

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
JANUARY 8, 2013 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Plat of Easement Abrogation - 5432 Bending Oaks Place	✓ Resolution Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A resolution for a Plat of Abrogation has been prepared to abrogate a ten-foot wide public utility and drainage easement located at 5432 Bending Oaks Place.

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 identified *Exceptional Municipal Services*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the January 8, 2013 consent agenda.

BACKGROUND

The applicant is requesting approval to abrogate an existing ten-foot wide public utility and drainage easement on the property commonly known as 5432 Bending Oaks Place. The existing easement is located along the north side property line. The applicant has acquired the property adjacent to the north and is looking to construct an addition on the north side of the existing home which encroaches on the easement area.

The easement was established when the lot was originally created in 1986. The applicant will be consolidating the subject property with the adjacent property to the north that was recently acquired. As part of the lot consolidation, the applicant will provide the Village with new utility easements along the west and south property lines of the new lot. The new easements will adequately serve the subject property.

Per the Village's public easement abrogation 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 there are any existing utility structures within the easement area or if any rights to easement area should be retained. There are no known utilities in the existing easement area. Staff did not receive any objections or concerns regarding the proposed easement abrogation.

Staff has reviewed the proposal and has determined that the requested abrogation will not negatively impact the ability of the Village or the utility companies to provide public services. The abrogation will assist the

property owner to construct an addition to the existing home. Staff recommends the Council approve the resolution.

ATTACHMENTS

Aerial Map

Resolution

Plat of Abrogation

RESOLUTION NO. _____

**A RESOLUTION ABROGATING A PORTION OF A PUBLIC UTILITY AND
DRAINAGE EASEMENT AT 5432 BENDING OAKS PLACE 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 abrogate a public utility and drainage 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 area of public utility and drainage 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 utility and drainage easement,

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

SECTION 1. That the public utility and drainage easement on Lot 16 in Bending Oaks Subdivision described as follows:

THE 10.0 FOOT EASEMENT FOR PUBLIC UTILITY AND DRAINAGE OVER THE NORTHERLY PORTION (EXCEPT THE WEST 10.0 FEET THEREOF) OF LOT 16 IN BENDING OAKS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 7 AND THE NORTH HALF OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 1, 1986 AS DOCUMENT R86-87298 IN DUPAGE COUNTY, ILLINOIS

Commonly known as (a portion of) 5432 Bending Oaks Place; PIN 09-07-303-017 (hereinafter referred to as the "Abrogated Public Utility and Drainage Easement"), is hereby abrogated and closed, and 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 easement 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:

