

ORDINANCE NO. _____

**AN ORDINANCE VACATING A CERTAIN PORTION OF A
PUBLIC RIGHT-OF-WAY IN THE VILLAGE OF DOWNERS GROVE
(A PORTION OF MIDDAUGH 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 an unimproved public right-of-way in said Village hereinafter more particularly described; 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 required public notice has been given and a public hearing respecting said vacation has been conducted in accordance with applicable law; and

WHEREAS, the Village Council, after due investigation and consideration, has determined that there is evidence of significant pedestrian use in this area or that this right-of-way provides access to or otherwise connect significant pedestrian destination;

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:

INSERT LEGAL

(hereinafter referred to as the "Vacated Middaugh Road", 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.

SECTION 2. A perpetual easement is hereby reserved upon, over, under, along and across the entire portion of Vacated Middaugh Road in favor of the Village of Downers Grove, permitted franchise holders of the Village of Downers Grove, and public utilities including but not limited to Commonwealth Edison Company, Illinois Bell Telephone Company, and Northern Illinois Gas Company, their successors and assigns; said easements being for the installation, construction, maintenance, operation, repair, renewal and reconstruction of public service facilities, together with the right of access thereto, including both the right to clear and keep cleared such trees, branches, roots, bushes and other obstructions on the surface or in the subsurface thereof and the right of prior approval of the location and placement of buildings or other structures that may hereinafter be erected or otherwise constructed on the easement property.

SECTION 3. A perpetual public access easement is hereby reserved upon, over, under, along and across the center 10 feet of Vacated Middaugh Road running north and south in favor of the Village of Downers Grove.

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 Middaugh Road described herein.

SECTION 5. That a certified copy of this ordinance and an accurate map of the Vacated Middaugh Road 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.

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