

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MAY 17, 2011 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Right of Way Vacation 4700 Stonewall Avenue	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared vacating a 53-foot wide by 220-foot long portion of the unimproved Chicago Avenue right of way adjacent to the property at 4700 Stonewall Avenue.

STRATEGIC PLAN ALIGNMENT

The Goals for 2011 to 2018 include *Exceptional Municipal Services*.

FISCAL IMPACT

Per the Village Council policy, the petitioner should compensate the Village for the vacated property. Staff estimates the fair market value of the property to be \$15,527.23 for the entire alley to be vacated.

The fair market value is based on the latest assessment of land adjacent to the right-of-way. The value of the land would be discounted because the entire piece of land would be encumbered by an easement. The table below summarizes the estimated value:

Property Address	Assessed Land Value	Lot Size (Square Feet)	Square Foot Land Value	SF of ROW to be vacated	Estimated Value	Encumbered Value
4700 Stonewall Ave	\$ 54,370	13,198	\$ 4.00	11,660	\$ 46,581.70	\$ 15,527.23

RECOMMENDATION

Approval on the June 7, 2011 active agenda per the Plan Commission’s recommendation.

BACKGROUND

The property owner at 4700 Stonewall Avenue is requesting the Village vacate a portion of the 83-foot wide unimproved Chicago Avenue right of way that is immediately north of the subject property. The street right of way is currently unopened and includes only a sidewalk at the north edge, a water main (on the south edge of the property) and above-ground utilities. The remainder of the right of way is covered in turf and trees.

The applicant is requesting vacating the 53-foot by 220-foot portion of the right of way adjacent to their property – total of 11,660 square feet. The remaining right of way, including the portion containing the public sidewalk, will remain under the Village’s ownership. Staff is recommending only vacating the south

53 feet of the right of way because there is a sidewalk that connects neighborhood west of Woodward to Hooper's Hollow Park.

The requested vacation would cede a portion of the 83-foot wide Chicago Avenue right of way between Woodward Avenue and Stonewall Avenue to the owner of 4700 Stonewall Avenue. The portion being vacated is 53 feet wide and 220 feet long. The remaining right of way would remain publicly owned.

Per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), staff contacted the utility companies and outside public agencies (including the Police, Fire and Public Works Departments, School Districts, Sanitary District and Downers Grove Park District) to determine if any rights to the public right-of-way should be retained. The right of way contains a Village-owned water main along the southern edge. There are overhead utilities running north and south in the right of way. Additionally, there are several above-ground AT&T boxes. There are no other known utilities in the right-of-way.

As mentioned above, there is an existing five-foot wide sidewalk on the north side of the right of way. The sidewalk connects to the existing sidewalk on Chicago Avenue – east and west of the property. This portion of the right of way would not be vacated. As such, the sidewalk will continue to be owned and maintained by the Village of Downers Grove.

Staff is recommending retaining a public drainage, utility and utility access easement over the portion of the right of way being vacated. The easement provisions will provide adequate space for any future utility maintenance and needs. Except for a driveway, a fence and/or landscaping, future construction within the vacated property will be prohibited. The petitioners have been informed of this requirement and do not object to it.

The Village's Right-of-Way Vacation Policy permits the Village to vacate a right-of-way if two property owners provide written consent and if it is determined that public interests would not be harmed if the right-of-way is vacated. In this case, there are two consenting property owners and public utility interests will be addressed through the dedication of a public drainage, utility and utility access easement over the entire vacated alley. The Plan Commission found that these requirements were met by this petition.

The Plan Commission considered the petition at their May 2, 2011 meeting. No public comments were received at the hearing. The residents at 4702 Woodward Avenue sent an email to staff expressing their concerns about the request. As noted above, the Plan Commission found that there were no public interests harmed by the vacation of the property and recommended approval of the vacation by a vote of 7:0. Staff concurs with the Plan Commission's recommendation.

ATTACHMENTS

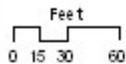
Aerial Map

Ordinance

Staff Report with attachments dated May 2, 2011

Minutes of the Plan Commission Hearing dated May 2, 2011

Correspondence from residents at 4702 Woodward



**ROW Vacation
4700 Stonewall Avenue**

ORDINANCE NO. _____

**AN ORDINANCE VACATING A CERTAIN PORTION OF AN UNIMPROVED
RIGHT-OF-WAY LOCATED ADJACENT TO 4700 STONEWALL AVENUE
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 a 220-foot deep by 53-foot wide unimproved right-of-way immediately north of and adjacent to the property located at 4700 Stonewall Avenue, Downers Grove, Illinois, 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 the following described property, to wit:

The unimproved 220-foot long by 53-foot wide unimproved right-of-way that runs immediately north of and adjacent to the property located at 4700 Stonewall Avenue (PIN 09-07-100-010).

