

COUNCIL WORKSHOP ITEM

ITEM: An Ordinance Abrogating a Certain Portion of a Public Easement
DATE: January 22, 2003
PREPARED BY: Enza Petrarca, Village Attorney
PURPOSE: To Abrogate an Easement

DISCUSSION:

As part of the Georgian Court's project the Village secured access and utility easements necessary for that particular project. However, on that property there already existed an easement that due to the nature of the Georgian Courts redevelopment is no longer necessary. This ordinance simply abrogates the old easement that the Village no longer needs.

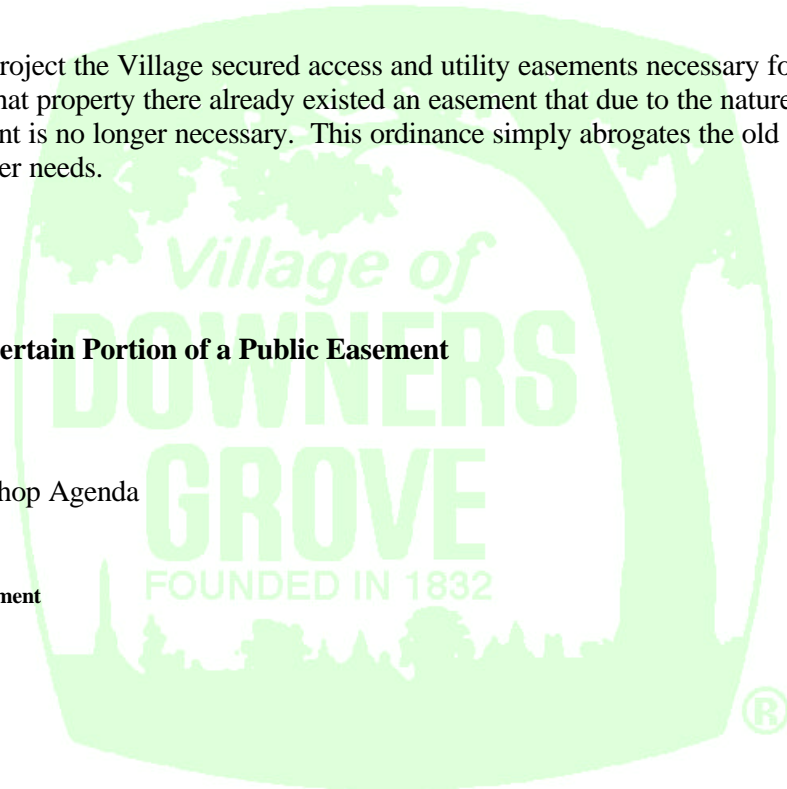
ATTACHMENT:

An Ordinance Abrogating a Certain Portion of a Public Easement

RECOMMENDATION:

Place on January 28, 2003 Workshop Agenda

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Date: January 22, 2003
To: Kenneth Rathje; Director of Planning Services
From: John J. Bajor, Jr.; Director of Public Works
Subject: Abrogation of Easement/ Storm Sewer
Georgian Courts

The Department of Public Works Engineering Division has completed inspection and review of the subject project. We have additionally considered the request for abrogation of easement based on the installation of the new alternate storm sewer constructed as part of the Georgian Courts Development Project.

Following field inspection by Bob Sandmann of the Code Services Department and Public Works and of our review of the new easement as proposed and recorded per documents received, Public Works recommends granting the request for approval of said abrogation of easement.

Please advise if more substantive information or clarification is required.

Cc: Don Rosenthal, Director of Code Services
Bob Sandmann
Jon Hall; Stormwater Administrator
Mike Millette;

ORDINANCE NO. _____

**A 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