

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Planning Director **DATE:** February 4, 2003
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** 1086
(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 ALLEY SOUTH OF HOBSON ROAD (59th STREET) BOUNDED BY PUFFER ROAD AND BELMONT ROAD IN THE VILLAGE OF DOWNERS GROVE", as presented.

SUMMARY OF ITEM:

At their meeting of January 7, 2003, the Plan Commission unanimously recommended approval of an ordinance vacating a portion of an unimproved alley right-of-way located approximately 140 feet south of and parallel to Hobson Road (59th Street), bounded by Puffer Road on the west and Belmont Road on the east.

RECORD OF ACTION TAKEN:

1/28: on 2/4

2/4: Jailed

ORDINANCE NO. _____

**AN ORDINANCE VACATING A CERTAIN PORTION OF A
PUBLIC ALLEY SOUTH OF HOBSON ROAD (59th STREET) BOUNDED BY
PUFFER ROAD AND BELMONT ROAD IN THE VILLAGE OF DOWNERS GROVE**

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 alley right-of-way (the unimproved alley right-of-way located approximately 140 feet south of and parallel to Hobson Road (59th Street), bounded by Puffer Road on the west and Belmont Road on the east) 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 the public alley located within Block 1 in Downers Grove Park, being a subdivision of part of Section 13, Township 38 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded March 23, 1927 as Document Number 232126, described as follows: Beginning at the southwest corner of Lot 10 in Block 1 in said Downers Grove Park, thence easterly along the south line of Lots 10, 9, 8, 7, 6, 5, 4, 3 and 2 in said Block 1 to the southeast corner of Lot 2, said point also being on the west right-of-way line of Belmont Road; thence southeasterly along the west right-of-way line of Belmont Road to the northeast corner of Lot 26 in Block 1 in said Downers Grove Park; thence west along the north line of Lots 26 and 11 in Block 1 to the northwest corner of Lot 11 in said Block 1, said point also being on the east right-of-way line of Puffer Road, thence northerly along the east right-of-way line of Puffer Road to the point of beginning, in DuPage County, Illinois.

(hereinafter referred to as the "Vacated Alley 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, SBC Ameritech, Commonwealth Edison Company, the Downers Grove Sanitary District 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 Alley 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 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 Alley Right-of-Way described herein.

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

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