

VILLAGE OF DOWNERS GROVE
Report for the Village
1/7/2020

SUBJECT:	SUBMITTED BY:
Alley Vacation - 304 Prairie, 4736 Florence and 4740 Florence	Stan Popovich, AICP Director of Community Development

SYNOPSIS

The petitioner is requesting the vacation of the public alley adjacent to the properties located at 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue.

STRATEGIC PLAN ALIGNMENT

The goals for 2019-2021 include *Exceptional Municipal Services*.

FISCAL IMPACT

Per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), the value of the alley is based on the fair market value of land per acre as defined by Section 20.300.d.2 of the Subdivision Ordinance. 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 alley to be vacated will be discounted to reflect the blanket easement:

The table below summarizes the estimated value:

Land Value per Acre	Sq.Ft. of Alley to be Vacated	Estimated Value	Encumbered Value	304 Prairie Avenue	4736 Florence Avenue	4740 Florence Avenue
\$545,000.00	1,664.00	\$20,819.10	\$6,870.30	\$4,888.49	\$1,981.82	\$0

RECOMMENDATION

Approval on the January 14, 2020 active agenda per the Plan Commission's unanimous 8:0 positive recommendation. The Plan Commission found that the proposal is compatible with the Comprehensive Plan and meets the requirements of the Village Council policy, Resolution 2003-58.

BACKGROUND

Property Information and Zoning Request

The applicant is requesting that the Village vacate the 16-foot wide by 104-foot deep alley immediately adjacent to and between the properties at 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue. On September 11, 2019 the applicant was found constructing a driveway in the Village public right-of-way and on private property without receiving the required permits. Work was immediately stopped and the applicant was offered two options: (1) submit an application for an alley vacation and permit for the private

driveway improvements or (2) remove the concrete driveway and submit for all required permits on private and public property. The applicant chose to apply for the alley vacation.

Written consent was received from the two abutting property owners. The owners of 4736 Florence Avenue have provided written consent, subject to purchasing a 16 foot by 30 foot portion of the alley that abuts their property. The owners of 4740 Florence have also provided written consent and are not interested in purchasing the portion of the alley that abuts their property. The applicant and owner of 304 Prairie Avenue will purchase the remaining portion of the alley as depicted in the attached vacation plat. 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 access easement is retained along the entire width and length of the alley. The petitioner has submitted a plat of vacation that provides the required easement.

Compliance with the Zoning Ordinance

If the alley vacation is approved, the applicant plans to move forward with completing construction of a concrete driveway that will be required to meet all Village codes and requirements. The proposed vacation is consistent with the Zoning Ordinance.

Compliance with the Comprehensive Plan

The Residential Area Plan notes that the Village should continue to ensure that quality housing stock remains a staple of the community, and modernization of the existing housing stock is one way to achieve this. The vacation of the alley will provide more flexibility for future development.

Public Comment

At the public hearing, the resident of 4740 Florence spoke in support of the application.

ATTACHMENTS

Ordinance

Aerial Map

Staff Report with attachments dated November 4, 2019

Draft Minutes of the Plan Commission Hearing dated November 4, 2019

ORDINANCE NO. _____

**AN ORDINANCE VACATING A CERTAIN PORTION OF A
PUBLIC ALLEY RIGHT-OF-WAY IN THE VILLAGE OF DOWNERS GROVE
(A PORTION OF A PUBLIC ALLEY ADJACENT TO AND IN BETWEEN THE PROPERTIES
LOCATED AT 304 PRAIRIE AVENUE AND 4736 AND 4740 FLORENCE AVENUE)**

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 16-foot wide by 104-foot deep improved public alley right-of-way located adjacent to and between the properties located at 340 Prairie Avenue, 4736 and 4740 Florence Avenue, Downers Grove, Illinois, in said Village hereinafter more particularly described; and

WHEREAS, Paul Lagno ("Owner") of the Property located at 304 Prairie Avenue has filed with the Plan Commission, a written petition requesting the vacation of said public right-of-way conforming to the requirements of the Village's Right-of-Way Vacation Policy (Resolution No. 2003-58); and

WHEREAS, the required public notice has been given and a public hearing respecting said vacation has been conducted by the Plan Commission on November 4, 2019 in accordance with applicable law; 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 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 16 FOOT PUBLIC ALLEY LOCATED WEST OF AND ADJACENT TO LOTS 6, 7 AND 8 OF BLOCK 6 IN WORLEY'S SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 4 AND PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 1908 AS DOCUMENT 93656, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as a vacant public alleyway adjacent to and between the properties located at 304 Prairie Avenue, 4736 and 4740 Florence Avenue
PIN: 09-09-101-022; -014. -015 (adjacent properties)

