

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
SEPTEMBER 13, 2011 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Abrogation of Easements	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Motion <input type="checkbox"/> Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A resolution has been prepared to authorize abrogation of a watermain easement reserved for the property located at 6241 Main Street.

STRATEGIC PLAN ALIGNMENT

The Goals 2011-2018 identified *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the September 6, 2011 Village Council meeting. Staff recommends approval on the September 13, 2011 Consent Agenda.

BACKGROUND

The petitioner is requesting abrogation of an existing ten-foot wide watermain easement. The request will allow construction of a Chase Bank building located at 6241 Main Street at the northeast corner of 63rd and Main Streets.

On April 12, 2011, the Village Council approved a special use for redevelopment of the property at 6241 Main Street for a Chase Bank building. The new bank building with four-drive through lanes will replace the existing vacant service station.

The property owner is preparing construction documents for redevelopment of the property. As part of these documents, the applicant is requesting that the Village abrogate (eliminate) the existing ten-foot wide watermain easement running north-south and east-west near the middle of the site. The existing infrastructure is in the adjacent rights-of-way. Further, no water utility structures are located in the easement. Adequate space exists in the adjacent right-of-ways for any future watermain structures.

The Village has determined that abrogation of the existing easement will not adversely affect the Village and that any future watermain needs can be adequately serviced in the adjacent 63rd or Main Street right-of-ways.

ATTACHMENTS

- Resolution
- Plat of Easement Abrogation of Watermain Easement dated June 30, 2011

RESOLUTION NO. _____

**A RESOLUTION ABROGATING A CERTAIN
PORTION OF A PUBLIC EASEMENT IN
THE VILLAGE OF DOWNERS GROVE - 6241 MAIN STREET**

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 abrogate a certain portion of a public easement in said Village hereinafter more particularly described; and

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

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 said public easement,

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

SECTION 1. That portion of an existing 10-foot wide watermain easement recorded as Document Number R1936-373183 residing over part of Lot 1 in the Plat of Survey of Lot Reconfiguration of Part of the East ½ of the Southwest 1/4 of Section 17, Township 38 North, Range 11 East of the Third Principal Meridian, according to said plat recorded July 6, 2011 as Document Number R2011-078802, described as follows:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 88 DEGREES 20 MINUTES 10 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 40.00 FEET FOR THE PLACE OF BEGINNING; THENCE EASTERLY, SOUTHERLY, WESTERLY AND NORTHERLY ALONG THE PERIMETER OF SAID 10-FOOT WIDE WATERMAIN EASEMENT THE FOLLOWING EIGHT (8) COURSES AND DISTANCES; 1) NORTH 88 DEGREES 20 MINUTES 10 SECONDS EAST ALONG SAID NORTH LINE OF LOT 1, A DISTANCE OF 10.00 FEET; 2) SOUTH 01 DEGREES 28 MINUTES 50 SECONDS EAST, 50.00 FEET; 3) NORTH 88 DEGREES 20 MINUTES 10 SECONDS EAST, 116.50 FEET TO THE EAST LINE OF SAID LOT 1; 4) SOUTH 01 DEGREES 28 MINUTES 17 SECONDS EAST ALONG SAID EAST LINE, 10.00 FEET; 5) SOUTH 88 DEGREES 20 MINUTES 10 SECONDS WEST, 116.50 FEET; 6) SOUTH 01 DEGREES 28 MINUTES 50 SECONDS EAST, 90.06 FEET TO THE SOUTH LINE OF SAID LOT 1; 7) SOUTH 88 DEGREES 20 MINUTES 01 SECONDS WEST ALONG SAID SOUTH LINE, 10.00 FEET; 8) NORTH 01 DEGREES 28 MINUTES 50 SECONDS WEST, 150.06 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as (a portion of) 6241 Main Street; PINs 09-17-315-002; -021

(hereinafter referred to as the "Abrogated Watermain Easement"), are 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 the plat of abrogation of the abrogated easement described herein.

