not change the existing paved alley access for people to access their detached garages. She displayed a location map and said if the alley is approved to be vacated, their sections of the alley would be purchased from the Village. She provided the plat of vacation, which showed an easement over the entire section of that alley. She noted the only items that could be approved there would be a fence or landscaping. She went over the cost estimate associated with vacating a section of the right-of-way, showing that each

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property owner would share the cost and a fee would be collected before a plat of vacation would be recorded at the county. Ms. Leon voiced that staff believed the four standards were met.

Chairman Rickard asked if there were any questions for staff.

Commissioner Patel asked if there was ever any alley south of the alley in question. Ms. Leon responded that she did not know the history to the south, but currently the right-of-way terminates at this section of the alley and does not serve as a north to south connection.

Commissioner Eberhardt inquired about how many more houses are to the south of this. Mr. Zawila answered there are 30 parcels located to the south.

Commissioner Rutledge asked why that parcel was not included in the paved portion of the right-of-way. Ms. Leon stated that it appeared it was paved up to the point where people had detached garages.

Commissioner Eberhardt inquired if there were other alleys in the area. Ms. Leon answered that she did not have a history of all of the alleys in that area, but they are common on the north side because of the way the properties were subdivided. Mr. Zawila added that as you get closer to downtown, they traditionally see more alleys and/or rights-of-ways.

Commissioner Lincoln noted that public comments said that people have been using this as a path, but it looks like the actual right-of-way stops right at that property.

Commissioner Eberhardt asked who was responsible for maintaining that area. Mr. Zawila responded it is adjacent and unapproved to private property the two petitioners are responsible for maintenance.

Commissioner Lincoln asked for confirmation that it is not actually their land and does not add value to their property but they have to maintain it for the Village. Mr. Zawila answered yes.

Commissioner Eberhardt commented that she was surprised there was not a T at the end where someone could turn around if they went the wrong way. Commissioner Lincoln pointed out that in the 1950s aerial imagery of DuPage County, the alley stopped at the exact same spot it does currently.

Chairman Rickard gave the petitioners the opportunity to come back up and address any comments or questions or add a closing statement. They did not have anything to add.

Commissioner Frankovic asked the petitioners if their intention was to fence off those areas on their own properties. Mr. Gemino and Mr. Muha answered yes.

Chairman Rickard asked the commissioners for discussion.

Commissioner Patel commented that in reviewing the four questions, it appears they have very clear answers. He said the request is reasonable, there is written consent, it is no longer necessary for public use, the utility easements will be maintained, and there will be compensation to the Village. He was in support.

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Commissioner Frankovic stated that she did not believe the second condition was met based off of the comments from people in the neighborhood, as it seems like it would affect the neighborhood and the public use. She added that since it seems like it already is their responsibility to maintain, it is only preventing them from fencing it off from the public use. Therefore, she felt three of the four conditions have been met.

Commissioner Eberhardt disagreed, as these are private properties and there is no legal right-of-way to be used as a path through other people's properties here. She said to her knowledge, there was no right-of-way saying this is a path that the neighborhood uses, so it is not for public use.

Commissioner Frankovic responded that she agreed with the fact that anybody could put up a fence and cut that off, but it seems like it is an asset to the neighborhood for personal uses that do not necessarily require pathway movement through those owner properties, but is a piece of the neighborhood that is used by children and other residents, so there was a purpose for it.

Commissioner Eberhardt voiced that she did not want somebody walking their dogs through her backyard. She stated that she gets having a neighborhood with an alley for people to use, but in this case, it is nice that the alley does not go through, so they do not have the danger of cars going to their properties, and children should not be trespassing on other people's properties in her opinion. Commissioner Frankovic clarified that she suggested that they are not using other people's properties and trespassing, that they are staying within that alley and public use area.

Commissioner Lincoln expressed that he was not 100% that all four standards had been met, but the Village code for this says they must consider the four things when determining if it should be recommended for approval, instead of saying they must meet all four. He felt three of them were pretty clear. He also felt they were putting a lot of weight on these two properties saying that these two properties are stopping people's use of this right-of-way that does not technically legally exist, as any of the other properties south could put up a fence tomorrow and not have to come before the Planning Commission due to blocking people from walking through. He noted that there really was not anywhere to connect a trail and it was not big enough for a park, so there is no use for this but to sit as a wooded, overgrown lot that they have to maintain. Commissioner Eberhardt added that this would be a different conversation if this part of the alley was the paved portion and approved.

Commissioner Rutledge expressed that she felt the standards were met for approval, as they are talking about public use and public interest, not convenience or somewhere to go and play. She said this is a question of if this place was being used in a way that was conducive to serve the interest of the public versus a couple of kids in the neighborhood. She acknowledged the significance of the area to the residents and it being a unique part of their community they enjoy, but their job is to look at the standards and see it meets them or not.

Chairman Rickard agreed and said the alley is really a dead end, and in looking at the property line configurations to the south, it does not appear there is any opportunity to make use of any alley. He expressed these two property owners are both willing to purchase it and further maintain it. He also did not see the public use benefit of the community as a whole.

Commissioner Lincoln asked Village Staff about the reduction in the encumbered value. Ms. Leon explained that the encumbered value is a reduced value because there will be a public utility and

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easement placed over it, and they cannot build structures on it, so it is about a third of the cost that is being charged.

**WITH RESPECT TO FILE 25-PZC-0020 BASED ON THE PETITIONER'S SUBMITTAL, 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, COMMISSIONER RUTLEDGE MADE A MOTION THAT THE PLANNING AND ZONING COMMISSION RECOMMEND THE VILLAGE COUNCIL APPROVAL OF FILE 25-PZC-0020, SUBJECT TO THE CONDITIONS OUTLINED.**

**SECOND BY COMMISSIONER PATEL**

**ROLL CALL:**

**AYE: RUTLEDGE, PATEL, LINCOLN, EBERHARDT, CHAIRMAN RICKARD**

**NAY: FRANKOVIC**

**MOTION APPROVED. VOTE: 5-1**

/s/ Celeste K. Weilandt  
Recording Secretary

(As transcribed by Ditto Transcripts)