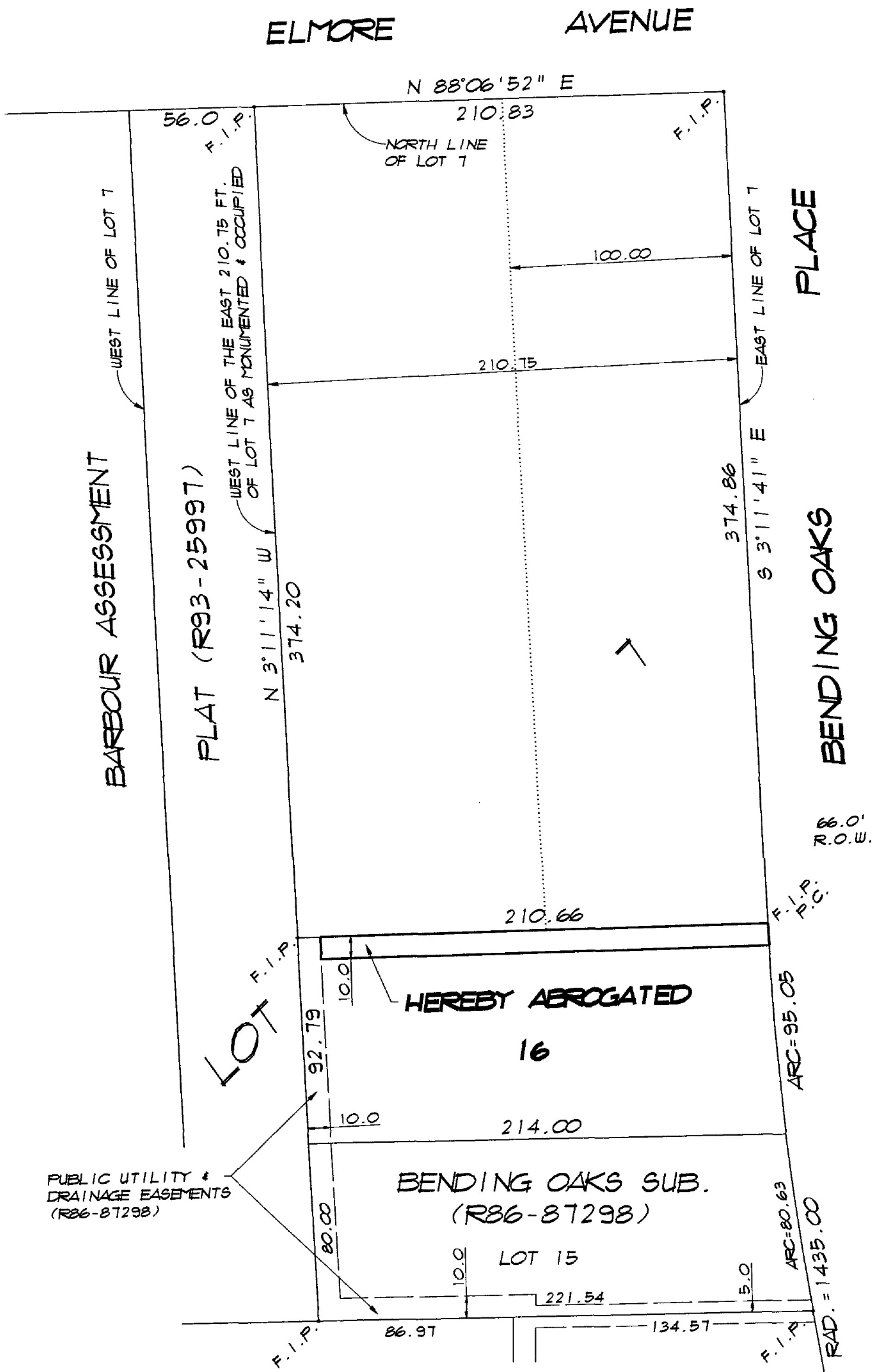
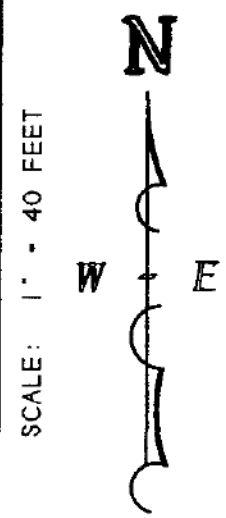
Attest: _____

Village Clerk

PLAT OF EASEMENT ABROGATION

OF THE 10.0 FOOT EASEMENT FOR PUBLIC UTILITY AND DRAINAGE OVER THE NORTHERLY PORTION (EXCEPT THE WEST 10.0 FEET THEREOF) OF LOT 16 IN BENDING OAKS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 7 AND THE NORTH HALF OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 1, 1986 AS DOCUMENT R86-87298, IN DU PAGE COUNTY, ILLINOIS.

P.I.N. 09-07-303-017



OWNER'S CERTIFICATE

STATE OF ILLINOIS)
(SS.
COUNTY OF DU PAGE)

THIS IS TO CERTIFY THAT ELIZABETH D. McNEELEY, NOT INDIVIDULLY, BUT AS TRUSTEE OF THE ELIZABETH D. McNEELEY REVOCABLE TRUST DATED JUNE 12, 2006, IS THE HOLDER OF RECORD TITLE TO THE PROPERTY SHOWN AND DESCRIBED HEREON AND HAS CAUSED THE SHOWN EASEMENT TO BE ABROGATED, FOR THE USES AND PURPOSES THEREIN SET FORTH.