SECTION 3. That a certified copy of this resolution and an accurate map of the abrogated easement 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 expense of the Owner of Record.

SECTION 4. That all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

SECTION 5. That this resolution 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: _____

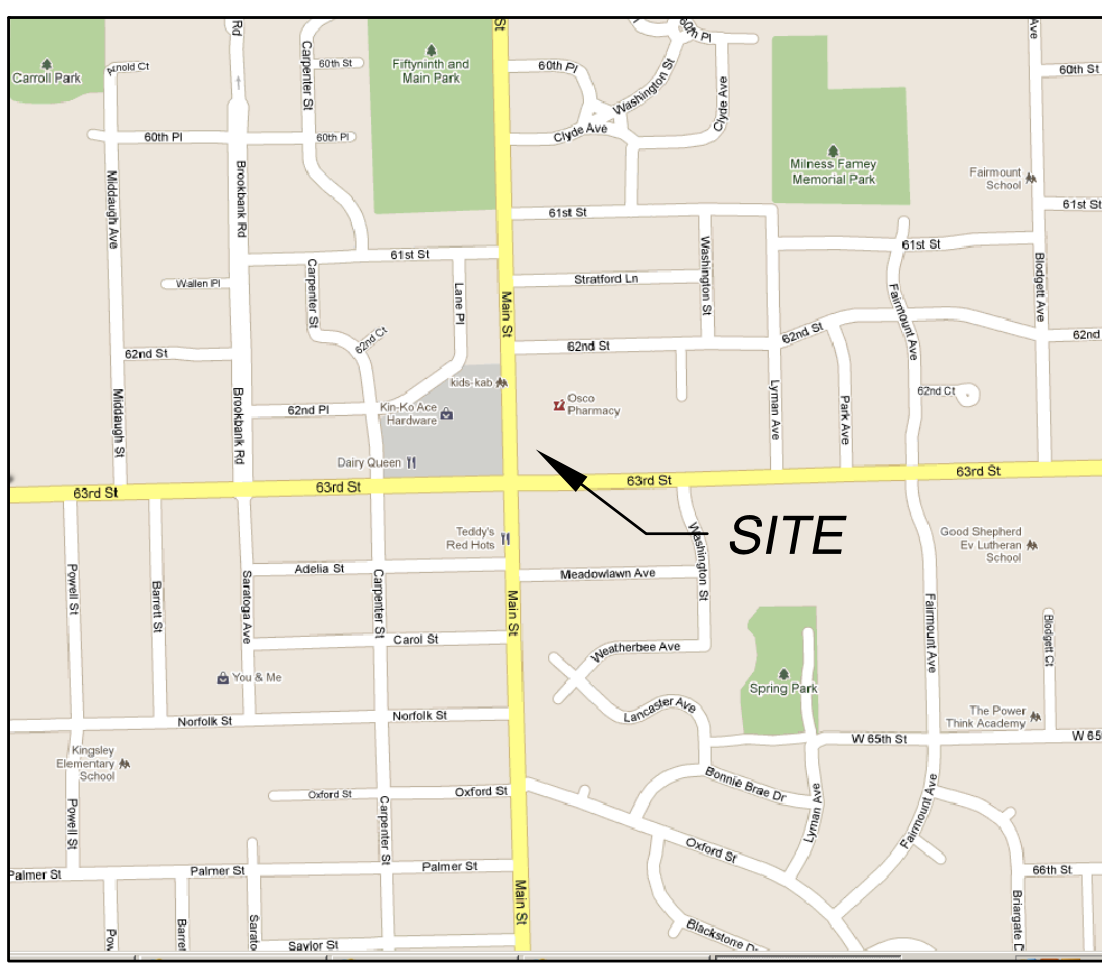
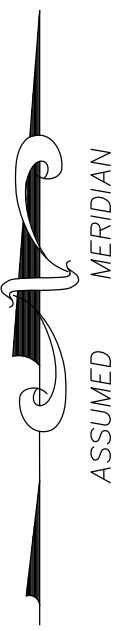
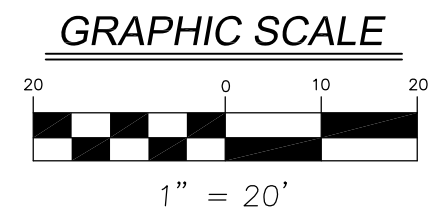
Village Clerk