(hereinafter referred to as the "Vacated Prairie-Florence Avenue Alley"), 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. A perpetual non-exclusive easement is hereby reserved for and granted to the Village of Downers Grove, Illinois, the DuPage Water Commission and to those public utility companies operating under franchises from the said Village including, but not limited to, AT&T, Comcast Cable, Northern Illinois Gas

Company, Commonwealth Edison Company, and Downers Grove Sanitary District and their respective successors and assigns, over, on, across, under, and through all of the areas on the final plat of vacation marked "Public Utilities and Access Easement Reservation" of the Vacated Prairie-Florence Avenue Alley 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 television 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, fencing, paved parking, 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 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 November 4, 2019.
2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 16-foot public drainage, utility and utility access easement along the entire length and width of the alley to be vacated.
3. No additional improvements proposed to the driveway may be placed until a permit has been reviewed and approved by the Village.
4. The driveway, approach and all improvements made to the proposed vacated portion of the right-of-way, shall be improved to meet all Village Code requirements.
5. Prior to execution of the plat, the petitioners shall pay the Village a total of \$6,870.30.

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 Prairie-Florence Avenue Alley described herein.

SECTION 5. That a certified copy of this ordinance and an accurate map of the Vacated Prairie-Florence Avenue Alley 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, upon satisfaction of all conditions contained in Section 3 of this ordinance.

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



304 Prairie Avenue, 4740 Florence Avenue, and 4736 Florence Avenue - Alley Location Map

-  Subject Property
-  Project Location



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
NOVEMBER 4TH, 2019 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
19-PLC-0028 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue	Alley Vacation	Jason R. Zawila, AICP Planning Manager

REQUEST

The petitioner is requesting vacation of a 16-foot wide by 104-foot deep alley immediately adjacent to and between the properties at 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence 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

APPLICANT: Paul Lagno
304 Prairie Avenue
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-4, Residential Detached House 4 (adjacent properties)
EXISTING LAND USE: Improved Right-of-Way (gravel)
PROPERTY SIZE: 1,664 square feet
PINS: 09-09-101-022, -014, -15 (adjacent properties)

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-4, Residential Detached House 4	Single Family Detached
SOUTH:	R-4, Residential Detached House 4	Single Family Detached
EAST:	R-4, Residential Detached House 4	Single Family Detached
WEST:	R-4, Residential Detached House 4	Single Family Detached

ANALYSIS**SUBMITTALS**

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

19-PLC-0028, Alley Vacation
 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue
 November 4, 2019

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1. Application/Petition for Public Hearing
2. Project Narrative
3. Plats of Survey
4. Plat of Easement/Vacation

PROJECT DESCRIPTION

The applicant is requesting that the Village vacate the 16-foot wide by 104-foot deep alley immediately adjacent to and between the properties at 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue. A section of the alley has been historically used by 304 Prairie Avenue for access to their garage.

On September 11, 2019 the applicant was found constructing a driveway in the Village public right-of-way and on private property without receiving the required permits. The inspection discovered that a concrete driveway measuring approximately 1,000 square feet on the public right-of-way and a concrete driveway measuring approximately 1,000 square feet on private property was constructed without a permit. Work was immediately stopped and the applicant was offered two options: (1) submit an application for an alley vacation and permit for the private driveway improvements or (2) remove the concrete driveway and submit for all required permits on private and public property. The applicant has chosen to apply for the alley vacation.

The portion of the alley proposed for vacation runs north-south from Prairie Avenue, to approximately 7 feet south of the alley that runs east-west, immediately north 304 Prairie Avenue. If the alley vacation is approved, the applicant plans to move forward with completing construction of a concrete driveway that will be required to meet all Village codes and requirements.

Written consent was received from the two abutting property owners. The owners of 4736 Florence Avenue have provided written consent, subject to purchasing a 16 foot by 30 foot portion of the alley that abuts their property. The owners of 4740 Florence has also provided written consent and are not interested in purchasing the portion of the alley that abuts their property. The applicant and owner of 304 Prairie Avenue will purchase the remaining portion of the alley as depicted in the attached vacation plat.