Described as:

The south 53 feet of the unimproved Chicago Avenue right-of-way immediately north of and adjacent to the north half of lot 348 in Branigar Bros' Wooded Homesites, being a subdivision in the north half of Section 7, Township 38 North, Range 11 east of the Third Principal Meridian, and the north half of Section 12, Township 38 North, Range 10 east of the Third Principal Meridian, according to the plat thereof recorded October 2, 1920 as Document No. 144598, in DuPage County, Illinois, commonly known as 4700 Stonewall Avenue, Downers Grove, Illinois (PIN #'s 09-07-100-010).

(hereinafter referred to as the "Vacated Right-of-Way"), is hereby vacated, 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. Easements are 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, AT&T, Commonwealth Edison Company, Comcast, the Downers Grove Sanitary District and their respective successors and assigns jointly and severally, over all of the areas marked "Public Drainage Utility and/or Access Easement" on the plat of vacation of the Vacated 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 and for any and all municipal purposes, 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 or structures shall be placed on said easements, but same may be used for gardens, shrubs, landscaping, driveways, fences 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 any and all municipal and other governmental services.

SECTION 3. This vacation shall be subject to the following conditions:

1. The vacation shall substantially conform to the staff report dated May 2, 2011.
2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation indicating a 53-foot public drainage, utility and utility access easement along the entire length and width of the right of way to be vacated.
3. Prior to execution of the plat, the petitioners shall pay a total of \$15,527.23.

SECTION 4. That the Mayor and Clerk of the Village of Downers Grove are hereby authorized to sign the plat of vacation of the Vacated Right-of-Way described herein.

SECTION 5. That a certified copy of this ordinance and an accurate Plat of the Vacated Right-of-Way, which specifically includes the easement language contained in Section 2 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, at the Petitioner's expense.

SECTION 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. 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



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
MAY 2, 2011 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-11-11 4700 Stonewall Avenue	Right of Way Vacation	Jeff O'Brien, AICP Planning Manager

REQUEST

The petitioners are requesting a vacation of a 53-foot by 220-foot portion of the Chicago Avenue right of way adjacent to 4700 Stonewall Avenue.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: Village of Downers Grove
801 Burlington Road
Downers Grove, IL 60515

APPLICANTS: Art & Karen Fletcher
4700 Stonewall Avenue
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-3 & R-4 Single Family Residence District (adjacent properties)
EXISTING LAND USE: Unimproved Right-of-Way
PROPERTY SIZE: 11,660 square feet
PINS: 09-07-100-010 (4700 Stonewall Avenue)

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-4 Single Family Residence District	Residential 0-6 DU/Acre
SOUTH:	R-3 Single Family Residence District	Residential 0-6 DU/Acre
EAST:	R-3 Single Family Residence District	Residential 0-6 DU/Acre
WEST:	R-3 Single Family Residence District	Residential 0-6 DU/Acre

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Narrative
3. Petitioner Letters
4. Plat of Survey
5. Village alley vacation policy (Resolution #2003-58)

PROJECT DESCRIPTION

The property owner at 4700 Stonewall Avenue is requesting the Village vacate a portion of the 83-foot wide unimproved Chicago Avenue right of way that is immediately north of the subject property. The street right of way is currently unopened and includes only a sidewalk at the north edge and utilities. The remainder of the right of way is covered in turf.

The applicant is requesting vacating the 53-foot by 220-foot portion of the right of way adjacent to their property – total of 11,660 square feet. The remaining right of way, including the portion containing the public sidewalk, will remain under the Village's ownership. Staff is recommending only vacating the south 53 feet of the right of way because there is a sidewalk that connects neighborhood west of Woodward to Hooper's Hollow Park.

The requested vacation would cede a portion of the 83-foot wide Chicago Avenue right of way between Woodward Avenue and Stonewall Avenue to the owner of 4700 Stonewall Avenue. The portion being vacated is 53 feet wide and 220 feet long. The remaining right of way would remain publicly owned. The requested vacation is shown in the attached drawings and is summarized in the table below:

Property Address	Requested Width	Requested Length	Approximate Increase in Area
4700 Stonewall Ave	53 ft	220 ft	11,660 sq ft

Per the right of way vacation policy, staff contacted the utility companies and outside public agencies (including the Police, Fire and Public Works Departments, School Districts, Sanitary District and Downers Grove Park District) to determine if any rights to the public right of way should be retained. Currently, the right of way contains overhead utilities that run north and south. There are AT&T boxes above-ground near the overhead utility poles. There is also a Village-owned water main on the south side of the right of way. There are no other known utilities in the right of way. The utility providers and the Village do not have an objection to the vacation of the right of way as long as a public drainage, utility and utility access easement is retained over the portion being vacated. The easement will provide adequate space for any future utility needs.

