

COUNCIL WORKSHOP ITEM

ITEM: Disconnection Petition
DATE: March 8, 2000
PREPARED BY: Kenneth J. Rathje, Director Planning Services
PURPOSE: Approval of the Disconnection of a Lot Located at the Southeast Corner of 60th Street and Fairview Avenue

DISCUSSION: Owners of the subject property desire to pursue development of this lot in the Village of Westmont. The Village of Westmont has water available which is closer, thus making access easier. The subject property is the only lot incorporated into Downers Grove between 57th Street on the north and the Fairview Baptist Home, located approximately at 65th Street on the south. This property was annexed December 13, 1965, prior to the adoption of the boundary agreement line between Westmont and Downers Grove. The proposed disconnection would even out the Village's boundary along this section of Fairview Avenue and would free the Village from any maintenance obligation for 60th Street east of Fairview Avenue.

ATTACHMENTS:

Memo to Michael McCurdy, Village Manager Dated January 31, 2001
With Attachments – Locator Map; Letter from Frank J. Wesolowski of Richard L. Lucas & Associates, Ltd. dated January 27, 2001 and a Petition for Disconnection

RECOMMENDATION:

Motion to approve an Ordinance disconnecting the southeast corner of 60th Street and Fairview Avenue from the Village of Downers Grove.

Approved By Village Manager

DEPARTMENTAL CORRESPONDENCE

TO: Michael McCurdy, Village Manager
FROM: Kenneth J. Rathje, Director Planning Services *KJR*
DATE: January 31, 2001
RE: Disconnection of a Lot Located at the Southeast Corner of 60th Street and Fairview Avenue

I received a letter and a petition from Frank Wesolowski, an attorney representing Joseph and Maria Ivan, the owners of the subject property. It is their desire to be able to pursue development of this lot in the Village of Westmont rather than in the Village of Downers Grove as it is my understanding that the Village of Westmont has water which is closer and easier to gain access to and also as I believe Westmont may allow the Ivans to divide the subject property into two buildable sites where the Village's Zoning Ordinance would not support that because of the size and shape of the subject property.

The subject property is the only lot located on the east side of Fairview Avenue between approximately 65th Street and approximately 57th Street which currently is in the Village of Downers Grove. This particular lot was annexed December 13, 1965 under Ordinance No. 1122 which was prior to the Village entering into a boundary agreement line with the Village of Westmont which took place August 12, 1991 and was amended November 15, 1993..

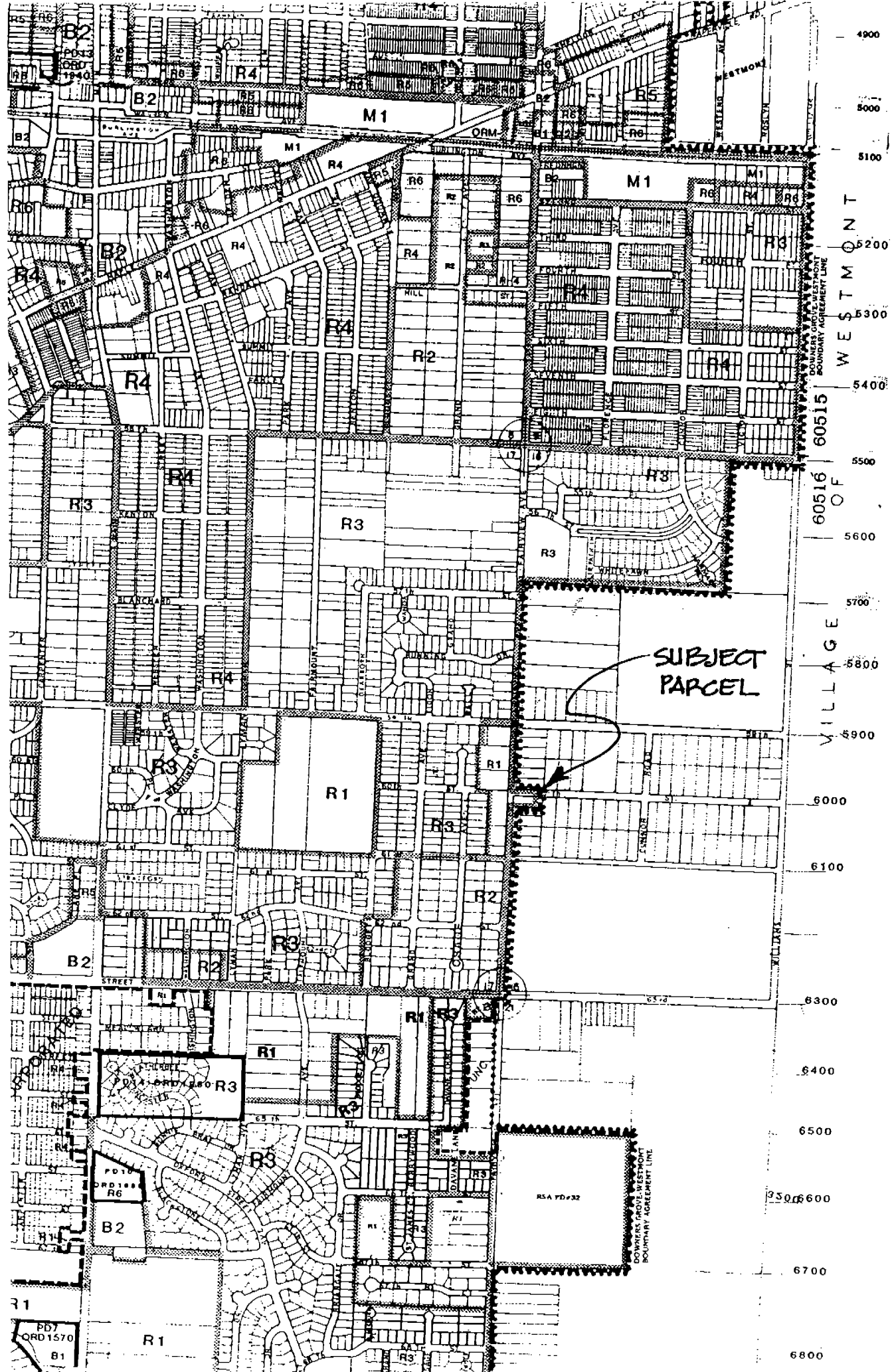
The proposal to disconnect this property does, I believe, have merit as it will even out the Village's boundary along this section of Fairview Avenue and would free up the Village from any maintenance obligation to 60th Street east of Fairview Avenue.