The table below summarizes the estimated fair market value of the entire alley to be vacated:

Land Value per Acre	Sq.Ft. of Alley to be Vacated	Estimated Value	Encumbered Value	304 Prairie Avenue	4736 Florence Avenue	4740 Florence Avenue
\$545,000	1,664.00	\$20,819.10	\$6,870.30	\$4,888.49	\$1,981.82	\$0

Per the Village's Right-of-Way Vacation Policy (Resolution #2003-58), staff contacted the utility companies, outside public agencies and other Village departments to determine if any rights to the public right-of-way should be retained. The utility providers and the Village do not object to the vacation of the right-of-way as long as a public drainage, utility and access easement is retained along the entire width and length of the alley. The easement will provide adequate space for any future utility needs.

As such, the easement will restrict any construction within the vacated right-of-way except for a driveway or fence. The petitioner has been informed of this requirement and submitted a plat of vacation that includes the required easements.

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304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue
November 4, 2019

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COMPLIANCE WITH THE COMPREHENSIVE PLAN

According to the Future Land Use Plan, the neighboring properties and all surrounding properties are designated as Single Family Residential. The vacation of this alley would not alter the future uses of the surrounding properties, and the Village will retain a permanent easement.

The Residential Area Plan notes that the Village should continue to ensure that quality housing stock remains a staple of the community, and modernization of the existing housing stock is one way to achieve this. The vacation of the alley will provide more flexibility for future development.

COMPLIANCE WITH ZONING ORDINANCE

All of the surrounding properties are zoned R-4, Residential Detached House 4. The portion of the alley being vacated will be split between the adjacent properties and zoned R-4, Residential Detached House 4.

As noted above, the applicant will proceed with construction of a concrete driveway, if the vacation request is approved. Because an easement is required on the entire alley, no new buildings or structures, other than a driveway or fence, could be constructed on the vacated alley.

PUBLIC SAFETY REQUIREMENTS

The Fire Department has reviewed the plans for the vacation and noted no objections to the vacation of the right-of-way. The alley vacation will have no impact on emergency services.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing the legal notice in the *Enterprise Newspapers, Inc. (The Bugle)*. At this time, no public comments have been received.

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 the following questions when it comes to determining if an alley can be vacated. These questions are listed below:

1. Is there written consent of at least two property owners who abut the proposed parcel to be vacated?
2. Whether the Parcel or portion thereof, is no longer necessary for public use and whether the public interest will be served by such vacation request.
3. Whether the Parcel or portion thereof, should be vacated and whether public utility easements and any ingress-egress easements are to be maintained.
4. The amount and type of compensation, if any, to be required as a condition to the effectiveness of the vacation of the parcel.

DRAFT MOTION

Staff will provide a recommendation at the November 4, 2019 meeting. Should the Plan Commission find that the request complies with the alley vacation policy, staff has prepared a draft motion that the Plan Commission may make for approval of 19-PLC-0028:

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304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue
November 4, 2019

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Based on the petitioner's submittal, the staff report, and the testimony presented, the proposed alley vacation complies with the alley vacation policy of the Village and is in the public interest. Therefore, I move that the Plan Commission recommend that Village Council approve 19-PLC-0028. Subject to the following conditions:

1. The vacation shall substantially conform to the staff report dated November 4, 2019.
2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 16-foot public drainage, utility and utility access easement along the entire length and width of the alley to be vacated.
3. No additional improvements proposed to the driveway may be placed until a permit has been reviewed and approved by the Village.
4. The driveway, approach and all improvements made to proposed vacated portion of the right-of-way, shall be improved to meet all Village Code requirements.
5. Prior to execution of the plat, the petitioners shall pay the Village a total of \$6,870.30.

Staff Report Approved By:



Stanley J. Popovich, AICP
Director of Community Development



**304 Prairie Avenue, 4740 Florence Avenue, and
4736 Florence Avenue - Alley Location Map**



 Subject Property
 Project Location

Project Summary/Narrative Letter

September 20, 2019

Jason Zawila, AICP • Planning Manager
Community Development Department
801 Burlington Avenue
Downers Grove, IL 60515
jzawila@downers.us
(630) 434-5520

Dear Mr. Zawila,

The owners of 304 Prairie Avenue and 4736 Florence Avenue would like to purchase the "right-of-way" alley that connects our properties.

