

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**11/13/2018**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
St. Mary of Gostyn - 440 Prairie Ave - Alley Vacations and the application of Right-of-Way Vacation Policy	Stan Popovich, AICP Director of Community Development

**SYNOPSIS**

The petitioner is requesting the vacation of four public alleys. The Village Council should use the Right-of-Way Vacation Policy to determine if any compensation will be required.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2017-2019 include *Exceptional Municipal Services*.

**FISCAL IMPACT**

As determined per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), the value of the four alleys is \$52,702.49.

**RECOMMENDATION**

Approval on the November 20, 2018 active agenda per the Plan Commission's 6:2 positive recommendation.

**BACKGROUND**

The St. Mary of Gostyn Parish and School (SMG) consists of a school, three residential properties and a vacant lot on the north side of Prairie Avenue between Fairview Avenue and Douglas Road (North Campus) and a church, parking lot and vacant lot on the south side of Prairie Avenue between Fairview Avenue and Douglas Road (South Campus). SMG is proposing a building addition to extend the existing school's footprint to the east.

SMG is requesting the vacation of four public alleys (see attached map for specific locations). The first alley vacation request is needed to facilitate the school addition.

1. Prairie-Gierz alley - This alley is located on the North Campus and is immediately north of the existing school and the proposed expansion. Without this vacation, the proposed school addition would not be setback from the north property line. This alley is partially improved and provides access to the single family property at 4733 Douglas Road (SMG owned) and the SMG school. The east side of the ally is unimproved.

The private property owner at 435 Gierz Street has requested that the portion of the alley immediately south of their property be split evenly between SMG and themselves.

The remaining three alley vacation requests are based on existing conditions and will allow for uniform rezoning of all SMG property to INP-1.

2. Douglas-Gierz Alley – This alley is located on the North Campus and is adjacent to three residential properties owned by SMG. A driveway for the property at 445 Gierz Street (SMG owned) is currently located on the alley.
3. Fairview-Prairie Alley – This alley is located on the South Campus and is currently used exclusively by SMG as the easternmost entrance point to the SMG church parking lot.
4. Wilson-Prairie Alley – This alley is located on the South Campus, immediately east of the existing SMG Church and is used exclusively as the westernmost entrance point to the SMG church parking lot.

#### Estimated Value of the Requested Rights-of-Way

Per the Right-of-Way Vacation policy, the value of the requested alleys is based on the fair market value of land per acre (\$545,000) 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 alleys to be vacated will be discounted to reflect the blanket easement. The table below lists the four alleys requested to be vacated and the costs:

Alley	SF of alley to be vacated	SMG Encumbered Costs	Non-Petitioner Encumbered Costs	Alley Total Encumbered Costs
1. Prairie-Gierz	4,858 sf	\$18,612.57	\$1,445.08	\$20,057.65
2. Douglas-Gierz	1,750 sf	\$7,225.38	\$0	\$7,225.38
3. Fairview-Prairie	1,754 sf	\$7,240.99	\$0	\$7,240.99
4. Wilson-Prairie	4,403 sf	\$18,178.48	\$0	\$18,178.48
TOTAL	12,765 sf	\$51,257.42	\$1,445.08	\$52,702.50

There is a single adjacent property owner (435 Gierz Street) along the Prairie-Gierz alley who requested they receive their half of the alley adjacent to their property. No other property owner along the Prairie-Gierz alley requested their half of the alley. SMG is the adjacent property owner on all three other requested alley vacations.

SMG has submitted a letter requesting a waiver of their costs.

#### Compliance with the Village's Right-of-Way Vacation Policy (Res. #2003-58)

For each of the four requested alley vacations, the Village's Right-of-Way Vacation Policy notes the Village Council shall determine:

1. 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.
2. Whether the Parcel or portion thereof, should be vacated and whether public utility easements and any ingress-egress easements are to be maintained.
3. The amount and type of compensation, if any, to be required as a condition to the effectiveness of the vacation of the parcel.

The Village's Fee Waiver Policy, Res. #2002-73, notes that not-for-profit, charitable, religious, or public service organizations may request fee waivers.

#### Compliance with the Comprehensive Plan

The existing church, private school, and accessory parking are institutional uses. A goal of the Comprehensive Plan is for the Village to support the continued operation and improvement of schools while mitigating negative impacts on the adjacent residential area. Another goal is to ensure the provision of high-quality public facilities, including educational facilities, for all residents of the Village. The alley vacation request would support the continued operation and improvement of the school.

#### Public Comment

During the Plan Commission meeting, the public did not express concerns regarding the requested alley vacations.