Mr. Wesolowski and I have discussed this matter briefly. He has indicated in his letter that before his clients undertake the expense of having a Plat of Disconnection prepared he would like to have an indication from the Village of Downers Grove that they would entertain this issue.

I would be more than pleased to discuss this matter with you in the very near future so that we can provide some direction and advice to Mr. Wesolowski for his clients' benefit.

KJR:amd
Attachment

XC: D. Blondin, Village



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WESTMONT VILLAGE OF

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DOWNEY GROVE WESTMONT BOUNDARY AGREEMENT LINE

SUBJECT PARCEL

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ORD1570
B1

RS4 PD#32

Richard L. Lucas & Associates, Ltd.

Attorneys At Law

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E-mail: lawxprts@lucas-law.com • Fax: (630) 543-1292

Richard L. Lucas

Gus P. Apostolopoulos

Francis J. Wesolowski

Maxine P. Grief-Bless

January 27, 2001

Of Counsel:

Frank J. Wesolowski

Mr. Kenneth Rathje
Village of Downers Grove
801 Burlington Street
Downers Grove, IL 60515

Re: Petition for Disconnection
6001 S. Fairview

Dear Mr. Rathje:

Thank you for the courtesies extended during our recent discussions regarding Mr. and Mrs. Ivan's desire to disconnect their property from the Village of Downers Grove and annex the same to the Village of Westmont.

Enclosed please find the Ivan's Petition for Disconnection which formalizes their request to the Village for disconnection and provides what I believe is the required legal information. If the Village would entertain this request, we would appreciate a telephone call to advise of the proposed schedule for that consideration and so that we can have a Plat of Disconnection for the one lot prepared. We would also appreciate the Village's advice regarding any notice that they deem appropriate.

As we discussed, this disconnection will affect the Boundary Agreement between Downers Grove and Westmont. We are willing to draft any and all documents necessary to modify that agreement and will work with counsel for both Villages to prepare the necessary documents. As a second option, it appears it may be possible for the Village of Downers Grove to waive any objection it may have to this single Lot being incorporated into Westmont.

I have spoken with Westmont's Village attorney and he believes a Pre-Annexation Agreement may be prepared shortly; however, it will not be until the end of February that the lot immediately to the east will be incorporated into Westmont. Westmont is aware of its

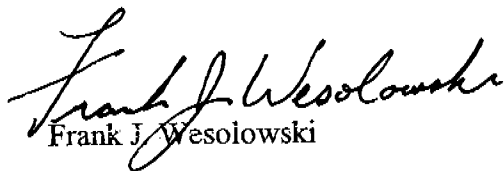
Richard L. Lucas & Associates, Ltd.

obligations under the Boundary Agreement and will await action by Downers Grove allowing the modification before making more than a preliminary review of the Ivan's request.