As mentioned above, there is an existing five-foot wide sidewalk on the north side of the right of way. This portion of the right of way would not be vacated. As such, the sidewalk will continue to be owned and maintained by the Village of Downers Grove.

If the Plan Commission finds the petition meets the right of way vacation policy, staff recommends a public drainage, utility and utility access easement be placed over the portion of the right of way that is being vacated. The easement will restrict any construction within the vacated right of way except for a driveway or fence. The petitioners have been informed of this requirement and restrictions and do not object to the easement.

If the Plan Commission finds that the south 53 feet of the right of way serve a public interest and should not be vacated, the right of way will remain open space with no future improvements.

COMPLIANCE WITH FUTURE LAND USE PLAN

The subject right of way is primarily turf and trees. There current improvements include overhead utilities, above-ground utilities, underground utilities and a five-foot concrete sidewalk. According to the Future Land Use Plan, the neighboring properties and all surrounding properties are designated as Residential (0-6 DU/Acre). The use of the right of way will not be significantly altered as the Village is requiring that an easement be retained. The vacation of the Chicago Avenue right of way would not alter the future uses of the surrounding properties. Staff believes the proposed vacation is consistent with the Future Land Use Plan.

COMPLIANCE WITH ZONING ORDINANCE

4700 Stonewall Avenue is zoned R-3 single family residence district. The right of way vacation will increase the subject property by 11,660 square feet. The proposed vacation will not create any new non-conformity. Because an easement is being placed on the entire right of way, no new buildings or structures, other than a fence, could be constructed on the vacated property. Staff believes the proposed vacation is consistent with the Zoning Ordinance.

PUBLIC SAFETY REQUIREMENTS

The Fire Department and the Police Department have reviewed the plans for the vacation and noted no objections to the vacation of the right of way.

NEIGHBORHOOD COMMENT

Staff received a phone call from a resident requesting that the sidewalk remain open to the public and that no new homes be built on the property. The proposed vacation and easements address these concerns. The Village has not received any other comments from the surrounding neighborhood.

FINDINGS OF FACT

Compliance with the Procedure to be followed in the Vacation of Streets, Alleys, and Public Rights-of-Way (Resolution #2003-58)

The Village's alley vacation policy asks two key questions when it comes to determining if an right of way can be vacated. These questions and staff's findings are listed below:

- Is there written consent of at least two property owners who abut the proposed parcel to be vacated?
 - All four property owners adjoining this right of way provided consent to proceed with the vacation.

- Are there any known public interests served the parcel?
 - As noted above, staff contacted the utility companies and outside public agencies to determine the extent of public interest. Based on their replies, staff has determined the existing public utilities can be addressed by retaining an easement over the entire length and width of the right of way to be vacated. As such, the applicant will not be able to construct any permanent structure, other than a driveway or fence, within this easement.

The petitioners have been informed of the easement requirements and do not object to them.

Based on these findings, staff believes the request complies with the Village policy outlined in Resolution #2003-58 and recommends vacating the 53-foot by 220-foot portion of the Chicago Avenue right of way to the petitioners with a public drainage, utility and utility access easement placed over the property to be vacated.

Staff recommends that the petitioners provide the Village with compensation for the right of way to be vacated. Staff believes the petitioners should compensate the Village fair market value of the vacated property. The fair market value is based on the latest assessment of land adjacent to the right of way. When land will be encumbered with an easement, land is generally valued at one-third (1/3) of the value of the same property that does not have an easement. As such, the fair market value of the entire right of way to be vacated will be discounted as outlined below.

The table below summarizes the estimated value:

Property Address	Assessed Land Value	Lot Size (Square Feet)	Average Square Foot Land Value	SF of Alley to be vacated	Estimated Value	Encumbered Value
4700 Stonewall	\$ 54,370	13,198	\$ 4.00	11,660	\$ 46,581.70	\$ 15,527.23

Based on the land value assessment model, the petitioners would be required to pay the Village a total of \$15,527.23.