I am writing this letter to request that the Village of Downers Grove vacate the alley adjacent to the eastern border of 304 Prairie Avenue and the western border of 4736 Florence Avenue and 4740 Florence Avenue in incorporated Downers Grove.

This alley has provided access to the garage of 304 Prairie Avenue since 1995. We would like to pave 14 feet of the alley to make a standard concrete driveway for our home.

The acquisition would also increase the backyard space of the 4736 Florence Avenue which is small in comparison to their neighbors.

The owner of 4740 Florence Avenue has asked the village to assign her portion of the alley to the 304 Prairie Ave. property.

We welcome the opportunity to own this land and make the permanent improvements needed to help beautify the neighborhood.

The two property owners adjoining the ROW alley plan to divide the property into two proportional sections. Approximately 16 feet x 75 feet for the 304 Prairie Ave. and 16 feet x 30 feet for the 4736 Florence Ave. properties. Please see the attached map.

Sincerely,



Paul Lagno
304 Prairie Ave.
Downers Grove, IL 60515
630-401-2938

Project Summary/Narrative Letter

September 20, 2019

Jason Zawila, AICP • Planning Manager
Community Development Department
801 Burlington Avenue
Downers Grove, IL 60515
jzawila@downers.us
(630) 434-5520

Dear Mr. Zawila,

The owners of 304 Prairie Avenue and 4736 Florence Avenue would like to purchase the “right-of-way” alley that connects our properties.

I am writing this letter to request that the Village of Downers Grove vacate the alley adjacent to the eastern border of 304 Prairie Avenue and the western border of 4736 Florence Avenue and 4740 Florence Avenue in incorporated Downers Grove.

This alley has provided access to the garage of 304 Prairie Avenue since 1995. We would like to pave 14 feet of the alley to make a standard concrete driveway for our home.

The acquisition would also increase the backyard space of the 4736 Florence Avenue which is small in comparison to their neighbors.

The owner of 4740 Florence Avenue has asked the village to assign her portion of the alley to the 304 Prairie Ave. property.

We welcome the opportunity to own this land and make the permanent improvements needed to help beautify the neighborhood.

The two property owners adjoining the ROW alley plan to divide the property into two proportional sections. Approximately 16 feet x 75 feet for the 304 Prairie Ave. and 16 feet x 30 feet for the 4736 Florence Ave. properties. Please see the attached map.

Sincerely,



Paul Lagno
304 Prairie Ave.
Downers Grove, IL 60515
630-401-2938

RITA D BLANEY
4740 FLORENCE AVE
DOWNERS GROVE IL 60515

Jason Zawila, AICP • Planning Manager
Community Development Department
801 Burlington Avenue
Downers Grove, IL 60515
jzawila@downers.us
(630) 434-5520

September 20, 2019

Dear Mr. Zawila,

Paul Lagno, owner of the property at 304 Prairie Avenue in incorporated Downers Grove, has informed me of his recent request to the Village of Downers Grove to vacate the alley that runs along the eastern border of their property.

My property at 4728 Florence Avenue in Downers Grove also borders the alley in question. I do not currently utilize the alley, nor do I plan to ever utilize the alley. I wholeheartedly support the petition and encourage the Village of Downers Grove to grant the owners of 304 Prairie Avenue my portion of the alley that abuts their land and also give the owners of 4736 Florence Avenue their portion of the alley in question.

Sincerely,



Rita D Blaney

**BRENT & ERIN MILLER
4736 FLORENCE AVE
DOWNERS GROVE IL 60515**

Sept. 20, 2019

Jason Zawila, AICP • Planning Manager
Community Development Department
801 Burlington Avenue
Downers Grove, IL 60515
jzawila@downers.us
(630) 434-5520

Dear Mr. Zawila,

Paul Lagno, owner of the property at 304 Prairie Avenue in incorporated Downers Grove, has informed us of their recent request to the Village of Downers Grove to vacate the alley that runs along the eastern border of their property.

Our property at 4736 Florence Avenue in Downers Grove also borders the alley in question. We also would like to purchase the 16-foot by approximately 30-foot portion at the north end of the alley to be vacated, as proposed by Mr. Lagno.

