

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village Council Meeting**  
**5/9/2017**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Abrogate Public Easement on property located at 5117 Main Street	Enza Petrarca Village Attorney

**SYNOPSIS**

A resolution has been prepared authorizing the abrogation of a public easement on the property located at 5117 Main Street.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2015-2017 include *Strong, Diverse Local Economy*.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval on the May 9, 2017 consent agenda.

**BACKGROUND**

On February 21, 2017, the Village Council approved a Redevelopment and Land Purchase Agreement between the Village and ReUrban Partners, LLC. ReUrban intends to redevelop and renovate the building to provide for multiple tenant spaces. In preparation for the sale of the property, staff identified an easement recorded on the property which allows for an enclosed public passageway from Main Street east to an alley east of the building. Abrogating the easement will allow ReUrban to fully maximize and utilize the building space for the redevelopment.

**ATTACHMENTS**

Resolution

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION ABROGATING A CERTAIN  
PUBLIC EASEMENT IN  
THE VILLAGE OF DOWNERS GROVE**

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 a certain public easement in said Village hereinafter more particularly described; and

WHEREAS, the Village Council, after due investigation and consideration, has determined that there is no evidence of significant Village use of this public easement;

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 easement,

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

SECTION 1. The public easement (recorded as document number 84-31665) on Lot 4 in Acadia on the Green (Commonly known as 5117 Main Street; PIN 09-08-303-028) described as follows:

COMMENCING AT THE SOUTHWEST CORNER OF THE PROPERTY, THENCE EASTERLY ALONG THE SOUTHERLY LINE THEREOF TO THE SOUTHEAST CORNER THEREOF; THENCE NORTHERLY ALONG THE EASTERLY LINE OF THE PROPERTY A DISTANCE OF 25 FEET TO A POINT; THENCE WESTERLY PARALLEL TO THE SOUTHERLY LINE OF THE PROPERTY A DISTANCE OF 5.45 FEET +/- TO A POINT, SUCH POINT BEING THE POINT OF INTERSECTION WITH THE EASTERLY WALL OF THE EXISTING BUILDING; THENCE SOUTHERLY PARALLEL WITH SAID WALL TO A POINT 12.9 FEET NORTH OF THE SOUTH LINE OF THE PROPERTY, SAID POINT ALSO BEING 10 FEET NORTHERLY OF THE NORTHERLY LINE OF THE SOUTHERLY WALL OF THE EXISTING BUILDING; THENCE WESTERLY PARALLEL AND ALONG A LINE 10 FEET NORTHERLY OF SAID WALL TO THE WESTERLY LINE OF THE PROPERTY; THENCE SOUTHERLY TO THE SOUTHWEST CORNER OF THE PROPERTY, EXCEPTING THEREFROM THAT PORTION THEROF LYING SOUTH OF THE NORTHERLY FACE OF THE SOUTHERLY WALL OF THE EXISTING BUILDING AND THAT PORTION THEREOF LYING SOUTH OF SAID WALL AS EXTENDED TO THE EASTERLY AND WESTERLY LINES OF THE PROPERTY; PROVIDED, HOWEVER, THAT THIS EASEMENT SHALL BE LIMITED TO THE SPACE LOCATED BETWEEN THE FINISHED FLOOR AND THE FINISHED CEILING AS AGREED UPON IN AGREEMENT FOR CERTAIN IMPROVEMENTS BETWEEN THE VILLAGE OF DOWNERS GROVE AND GARY WHEATON BANK DATED 1984, OR ANY AMENDMENTS THERETO, AND

ACROSS THOSE EXTERIOR AREAS HEREBY DESCRIBED TO A HEIGHT OF 10 FEET ABOVE THE EXISTING GRADE.

(hereinafter referred to as the "Abrogated Public Passageway Easement"), is hereby abrogated 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 abrogation.

SECTION 2. The Agreement for Improvements to Certain Property (recorded as document number 84-31667) and the Agreement for Maintenance of Certain Property (recorded as document number 84-31666) are hereby declared null and void and have no further effect. The Village has no further maintenance obligations relating to the Public Passageway, the easement area described above or 5117 Main Street.

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

SECTION 4. That all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

SECTION 5. That this resolution shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

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

Village Clerk