RECOMMENDATIONS

Staff believes the proposed Chicago Avenue right of way vacation is consistent with the Village's vacation policy and surrounding zoning and land use. Based on the findings listed above, staff recommends that the Plan Commission make a motion recommending approval of a right of way vacation associated with PC-11-11 to the Village Council subject to the conditions below:

1. The vacation shall substantially conform to the staff report dated May 2, 2011.
2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation indicating a 53-foot public drainage, utility and utility access easement along the entire length and width of the right of way to be vacated.
3. Prior to execution of the plat, the petitioners shall pay a total of \$15,527.23.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:jwo
-att

COPY

February 19, 2011

Village of Downers Grove
Department of Community Development
801 Burlington Avenue
Downers Grove, IL 60515

Reference: Petition for Plan Commission
Vacation of Chicago Avenue ROW

Gentlemen:

In accordance with Resolution 2003-58, which establishes the procedure to be followed in the vacation of streets, alleys, and public right-of-way, we hereby present the following:

1. Name and Address of Petitioner:

Art & Karen Fletcher
4700 Stonewall Avenue
Downers Grove, IL 60515

2. Location of Public ROW to be vacated under request:

Existing Stonewall Avenue ROW bordered by 4640 Stonewall Avenue to the north and 4700 Stonewall Avenue to the south. Length of ROW requested to be vacated is 220', starting at the west side of the Stonewall Avenue 66' ROW and extending west, with the western boundary matching the existing west boundary for 4700 Stonewall. Width of existing Chicago Avenue ROW is 83 feet, Petitioner requests southern 63 feet be vacated and purchased by petitioner, leaving a 20 foot easement available for existing public sidewalk

3. Names and Addresses of Owners of Record of Abutting Properties:

Art & Karen Fletcher
4700 Stonewall Avenue
Downers Grove, IL 60515

220 feet directly abutting parcel to be vacated

George Lesondak
4640 Stonewall Avenue
Downers Grove, IL 60515

243 feet abutting existing ROW. 20 feet of ROW would continue to exist adjacent to this property, with vacated ROW opposite side of existing ROW.

Mike and Therese Wall 4703 Woodward Avenue Downers Grove, IL 60515	232 feet abutting existing Chicago Avenue ROW. Section of ROW adjacent to this property would remain unaffected.
Angelo Saguto 6706 Meade Place Downers Grove, IL 60516 (Owner of 2000 Chicago Ave, Downers Grove, IL 60515)	Approximately 180 feet abutting existing Chicago Avenue ROW. Section of ROW adjacent to this property would remain unaffected.

4. Statement to the type of any known public services facilities and name of the public utility owning same:

- a) Estimated 6" water main running east-west on subject property from Stonewall Avenue to Woodward Avenue, owned by the Village of Downers Grove. 220 feet of water main would be in vacated ROW.
- b) Electrical distribution lines run north south across existing ROW, owned by Commonwealth Edison. Distribution line easement exists on western properties adjacent to the Chicago Avenue ROW and would run parallel and just west of property requested to be vacated.
- c) A fiber optic patch box exists on the southwest corner of the area to be vacated, owned by AT&T. It's been a recent addition to the existing ROW and it is unclear as to whether a specific easement exists for box.

5. Written Consent of at least two property owners who abut the proposed parcel to be vacated:

Signed documents from all three landowners (with exception of petitioner) are attached. It is assumed that by virtue of this petition, the petitioner provides consent to the vacation of this parcel.

6. Fee in the amount of \$300 to be paid to the Village:

Payment has been included with this petition.

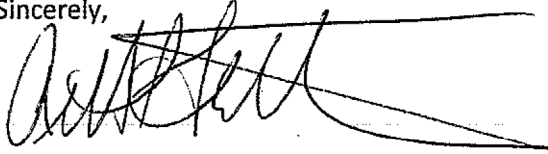
We trust this complies with the Plan Commission requirements to begin the review process. We understand that we may be responsible to provide the Village a plat of survey for the subject vacation but will await the village recommendation on this requirement.

Petition for Chicago Avenue ROW Vacation
February 19, 2011

Page 3

We appreciate the cooperation and guidance shown in this matter and request if you have any questions or comments that you contact us in my office during normal working hours at (312) 582-1502 or on my cell phone anytime at (630) 487-6469.

Sincerely,

A handwritten signature in black ink, appearing to read 'Art Fletcher', written over a horizontal line.

Art Fletcher
Petitioner

Attachments:

- 1) *Petition for Plan Commission Cover Page*
- 2) *Survey Plat for abutting properties*
- 3) *Consent from abutting properties*
- 4) *Payment of fee requirement*

Date: January 31, 2011
Subject: Chicago Avenue Easement- Stonewall to Woodward Avenues
Downers Grove, IL

I understand that our neighbors, Karen & Art Fletcher, of 4700 Stonewall Avenue, intend to file with the Village of Downers Grove a petition to vacate the existing Chicago Avenue right-of-way (ROW) between Stonewall Avenue and Woodward Avenue. The petition, if successful, would reduce the existing 83-foot ROW for Chicago Avenue to a maximum 25-foot ROW for a walking path only, and prohibit any future roadway from being installed in this ROW. It is generally understood that such a roadway is neither necessary for neighborhood traffic nor desired for sustainable access. It is also generally understood that the vacated ROW would remain as an open space corridor for the existing pedestrian foot traffic.