DATED THIS ____ DAY OF _____, A.D. 2012

ELIZABETH D. McNEELEY, TRUSTEE

NOTARY'S CERTIFICATE

STATE OF ILLINOIS)
(SS.
COUNTY OF DU PAGE)

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT ELIZABETH D. McNEELEY, PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT SHE SIGNED AND DELIVERED THE SAID INSTRUMENT AS HER OWN FREE AND VOLUNTARY ACT, AND AS THE FREE AND VOLUNTARY ACT OF THE ELIZABETH D. McNEELEY REVOCABLE TRUST DATED JUNE 12, 2006, FOR THE USES AND PURPOSES HEREIN SET FORTH.

DATED THIS ____ DAY OF _____, A.D. 2012

My commission expires _____

NOTARY PUBLIC

SURVEYORS CERTIFICATE

STATE OF ILLINOIS)
(SS.
COUNTY OF DU PAGE)

THIS IS TO CERTIFY THAT WE, STEINBRECHER LAND SURVEYORS, INC., PROFESSIONAL LAND SURVEYING DESIGN FIRM NO. 184-003126, HAVE PREPARED THE ANNEXED PLAT FOR THE PURPOSES OF ABROGATING AN EASEMENT FOR DRAINAGE AND UTILITIES.

WEST CHICAGO, ILLINOIS, NOVEMBER 20, 2012



FOR REVIEW

RICHARD J. STEINBRECHER
PROFESSIONAL ILLINOIS LAND SURVEYOR 3583
MY LICENSE EXPIRES NOVEMBER 30, 2014

PREPARED FOR:
DON & ELIZABETH McNEELEY
5432 BENDING OAKS PLACE
DOWNERS GROVE, IL 60515

SUBMITTED BY AND RETURN TO:
VILLAGE OF DOWNERS GROVE
CIVIC CENTER
801 BURLINGTON AVE.
DOWNERS GROVE, IL 60515

COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
(SS.
COUNTY OF DU PAGE)

THIS INSTRUMENT, NO. _____, WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS, ON THE ____ DAY OF _____, A.D. 2012.

COUNTY RECORDER

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
(SS.
COUNTY OF DU PAGE)

APPROVED THIS ____ DAY OF _____, A.D. 2012 BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

MAYOR

VILLAGE CLERK

DOWNERS GROVE PUBLIC WORKS DEPARTMENT

STATE OF ILLINOIS)
(SS.
COUNTY OF DU PAGE)

ABROGATION OF THE EASEMENT DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS ____ DAY OF _____, A.D. 2012.

BY: _____

TITLE: _____

DOWNERS GROVE SANITARY DISTRICT

STATE OF ILLINOIS)
(SS.
COUNTY OF DU PAGE)

ABROGATION OF THE EASEMENT DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS ____ DAY OF _____, A.D. 2012.

BY: _____

TITLE: _____

NICOR GAS COMPANY

STATE OF ILLINOIS)
(SS.
COUNTY OF DU PAGE)

ABROGATION OF THE EASEMENT DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS ____ DAY OF _____, A.D. 2012.

BY: _____

TITLE: _____

COMMONWEALTH EDISON COMPANY

STATE OF ILLINOIS)
(SS.
COUNTY OF DU PAGE)

ABROGATION OF THE EASEMENT DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS ____ DAY OF _____, A.D. 2012.

BY: _____

TITLE: _____

AT&T

STATE OF ILLINOIS)
(SS.
COUNTY OF DU PAGE)

ABROGATION OF THE EASEMENT DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS ____ DAY OF _____, A.D. 2012.