PLAT OF EASEMENT ABROGATION OF WATERMAIN EASEMENT

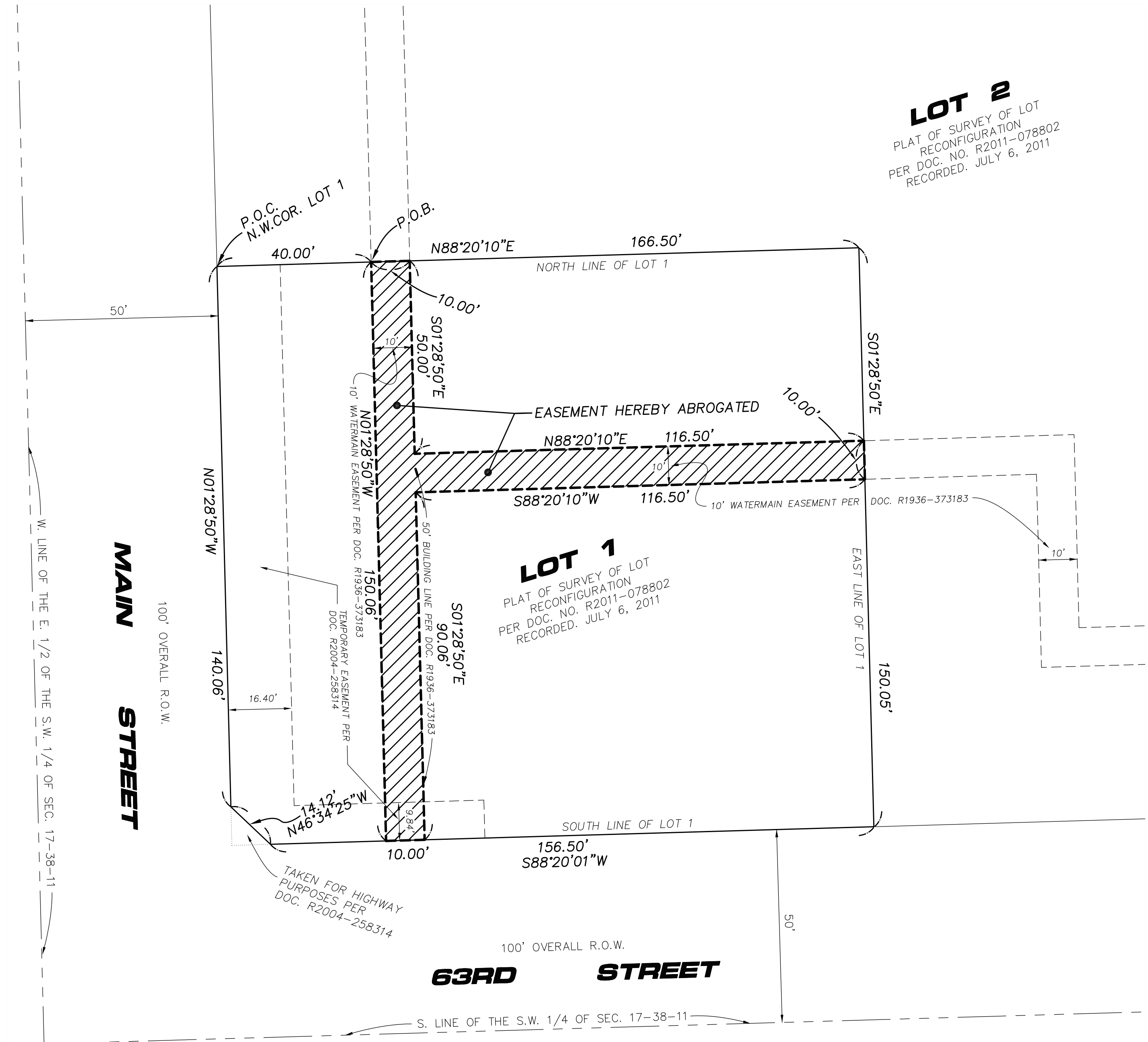
PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