Sincerely,

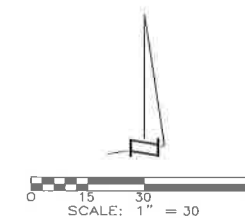

Brent Miller


Erin Miller

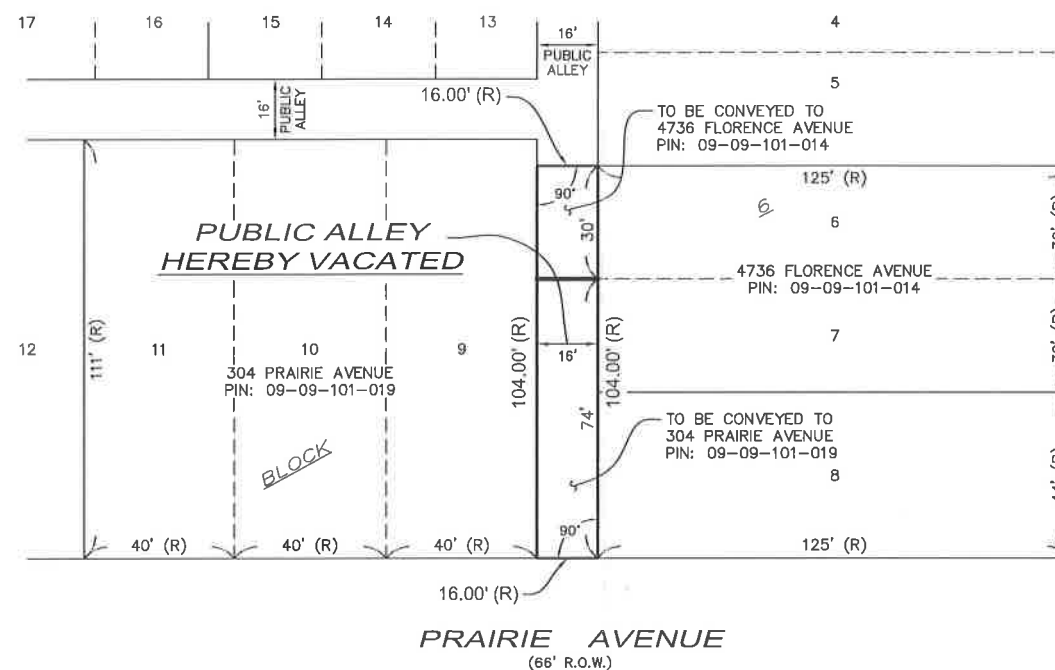
PLAT OF VACATION

OF

THAT PART OF THE 16 FOOT PUBLIC ALLEY LOCATED WEST OF AND ADJACENT TO LOTS 6, 7 AND 8 OF BLOCK 6 IN WORLEY'S SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 4 AND PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 1908 AS DOCUMENT 93656. IN DUPAGE COUNTY, ILLINOIS.



PARCEL INDEX NUMBER:
09-09-101-014
09-09-101-019



SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS IS TO CERTIFY THAT I, JEFFREY R. PANKOW, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3483, HAVE PREPARED THIS PLAT OF VACATION FOR THE PURPOSE OF VACATING THAT PORTION OF THE PUBLIC ALLEY AS DEPICTED HEREON.

PREPARED AT LISLE, ILLINOIS ON OCTOBER 1, 2019.

BY: _____
(NAME)
ILLINOIS PROFESSIONAL LAND SURVEYOR #3483
MY LICENSE EXPIRES ON _____, 20____.

PREPARED FOR: LAGNO
ADDRESS: 304 PRAIRIE AVENUE, DOWNERS GROVE, ILLINOIS
BOOK & PG: N/A DATE: 10/1/2019 JOB NO: 191764B
DRAWN BY: SMR CHECK BY: _____
REVISED: _____

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS

APPROVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.

THIS _____ DAY OF _____, A.D., 20____.

BY: _____
MAYOR

ATTEST: _____
VILLAGE CLERK

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS ON THE _____ DAY OF _____, A.D. 20____ AT _____ O'CLOCK _____ M.

BY: _____
COUNTY RECORDER

DUPAGE COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.

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

BY: _____
COUNTY CLERK

APPROVED 12-2-2019

19-PLC-0028: A petition seeking approval for the Right-of-Way Vacation of an Alley. The adjacent properties are zoned R-4, Residential Detached House 4. The property is located between the properties at 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue, Downers Grove, IL (PIN 09-09-101-022, -014, -015) Paul Lagno, Petitioner and Village of Downers Grove, Owner.