BY: _____

TITLE: _____

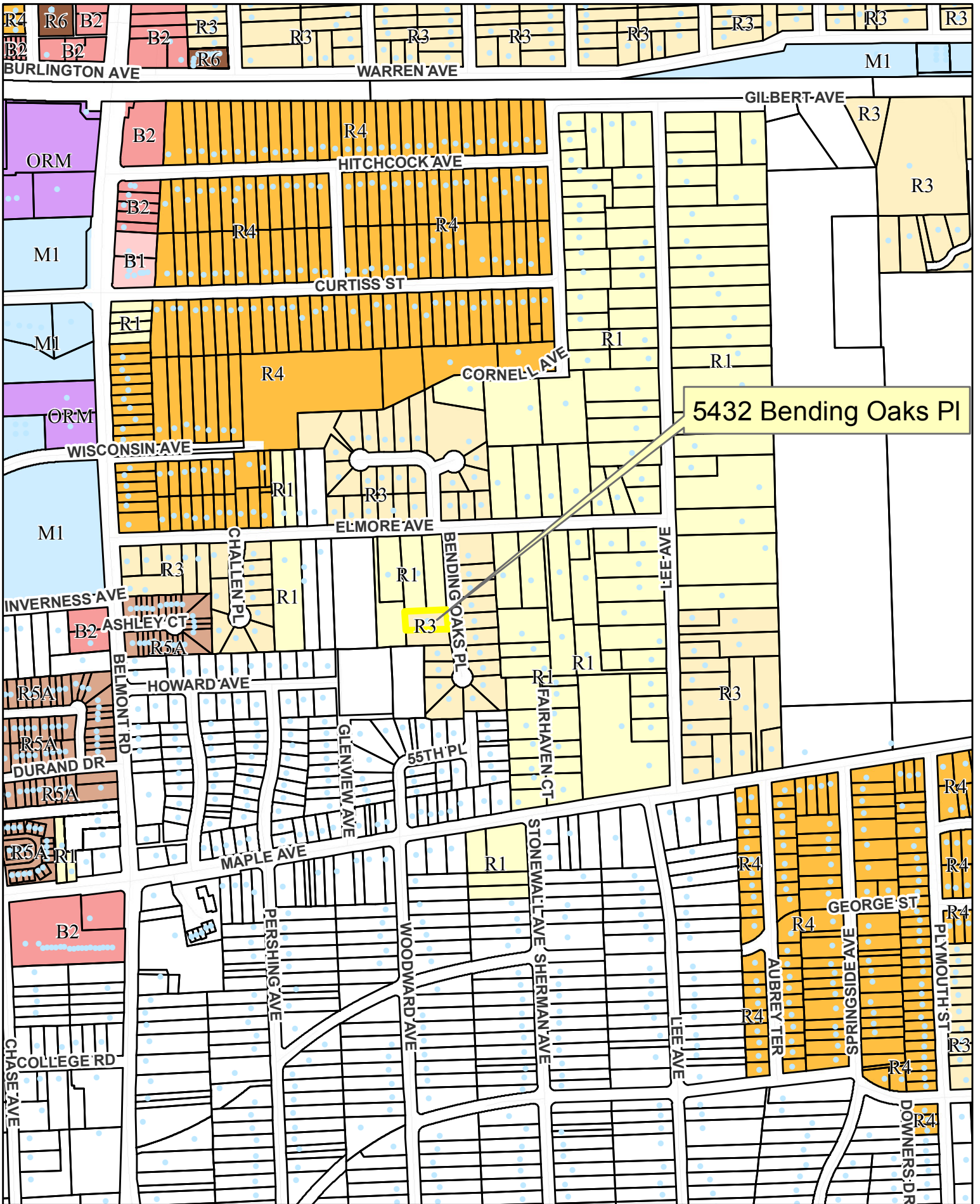
COMCAST

STATE OF ILLINOIS)
(SS.
COUNTY OF DU PAGE)

ABROGATION OF THE EASEMENT DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS ____ DAY OF _____, A.D. 2012.

BY: _____

TITLE: _____



5432 Bending Oaks Pl

R3

5432 Bending Oaks Pl



ELMORE AVE

BENDING OAKS PL



EXISTING 10-FOOT WIDE
PUBLIC UTILITY AND
DRAINAGE EASEMENT
TO BE ABROGATED

0812416004

1931

0907303010

1923

0907303011

R1

0907304015

5401

0907304016

5409

R3

0907304017

5417

0907304018

5425

0907303017

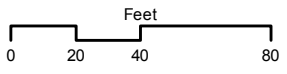
5432

0812416005

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5432 Bending Oaks Place