I am one of the four property owners adjacent to this existing easement, and DO NOT object to the removal of the roadway easement specific to Chicago Avenue and the reduction of ROW from the existing 83 feet down to a maximum of 25 feet.

I am one of the four property owners adjacent to this existing easement, and DO object to the removal of the roadway easement specific to Chicago Avenue and the reduction of ROW from the existing 83 feet down to a maximum of 25 feet.

If this petition is successful, I understand that I would have the opportunity to purchase a portion of the existing ROW that runs along my property line.

I WOULD be interested in purchasing the portion of this ROW adjacent to my property.

I WOULD NOT be interested in purchasing the portion of this ROW adjacent to my property. *Undecided*

Name: Angelo Saguto

Address: 2000 Chicago Ave
Downers Grove, IL 60515

Date: January 29 2011

Subject: Chicago Avenue Easement- Stonewall to Woodward Avenues
Downers Grove, IL

I understand that our neighbors, Karen & Art Fletcher, of 4700 Stonewall Avenue, intend to file with the Village of Downers Grove a petition to vacate the existing Chicago Avenue right-of-way (ROW) between Stonewall Avenue and Woodward Avenue. The petition, if successful, would reduce the existing 83-foot ROW for Chicago Avenue to a maximum 25-foot ROW for a walking path only, and prohibit any future roadway from being installed in this ROW. It is generally understood that such a roadway is neither necessary for neighborhood traffic nor desired for sustainable access. It is also generally understood that the vacated ROW would remain as an open space corridor for the existing pedestrian foot traffic.

I am one of the four property owners adjacent to this existing easement, and DO NOT object to the removal of the roadway easement specific to Chicago Avenue and the reduction of ROW from the existing 83 feet down to a maximum of 25 feet.

I am one of the four property owners adjacent to this existing easement, and DO object to the removal of the roadway easement specific to Chicago Avenue and the reduction of ROW from the existing 83 feet down to a maximum of 25 feet.

If this petition is successful, I understand that I would have the opportunity to purchase a portion of the existing ROW that runs along my property line.

I WOULD be interested in purchasing the portion of this ROW adjacent to my property.

I WOULD NOT be interested in purchasing the portion of this ROW adjacent to my property.

Name: Jessie L Wall

Address: 4703 Woodward Ave
Downers Grove, IL 60515

Date: January 30, 2011

Subject: Chicago Avenue Easement- Stonewall to Woodward Avenues
Downers Grove, IL

I understand that our neighbors, Karen & Art Fletcher, of 4700 Stonewall Avenue, intend to file with the Village of Downers Grove a petition to vacate the existing Chicago Avenue right-of-way (ROW) between Stonewall Avenue and Woodward Avenue. The petition, if successful, would reduce the existing 83-foot ROW for Chicago Avenue to a maximum 25-foot ROW for a walking path only, and prohibit any future roadway from being installed in this ROW. It is generally understood that such a roadway in neither necessary for neighborhood traffic nor desired for sustainable access. It is also generally understood that the vacated ROW would remain as an open space corridor for the existing pedestrian foot traffic.

I am one of the four property owners adjacent to this existing easement, and DO NOT object to the removal of the roadway easement specific to Chicago Avenue and the reduction of ROW from the existing 83 feet down to a maximum of 25 feet.

I am one of the four property owners adjacent to this existing easement, and DO object to the removal of the roadway easement specific to Chicago Avenue and the reduction of ROW from the existing 83 feet down to a maximum of 25 feet.

If this petition is successful, I understand that I would have the opportunity to purchase a portion of the existing ROW that runs along my property line.

I WOULD be interested in purchasing the portion of this ROW adjacent to my property.

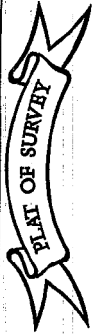
I WOULD NOT be interested in purchasing the portion of this ROW adjacent to my property.

