

ORDINANCE NO. _____

**AN ORDINANCE ABROGATING A CERTAIN
PORTION OF A PUBLIC EASEMENT IN
THE VILLAGE OF DOWNERS GROVE (1131 GILBERT AVENUE)**

WHEREAS, on September 20, 1954, the Village of Downers Grove was granted a ten (10) foot right-of-way and easement along a portion of the property for the construction and laying of a water drainage tile eighteen (18) inches in diameter, recorded as Document Number 731823 and legally described below (referred to as the "Easement"); and

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

WHEREAS, the Village of Downers Grove has accepted an instrument entitled "Plat of Easement To The Village of Downers Grove", recorded as Document Number R2002-294057 on October 31, 2002, which establishes access and utility easements in substitution for the Easement; 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 abrogation of the Easement; and,

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

SECTION 1: That the easement along the property located at 1131 Gilbert Avenue described as follows:

The easterly 10 feet of the following described property:

A STRIP OF LAND 50 FEET IN WIDTH OFF THE ENTIRE WEST SIDE OF THAT PART OF LOT FIFTY-SEVEN (57) OF ASSESSOR'S SUBDIVISION OF SECTION EIGHT (8), TOWNSHIP THIRTY-EIGHT (38) NORTH, RANGE ELEVEN (11), EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTH LINE OF GILBERT AVENUE, 100 FEET EAST OF THE SECTION LINE FOR A PLACE OF BEGINNING; THENCE EAST, ALONG GILBERT AVENUE, 154.1 FEET; THENCE SOUTH 12 DEGREES 0 MINUTES EAST 92.4 FEET TO THE NORTHEAST CORNER OF LOT CONVEYED TO GEORGE BINDER BY

WARRANTY DEED RECORDED AS DOCUMENT #39855; THENCE SOUTH 78 DEGREES, 0 MINUTES WEST TO THE SOUTHEAST CORNER OF LOT CONVEYED TO EDWARD WOOTEN BY WARRANTY DEED RECORDED AS DOCUMENT #48505; THENCE NORTH PARALLEL TO SECTION LINE AND ALONG THE EAST LINE OF SAID WOOTEN LOT, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS (PIN 09-08-301-002)

(hereinafter referred to as the "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. That the Mayor and Clerk of the Village of Downers Grove are hereby authorized to sign this Ordinance abrogating the Easement described herein.

SECTION 3. That a certified copy of this Ordinance 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 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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

1\wp8\ord.03\1131GilbertAbrogatedEas