#### **ATTACHMENTS**

Ordinance

Aerial Map

Alley Vacation Map

Staff Report with attachments dated October 1, 2018

Minutes of the Plan Commission Hearing dated October 1, 2018

SMG Waiver Letter

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE VACATING A PUBLIC ALLEY (WILSON-PRAIRIE)  
ADJACENT TO AND BETWEEN 444 WILSON STREET,  
442 WILSON STREET AND 445 PRAIRIE 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 14-foot wide by 264.4-foot deep semi-improved public alley right-of-way located between the properties located at 444 Wilson Street, 442 Wilson Street and 445 Prairie Avenue, Downers Grove, Illinois, along with a portion of a 14-foot wide by 50.3-foot deep improved public alley right-of-way located between 442 Wilson and 445 Prairie Avenue, Downers Grove, Illinois, in said Village hereinafter more particularly described; and

WHEREAS, Roman Catholic Diocese of Joliet, [the "Owner"] of the Properties has filed with the Plan 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 Plan Commission on October 1, 2018 in accordance with applicable law; and

WHEREAS, there are certain public service facilities situated in said portion of said right-of-way, and the Village Council has determined that it is necessary and in the public interest to reserve such rights-of-way and easements as are in the judgment of the Council necessary or desirable for continuing public service by means of those facilities and for the maintenance, renewal and reconstruction thereof; 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 properties, to wit:

THE WEST 7.00 FEET OF THE 14.00 FOOT WIDE PUBLIC ALLEY LYING EAST OF AND ADJOINING LOTS 28 THROUGH LOT 37 IN BLOCK 5 IN GOSTYN SUBDIVISION, BEING A SUBDIVISION IN SECTION 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE COUNTY OF DUPAGE, STATE OF ILLINOIS

TOGETHER WITH THE VACATED ALLEY IN BLOCK 5 IN GOSTYN, BEING A SUBDIVISION IN PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE VACATED ALLEY RECORDED ON JULY 22, 1976 AS DOCUMENT 783562, IN DUPAGE COUNTY, ILLINOIS

Commonly known as a vacant public alleyway adjacent to 444 Wilson Street, Downers Grove, IL  
PIN: 09-08-222-001

THE EAST 7.00 FEET OF THE 14.00 FOOT WIDE PUBLIC ALLEY LYING WEST OF AND ADJOINING LOT 27 IN BLOCK 5 IN GOSTYN, BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1889

AS DOCUMENT 41158, IN DUPAGE COUNTY, ILLINOIS

Commonly known as a vacant public alleyway adjacent to 445 Prairie Avenue, Downers Grove, IL  
PIN: 09-08-222-002

THE EAST 7.00 FEET OF THE 14.00 FOOT WIDE PUBLIC ALLEY LYING WEST OF AND ADJOINING LOT 38 IN BLOCK 5 IN GOSTYN, BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1889 AS DOCUMENT 41158, IN DUPAGE COUNTY, ILLINOIS

Commonly known as a vacant public alleyway adjacent to 442 Wilson Street, Downers Grove, IL  
PIN: 09-08-222-022

THE NORTH 7.00 FEET OF THE 14.00 FOOT WIDE PUBLIC ALLEY LYING SOUTH OF AND ADJOINING LOTS 26 AND 27 AND EXTENDING AN ADDITIONAL 7.00 FEET WEST TO THE CENTERLINE OF AN ALLEY IN BLOCK 5 IN GOSTYN, BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1889 AS DOCUMENT 41158, IN DUPAGE COUNTY, ILLINOIS

Commonly known as a vacant public alleyway adjacent to 445 Prairie Avenue, Downers Grove, IL  
PIN: 09-08-222-002

THE SOUTH 7.00 FEET OF THE 14.00 FOOT WIDE PUBLIC ALLEY LYING NORTH OF AND ADJOINING LOTS 38 AND 39 AND EXTENDING AN ADDITIONAL 7.00 FEET WEST TO THE CENTERLINE OF AN ALLEY IN BLOCK 5 IN GOSTYN, BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1889 AS DOCUMENT 41158, IN DUPAGE COUNTY, ILLINOIS

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TOTAL AREA OF VACATED ALLEY= 4,402.86 SQUARE FEET

(hereinafter referred to as the "Vacated Wilson-Prairie Alley"), 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 Owners of the property as described in the above legal descriptions.

SECTION 2. A perpetual non-exclusive easement is hereby reserved for and granted to the Village of Downers Grove, Illinois, the DuPage Water Commission and to those public utility companies operating under franchises from the said Village including, but not limited to, AT&T, Comcast Cable, Northern Illinois Gas Company, Commonwealth Edison Company, and Downers Grove Sanitary District and their respective successors and assigns, over, on, across, under, and through all of the areas on the final plat of vacation marked "Public Utilities and Access Easement Reservation" of the Vacated Wilson-Prairie Alley as described herein for the perpetual right, privilege and authority to construct, reconstruct, repair, inspect, maintain and operate various utility transmission and distribution systems and community antenna televisions systems and all necessary connections, 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, fencing, paved parking, driveways 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.

SECTION 3. This vacation shall be subject to the following conditions:

1. The vacation shall substantially conform to the staff report dated October 1, 2018.
2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 14-foot public drainage, utility and utility access easement along the entire length and width of the alley to be vacated.
3. Prior to execution of the plat, the property owners shall pay the Village a total of \$18,178.48.

SECTION 4. That the Mayor and Clerk of the Village of Downers Grove are hereby authorized to sign the plat of vacation of the Vacated Wilson-Prairie Alley described herein.

SECTION 5. That a certified copy of this ordinance and an accurate map of the Vacated Wilson-Prairie Alley 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 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. 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

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