Name: George A. Leonard

Address: 4640 STONEWALL AVE
Downers Grove, IL 60515

ARS SURVEYING SERVICES, LLC

108 LEE LANE
 BOLINGBROOK, ILLINOIS 60440
 PH: (630) 226-9200 FAX: (630) 226-9234



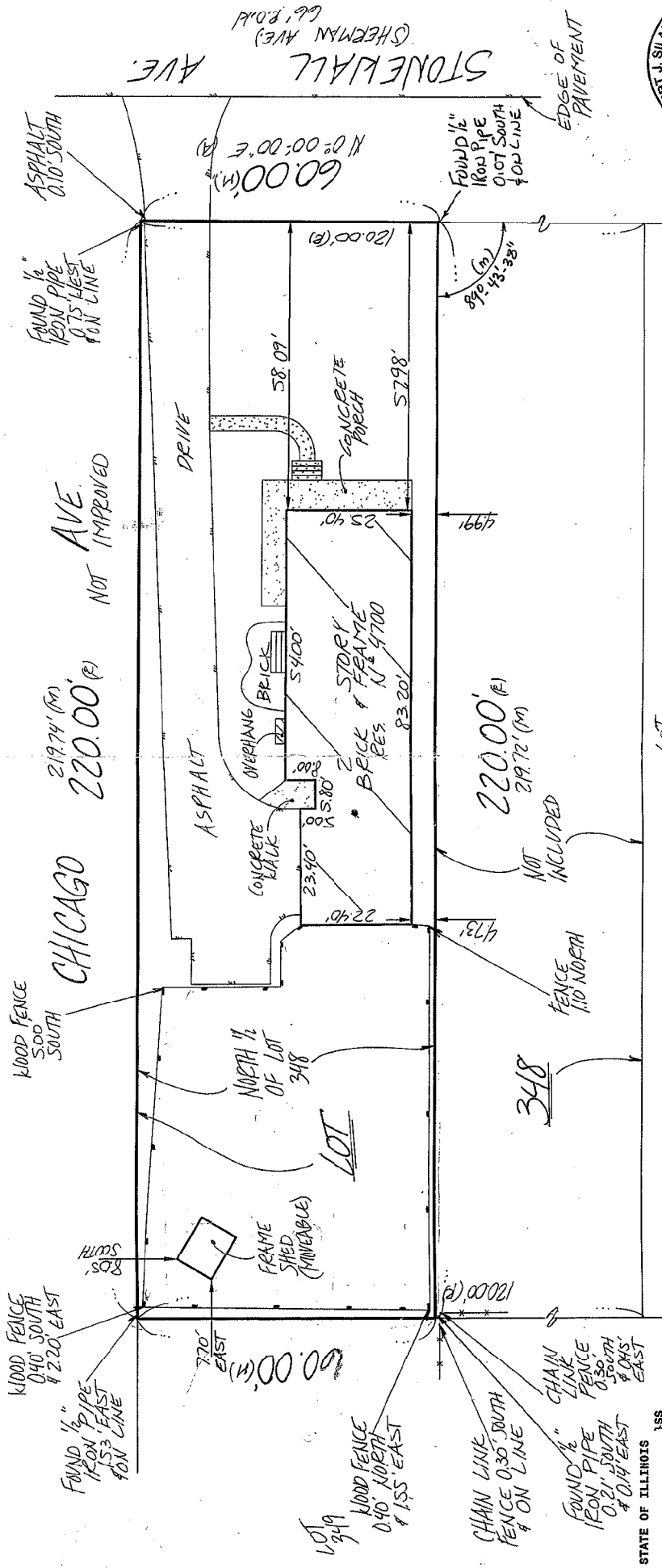
THE NORTH HALF OF LOT 348 IN BRANIGAR BROS' WOODED HOMESITES, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH HALF OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1920 AS DOCUMENT NO. 144598, IN DUPAGE COUNTY, ILLINOIS.

AREA OF SURVEY:

"CONTAINING 13,184 SQ. FT. 0.30 ACRES MORE OR LESS"



SCALE: 1"=20'



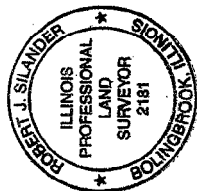
STATE OF ILLINOIS
 COUNTY OF WILL

I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT "THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY," AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED, THIS 24TH DAY OF MAY, A.D., 2005, AT BOLINGBROOK, ILLINOIS.

CLIENT: STONE
 JOB NO.: 79091-05
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-2181
 LICENSE EXPIRATION DATE NOVEMBER 30, 2006
 ILLINOIS BUSINESS REGISTRATION NO. 184-2961

607347



5/24/2005 11:25:45 AM, Steve

DRAFT

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

MAY 2, 2011, 7:00 P.M.

