

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Planning Director **DATE:** December 3, 2002
(Name)

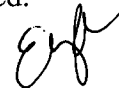
RECOMMENDATION FROM: Plan Commission **FILE REF:** 1084
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE VACATING A CERTAIN PORTION OF A PUBLIC RIGHT-OF-WAY IN THE VILLAGE OF DOWNERS GROVE BOUNDED BY 5808 & 5820 BUNNING DRIVE", as presented.



SUMMARY OF ITEM:

At their meeting of November 5, 2002, the Plan Commission unanimously recommended approval of an ordinance vacating a portion of an unimproved and unnamed right-of-way bounded by 5808 and 5820 Bunning Drive.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE VACATING A CERTAIN PORTION OF A
PUBLIC RIGHT-OF-WAY IN THE VILLAGE OF DOWNERS GROVE
BOUNDED BY 5808 & 5820 BUNNING DRIVE**

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 and un-named 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 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:

THAT PART OF PROPERTY DEDICATED FOR HIGHWAY PURPOSES LYING BETWEEN AND ADJOINING LOTS 17 AND 18 IN BLOCK 1 IN BUNNING'S SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 9, 1954 AS DOCUMENT NUMBER 729500, IN DUPAGE COUNTY, ILLINOIS

(hereinafter referred to as the "Vacated Bunning 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.

SECTION 2. An easement is hereby reserved for and granted to the Village of Downers Grove, County of DuPage, and to utility companies operating under franchise from the said Village including, but not limited to, Ameritech, Nicor, Commonwealth Edison Company, and their respective successors and assigns jointly and severally, over all of the areas marked "Public Utilities Easement Reservation" on

the plat of vacation of the Vacated Bunning Right-of-Way 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, over, upon, along, under and through said indicated easements, together with right of access across the property for necessary men and equipment 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 shall be placed on said easements, but same may be used for gardens, shrubs, landscaping, paved parking and 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 municipal and other governmental services.

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

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

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.

Mayor

Passed:

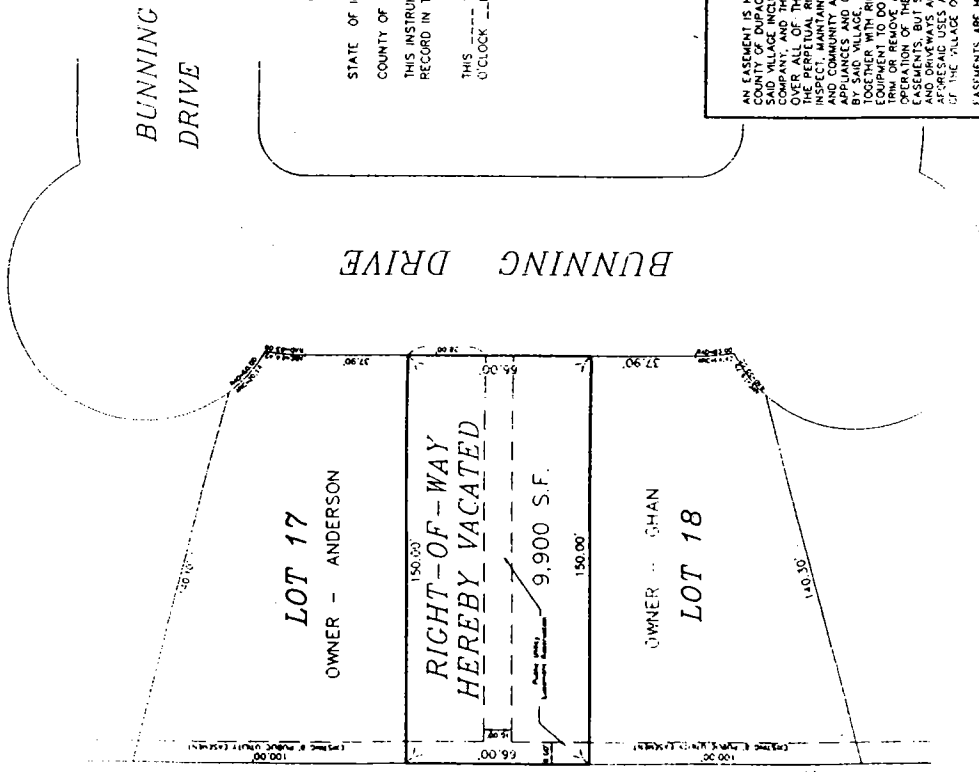
Published:

Attest: _____

Village Clerk

PLAT OF VACATION

THAT PART OF PROPERTY DEDICATED FOR HIGHWAY PURPOSES LYING BETWEEN AND ADJOINING LOTS 17 AND 18 IN BLOCK 1 IN BUNNING'S SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 9, 1954 AS DOCUMENT NUMBER 729500, IN DUPAGE COUNTY, ILLINOIS.



BUNNING DRIVE

COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.
THIS INSTRUMENT NUMBER _____ WAS FILED FOR
RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON
THIS ____ DAY OF _____ A.D. 20____ AT _____
O'CLOCK ____M

RECORDER OF DEEDS

VILLAGE OF DOWNERS GROVE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

APPROVED THIS ____ DAY OF _____
COUNCIL OF THE VILLAGE OF DOWNERS GROVE

ATTEST _____
MAYOR
_____ CLERK

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) S.S.

THIS IS TO CERTIFY THAT I, MELVIN A. HUMMEL, ILLINOIS
PROFESSIONAL LAND SURVEYOR, NO. 171, HAVE EXAMINED THE
PROPERTY SHOWN BY THE ANNEXED PLAT WHICH IS A TRUE AND
CORRECT REPRESENTATION OF SAID PROPERTY FOR THE USES,
AND PURPOSES HEREON SHOWN. ALL DISTANCES SHOWN ARE IN
FEET AND DECIMALS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT VAREBEAUX, ILLINOIS, ON
25TH DAY OF OCTOBER, 2002.

Melvin A. Hummel
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 171

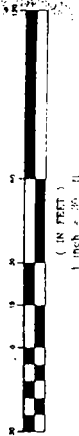


PUBLIC UTILITIES EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE, COUNTY OF DUPAGE, AND TO UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE SAID VILLAGE INCLUDING, BUT NOT LIMITED TO, AMERITECH, NICOR, COMMONWEALTH EDISON COMPANY, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TOGETHER WITH THE VILLAGE OF DOWNERS GROVE, COUNTY OF DUPAGE, ILLINOIS, FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO LOCATE, INSTALL, MAINTAIN, OPERATE, INSPECT, MAINTAIN AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS, AND COMMUNITY ANTENNA TELEVISION SYSTEMS AND ALL NECESSARY CONNECTIONS, INCLUDING BUT NOT LIMITED TO, TELEPHONE, CABLE TELEVISION, AND OTHER COMMUNICATIONS BY SAID VILLAGE OVER, UNDER, ALONG, UNDER AND THROUGH SAID LOTS, TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY MEN AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, REMOVE OR TRIM ANY TREES, SHRUBS OR PLANTS THAT INTERFERE WITH THE OPERATION OF THE UTILITIES. NO PERMANENT BUILDINGS SHALL BE CONSTRUCTED OR EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, PAVED PARKING AND DRIVEWAYS AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE OPERATION OF THE UTILITIES. 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, COUNTY OF DUPAGE, AND TO UTILITY COMPANIES HAVING JURISDICTION OF THE LAND OVER THE ENTIRE EASEMENT AREA FOR ACCESS, EGRESS AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES.

GRAPHIC SCALE



FILE
1084