LEGAL DESCRIPTION OF EASEMENT HEREBY ABROGATED

THAT PORTION OF AN EXISTING 10-FOOT WIDE WATERMAIN EASEMENT RECORDED AS DOCUMENT NUMBER R1936-373183 RESIDING OVER PART OF LOT 1 IN THE PLAT OF SURVEY OF LOT RECONFIGURATION OF PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT RECORDED, JULY 6, 2011, AS DOCUMENT NUMBER R2011-078802, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 88 DEGREES 20 MINUTES 10 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 40.00 FEET FOR THE PLACE OF BEGINNING; THENCE EASTERLY, SOUTHERLY, WESTERLY AND NORTHERLY ALONG THE PERIMETER OF SAID 10-FOOT WIDE WATERMAIN EASEMENT THE FOLLOWING EIGHT (8) COURSES AND DISTANCES: 1) NORTH 88 DEGREES 20 MINUTES 10 SECONDS EAST ALONG SAID NORTH LINE OF LOT 1, A DISTANCE OF 10.00 FEET; 2) SOUTH 01 DEGREES 28 MINUTES 50 SECONDS EAST, 50.00 FEET; 3) NORTH 88 DEGREES 20 MINUTES 10 SECONDS EAST, 116.50 FEET TO THE EAST LINE OF SAID LOT 1; 4) SOUTH 01 DEGREES 28 MINUTES 17 SECONDS EAST ALONG SAID EAST LINE, 10.00 FEET; 5) SOUTH 88 DEGREES 20 MINUTES 10 SECONDS WEST, 116.50 FEET; 6) SOUTH 01 DEGREES 28 MINUTES 50 SECONDS EAST, 90.06 FEET TO THE SOUTH LINE OF SAID LOT 1; 7) SOUTH 88 DEGREES 20 MINUTES 01 SECONDS WEST ALONG SAID SOUTH LINE, 10.00 FEET; 8) NORTH 01 DEGREES 28 MINUTES 50 SECONDS WEST, 150.06 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.



VICINITY MAP
NOT TO SCALE



DOWNERS GROVE PUBLIC WORKS DEPARTMENT

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

VACATION OF THE EASEMENT(S) DESIGNATED TO BE VACATED HEREON
APPROVED AND ACCEPTED THIS _____ DAY OF _____, A.D., 20____
DOWNERS GROVE PUBLIC WORKS DEPARTMENT

BY: _____
TITLE: _____

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF _____) SS

THIS IS TO CERTIFY THAT _____ IS THE OWNER OF THE LAND DESCRIBED IN THIS PLAT OF SUBDIVISION AND HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN BY THE ANNEXED PLAT FOR THE USES AND PURPOSES HEREIN SET FORTH AS ALLOWED AND PROVIDED BY STATUTE, THE SUBDIVISION TO BE KNOWN AS "BRADFORD" AND IT HEREBY ACKNOWLEDGES AND ADOPTS THE SAME UNDER THE STYLE AND TITLE AFORESAID.