File PC-11-11 A petition seeking a partial right-of-way vacation of the 83-foot wide unimproved Chicago Avenue right-of-way running east and west immediately north of and adjacent to the property commonly known as 4700 Stonewall Avenue, Downers Grove, IL (PIN 09-07-100-010). Art and Karen Fletcher, Petitioner and Owner.

Mr. Jeff O'Brien, Village Planning Manager, summarized the petition before the commissioners was for the unimproved, but dedicated, right-of-way ("ROW") vacation for Chicago Avenue running between Woodward and Stonewall Avenues. The ROW sits at the southwest corner of the intersection of Chicago and Stonewall Avenues. It is 83 feet wide and the areas east and west of the site are 66 feet long. The petitioners are requesting to purchase the south 53 feet immediately adjacent to their property. Total ROW to be vacated is 53 feet by 220 feet long. The utilities located on the south side of the ROW will be located in a public utilities and drainage easement and, therefore, no construction of structures (except fences or driveways) would be allowed. The sidewalk within the northern 30 feet of the right-of-way will remain and be maintained because it is part of a regional trail way plan.

The petition complies with the Village's Land Use Plan and Zoning Ordinance. However, setback changes will include a six-foot side yard setback, or, 10% of the lot width.

To date, no objections have been received for this petition from the village's police department, public works department, or other agencies. However, staff did receive a phone call requesting that the sidewalk remain open to the public and that no new homes be built on the property, wherein Mr. O'Brien confirmed the sidewalk would be public and access would remain. The easements would prohibit any new construction of structures.

Directing commissioners' attention to the dais, Mr. O'Brien noted two emails he received from the residents of 4702 Woodward who opposed the petition. He clarified that the current shed, under construction, was on the petitioner's property. To date, all four property owners adjoining the alley have consented to the vacation and their letters were attached to the packet. Staff called attention to the fact that staff and the Plan Commission were making findings as to whether the vacation is a necessary use for the ROW in the future, and staff has determined that the public interest can be protected with the easement in the 53 foot section that is being vacated.

Staff recommended compensation for the alley and referenced its monetary figure in the staff report. Staff recommended approval of the petition with the three conditions on page 4 of its staff report.

Vice Chairman Webster opened up the petition for commission comment. Mr. Matejczyk inquired about staff's statement that "the easement will prohibit any construction within the vacated right of way except for driveway or fence" and whether it would preclude an addition to petitioner's home, wherein Mr. O'Brien confirmed it would preclude the statement. Petitioners could construct up to

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the old property line, however. Mr. Matejczyk also confirmed with staff that vacating the section would permanently close the street, to which Mr. O'Brien confirmed in the positive, stating the matter was addressed prior with the Public Works Department. He summarized some of the dialog that took place with the Public Works Department.

Regarding the shed under construction and its location, Mr. O'Brien explained that the matter was addressed earlier in the year and the petitioners were made aware of their options, which the vacation was one of staff's options to make the shed a legal construction. The current shed is 6 feet off the north and west property lines and will be legal with the vacation. The owners' permit application was dependent upon the outcome of this petition.

For clarification purposes, Mr. O'Brien stated the parcels would likely be given to identification numbers for taxation. He indicated the lots would be separate – the existing lot where the home is and the vacated parcel. He noted the petitioners could consolidate the properties by filing a request for a plat of consolidation. He did not think that was necessary in this case. Concerning staff's recommendations, Mr. Waechtler asked staff if it was appropriate to mention that "Nothing is to be built on the vacated land" even though mentioned earlier in staff's report, wherein Mr. O'Brien stated that he uses the standard easement language for all vacations unless the applicant is seeking something special. Per another question, staff clarified the required setbacks, to date, were 25 feet from the east property line, 20 feet from the west property line, 6 feet from the south property line, and 24 feet from the north property line. In the future, the petitioner would get to use the 10%, i.e., 6 feet from the north property line, while the other setbacks would remain the same.

Asked if any other lots in the area went through from one street to another, Mr. O'Brien pointed out that one existed to the north at the northern edge of Coopers Hollow Park, with a 14 ft. wide alley. Mr. Beggs further asked whether the two lots would be end-to-end, wherein Mr. O'Brien responded in the negative. Further clarification followed by Mr. O'Brien that the lot itself would exist, along with a right-of-way lot, and each lot would have a pin number and each could be sold separately. However, he reported the county Assessor's Office would have to address such a matter. Since it was not a buildable lot, a lot consolidation could be done if the petitioners desired.

Per Mr. Quirk's question, there was one neighbor (2000 Chicago Avenue) that inquired about purchasing the remaining land but the person did not follow through with the process. Per Mr. Waechtler's question, staff confirmed the sidewalk at north of 4701 Stonewall travels to Hooper's Hollow Park and continues on to Chicago Avenue.