If you have any questions, or need additional information regarding this request, please feel free to call me.

Very truly yours,

Richard L. Lucas & Associates, Ltd.


Frank J. Wesolowski

FJW/mm

State of Illinois)
) SS:
County of DuPage)

IN THE MATTER OF A PETITION TO DISCONNECT A
CERTAIN LOT FROM THE VILLAGE OF DOWNERS
GROVE, DU PAGE COUNTY, ILLIOIS

TO: Mayor Krajewski and Village Board members
Village of Downers Grove
801 Burlington Street
Downers Grove, IL 60515

Petition for Disconnection

Pursuant to Section 5/7-3-4 of Chapter 65 of the Illinois Compiled Statutes, Joseph Ivan and Maria Ivan, Petitioners, as owner of the Lot which is the subject matter of this petition, request disconnection from the Village of Downers Grove and a modification to, or waiver of object to, the Westmont/Downers Grove Boundary Line Agreement and respectfully represent to the Village Board as follows:

1. That the Lot sought to be disconnected from the Village of Downers Grove is legally described as follows:

LOT 9 IN BLOCK 3 IN FAIRVIEW ACRES, BEING A SUBDIVISION OF THE NORTH HALF OF THE SOUTHWEST QUARTER (ALSO KNOWN AS LOT 6) OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 9, 1936 AS DOCUMENT 368165, IN DU PAGE COUNTY, ILLINOIS. TOGETHER WITH THAT PORTION OF 60TH STREET ADJACENT TO AND IMMEDIATELY NORTH OF THE SUBJECT LOT.

2. That the Lot is located on the boundary line between the Village of Downers Grove and the Village of Westmont and is the only Lot on the east side of Fairview Avenue between 57th and 63rd Streets.

3. The Lot is within the corporate limits of the Village of Downers Grove.

4. That attached to this petition is a Certificate of the County Clerk of DuPage County showing that all Village taxes and assessments due up to the time of presenting this petition are fully paid. This Certificate is attached as Exhibit A.

5. That the Lot sought to be disconnected is:
- A. On the border of the corporate limits of the Village but within the boundary of the Village;
 - B. Contains an area approximately 250 by 97 feet.
 - C. There are no electors residing on the Lot.

6. That if the Lot is disconnected, it will not:
- A. Result in the isolation of any part of the municipality from the remainder of the municipality;
 - B. Be a boundary wholly bounded by one or more municipalities or wholly bounded by one or more municipalities and a river or lake;
 - C. The growth prospects and plan and zoning ordinances of the Village will not be unreasonably disrupted;
 - D. No substantial disruption will result to the existing Village service facilities such as, but not limited to sewer systems, street lighting, water mains, garbage collection, and fire protection; and
 - E. The Village will not be unduly harmed through loss of the tax revenue in the future.

7. That the following services are provided to the Lot:


Water is on a well
Sewer is septic
Electric is Commonwealth Edison
Gas is Northern Illinois Gas


8. That further, petitioner requests that an appropriate amendment to the Westmont/Downers Grove Boundary Agreement, recorded August 19, 1991, be approved.

Wherefore, petitioner prays that the Lot legally described in paragraph 1 be disconnected from the corporate limits of the Village of Downers Grove and that the Westmont/Downers Grove Boundary Agreement be modified to reflect this disconnection.

Respectfully Submitted,

Joseph Ivan and Maria Ivan





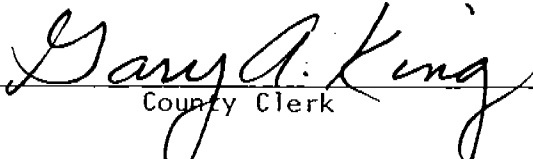
STATE OF ILLINOIS)
)
COUNTY OF DU PAGE)

I, Gary A. King, County Clerk in and for the County and State aforesaid and keeper of the records pertaining to taxes, DO HEREBY CERTIFY that there are no delinquent general taxes, no unpaid current taxes, no unpaid forfeited taxes and no redeemable tax sales on the following described property:

PARCEL # 09-16-302-001
FAIRVIEW ACRES LOT 9 BLK 3

All of which appears from the records now in my office remaining.

Given under my hand and the official seal at Wheaton, this 12th
day of January, A.D., 2001.


County Clerk