DATED AT _____, ILLINOIS THIS _____ DAY OF _____, A.D., 20____

BY: _____ TITLE: _____
ATTEST: _____ TITLE: _____

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF _____) SS

I, _____, A NOTARY PUBLIC IN THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT _____ (TITLE) AND _____ (TITLE) OF _____ WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHO ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE OF OWNERSHIP, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT IN THEIR CAPACITY FOR THE USES AND PURPOSES THEREIN SET FORTH AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID OWNER.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, A.D., 20____

BY: _____
NOTARY PUBLIC

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

APPROVED BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE, THIS _____ DAY OF _____, A.D. 19____

MAYOR

VILLAGE CLERK

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

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

RECORDER OF DEEDS

LEGEND

- EASEMENT HEREBY ABROGATED
- EXISTING RIGHT-OF-WAY LINE
- LOT LINE
- CENTERLINE
- EXISTING EASEMENT LINE
- BUILDING SETBACK LINE
- SECTION LINE

ABBREVIATIONS

- N NORTH
- S SOUTH
- E EAST
- W WEST
- CB CHORD BEARING
- A ARC LENGTH
- R RADIUS
- B.S.L. BUILDING SETBACK LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- P.U.&D.E. PUBLIC UTILITY & DRAINAGE EASEMENT
- P.O.C. PLACE OF COMMENCEMENT
- P.O.B. PLACE OF BEGINNING

GENERAL NOTES

1. COMPARE ALL POINTS PRIOR TO ANY CONSTRUCTION AND REPORT ANY DIFFERENCES AT ONCE.
2. FOR BUILDING RESTRICTIONS AND EASEMENTS NOT SHOWN HEREON, REFER TO YOUR ABSTRACT, DEED, TITLE GUARANTEE POLICY, AND LOCAL ORDINANCES.
3. DO NOT SCALE ANY DIMENSIONS FROM THIS PLAT.
4. ONLY PRINTS OF THIS SURVEY WITH AN EMBOSSED SEAL SHALL BE DESIGNATED OFFICIAL CERTIFIED COPIES.

SURVEYOR CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, CHARLES W. BARTOSZ, AN ILLINOIS PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT THE PLAT HEREON DRAWN WAS PREPARED AT AND UNDER MY DIRECTION. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL THIS 30TH DAY OF JUNE _____, A.D., 2011.

CHARLES W. BARTOSZ
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3188
MY LICENSE EXPIRES ON NOVEMBER 30, 2012.
V3 COMPANIES OF ILLINOIS, LTD. PROFESSIONAL DESIGN FIRM NO. 184000962
THIS DESIGN FIRM NUMBER EXPIRES APRIL 30, 2013.



	Engineers Scientists Surveyors	7325 Janes Avenue, Suite 100 Woodridge, IL 60517 630.724.9200 voice 630.724.0384 fax v3co.com	PREPARED FOR: THE ARCHITECTS PARTNERSHIP, LTD. 122 SOUTH MICHIGAN AVE., STE. 1810 CHICAGO, IL 60603 312-583-9800	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISIONS DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>07-01-11</td> <td>ADDITIONAL PART OF EASEMENT</td> </tr> <tr> <td>2.</td> <td>8-2-11</td> <td>ADDRESSED THE VILLAGE'S 7/25/11 COMMENTS</td> </tr> </tbody> </table>	NO.	DATE	REVISIONS DESCRIPTION	1.	07-01-11	ADDITIONAL PART OF EASEMENT	2.	8-2-11	ADDRESSED THE VILLAGE'S 7/25/11 COMMENTS	PLAT OF EASEMENT ABROGATION DOWNERS GROVE, ILLINOIS	Project No: 10175.003 Group No: VP10.2
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1.	07-01-11	ADDITIONAL PART OF EASEMENT													
2.	8-2-11	ADDRESSED THE VILLAGE'S 7/25/11 COMMENTS													
DRAFTING COMPLETED: 06/28/11 DRAWN BY: MLP PROJECT MANAGER: CWB FIELD WORK COMPLETED: N/A CHECKED BY: CWB SCALE: 1" = 20'				SHEET NO. 1 of 1											