Petitioner, Mr. Art Fletcher, 4700 Stonewall, Downers Grove, summarized that the reason for his petition was to expand more on his property and, initially, when he purchased the property, there was concern about the street continuing through the property. He believed by taking this step it would not allow the street to continue through. In speaking with other neighbors, they agreed that having a through street was not a very good idea. Mr. Fletcher stated he did not realize that because he had a corner lot that the north property line would be 25 feet; he assumed it would be a 6-foot setback like everyone else. He explained the shed at the northwest corner of his property that was being constructed replaced an old shed. However the new shed, being larger than 100 sq. feet, had to meet village code and when he was constructing it, the village visited on-site and communicated to him that it was in violation of code and they explained the setbacks. Mr. Fletcher explained that, currently, as his house sits, he cannot build a walk-out deck on his property but by acquiring the property to the north, it will allow him that. He commented on the landscaping he was proposing

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and also mentioned the monetary benefits the village was receiving by him purchasing the property, i.e., up front money and the fact that the village will not have to maintain the vacated property.

Regarding the emails not supporting the ROW vacation, Mr. Fletcher stated that had he known earlier, he would have invited 10 to 15 of his neighbors in support of the petition. He thanked the commissioners for their consideration.

Per Mrs. Rabatah's question regarding the shed, Mr. Fletcher explained he was replacing a dilapidated shed with a larger shed and it was his mistake. His family includes four children and many bikes and no room exists to "hang out" in the yard.

Vice Chairman Webster opened up the meeting to public comment. No public comment followed. Public comment was closed.

Petitioner had no closing comments.

Mr. Matejczyk appreciated petitioner's professional-looking petition and supported the proposal. Mrs. Rabatah, recognizing the petition met the village's requirements, the appropriate neighbor consents were provided, and the utility companies were notified, she supported the proposal also. Mr. Webster agreed the petition met the findings of fact and entertained a motion.

WITH RESPECT TO FILE PC-11-11, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, WITH THE FOLLOWING CONDITIONS:

- 1. THE VACATION SHALL SUBSTANTIALLY CONFORM TO THE STAFF REPORT DATED MAY 2, 2011.**
- 2. PRIOR TO FINAL VILLAGE COUNCIL CONSIDERATION, A MYLAR COPY OF THE FINAL PLAT OF VACATION INDICATING A 53-FOOT PUBLIC DRAINAGE, UTILITY AND UTILITY ACCESS EASEMENT ALONG THE ENTIRE LENGTH AND WIDTH OF THE RIGHT OF WAY TO BE VACATED.**
- 3. PRIOR TO EXECUTION OF THE PLAT, THE PETITIONERS SHALL PAY A TOTAL OF \$15,527.23.**

SECONDED BY MRS. RABATAH.

ROLL CALL:

**AYE: MR. MATEJCZYK, MRS. RABATAH, MR. BEGGS, MR. COZZO, MR. QUIRK,
MR. WAECHTLER, VICE CHAIRMAN WEBSTER**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

OBrien, Jeff

From: melanie mauser [melsbuick@att.net]
Sent: Monday, May 02, 2011 10:38 AM
To: Latinovic, Damir
Subject: Hearing - PC-1111

Re: Hearing for Property - 4700 Stonewall, Downers Grove, IL

I wish to express my disagreement of the expansion of the property at 4702 Stonewall. I understand that this request was made because the owner built a shed too close to the boundary line and did not apply for a permit. Due to the fact he did not wish to move it further onto his property he decided he would like to acquire village property. As owner of the property at 4702 Woodward, my front window has a beautiful view of this area. When I look out our window I see how many neighbors enjoy this property and feel that the village should consider the rights of all the neighbors and not just one.

Melanie Mauser

OBrien, Jeff

From: Arthur Merzlock [ggm331@att.net]
Sent: Monday, May 02, 2011 1:02 PM
To: Latinovic, Damir
Subject: re pc-11-11-petition of 4700 Stonewall

To whom it concerns: This is regards to the petition of 4700 Stonewall Avenue. I am co-owners with my sister at 4702 Woodward Avenue. I feel very strongly against the request. Why should a person be allowed to put up a shed or any other object on the property if they did not get the proper permit to do so? What is the sense of having laws if they are not followed accordingly? I know that people in our area enjoy the openness because of being able to go for walks, play baseball, playing badmitton, and or riding their bikes on the path. They probably paid more for the land and they want to keep it that way. PLEASE CAREFULLY CONSIDER THE PEOPLE OF THE AREA; KEEP THE LAWS THAT WERE ESTABLISHED INTACT!!

Gloria Merzlock