Petitioner's Presentation:

Mr. Paul Lagno of 340 Prairie and Brent Miller, 4736 Florence Avenue, Downers Grove, IL introduced themselves as petitioners. Mr. Lagno referred to the location of his home on the map on the screen. He indicated that they have used the gravel driveway and alleyway to access this property, which has been used for the last 25 years. He recognized that he started his improvements without permit and apologized to the Village. He felt the best way to proceed was the alley vacation and thanked the Village staff.

Ch. Rickard called upon the public to make any comments regarding this petition at this time.

Dan Blaney, 5406 Maplewood Place, indicated that his mother lives at 4740 Florence, immediately east of the proposed alley vacation. He indicated that he also lived there for 26 years and wanted to understand any ramifications for his mother's property if the alley was vacated. He also stated that it was great that they were paving the right-of-way and it is unfortunate that the previous homeowner, Mel Spohn, could not get the Village to pave the right-of-way. He felt that this was a better surface for the winter weather. Mr. Zawila indicated that he would cover how right-of-way vacation works as part of his presentation.

Mr. Maurer inquired if the Village is proposing to improve the alley.

Mr. Zawila clarified the petition in front of the Plan Commission is to vacate the right-of-way and property would be granted to adjacent property owners, which he will offer further detail as part of his presentation and their planned improvements.

Marge Earl, 4720 Florence Avenue, shared her understanding that the Village does not maintain or install right-of-way that is concrete and that alleys are generally constructed with asphalt and not with concrete as the applicant was proposing.

Mr. Zawila clarified that the Village does have specifications for concrete alleys, but asphalt is typically installed, as previously stated. He further clarified that the applicant started work without a permit in both the right of way and on private property.

Ms. Earl inquired if the petitioner checked if he needed a permit and that he still proceeded with the work, without the permit. Mr. Zawila confirmed that was correct on both accounts.

There were no further comments from the public.

APPROVED 12-2-2019

Staff's Presentation:

Jason Zawila, Planning Manager with the Village, said that the petitioner is requesting vacation of a 16-foot wide by 104-foot deep alley immediately adjacent to and between the properties at 304 Prairie Avenue, 4736 Florence Avenue and 4740 Florence Avenue. The alley has been historically used for access to the property located at 304 Prairie Avenue. It was noted that the applicant started work without a permit and ultimately requested an alley vacation.

Mr. Zawila stated that if the alley vacation is approved, the applicant plans to move forward with completing construction of a concrete driveway that will be required to meet all Village codes and requirements. Per the Village's vacation policy, written consent was received from the two abutting property owners. He stated that the owners of 4736 Florence Avenue had provided written consent, subject to purchasing a 16 foot by 30 foot portion of the alley that abuts their property, while the applicant will purchase the remaining portion of the alley as depicted in the attached vacation plat.

Mr. Zawila further stated that the owners of 4740 Florence also provided written consent and are not interested in purchasing the portion of the alley that abuts their property. Per the Village's Right-of-Way Vacation Policy, staff contacted the utility companies, outside public agencies and other Village departments to determine if any rights to the public right-of-way should be retained. The utility providers and the Village do not object to the vacation of the right-of-way as long as a public drainage, utility and access easement is retained along the entire width and length of the alley.

Mr. Zawila then referenced the cost of the alley vacation that will be the burden of the applicant and explained what encumbered value is for alley vacation purposes. He then referenced the standards that are required to be met for the vacation and recommended approval as stated on page 4 of the staff report.

Ms. Gassen asked if the Village received a letter from 4740 Florence. It was identified that written correspondence was received from the property owner, but there was typo in the letter regarding the address.

Ms. Majauskas stated that she does not have concern on the split of the alley, but questioned if there will be an issue with ingress and egress for the rest of the alley north of the property, for the portion that can still be vacated.

Mr. Zawila stated that when staff receives a request we attempt to prevent the limitation of access and work with multiple residents. In this case the alley north of the subject property is unimproved and all residents have access to the roadway in front of their home.

Ms. Majauskas further stated that with vacations there may be some point that the remaining right-of-way does not allow for ingress and egress and the Village should just give property to adjacent property owners. Mr. Zawila added that the current policy for vacations are property owner initiated.

APPROVED 12-2-2019

Ms. Johnson inquired on who is responsible for maintenance and improvements of the driveway to Prairie Avenue from the proposed vacation area. Mr. Zawila replied that the owner will need to construct access to the right of way (road) that must meet Village standards and the homeowner is responsible for maintenance.

The petitioners stated they look forward to moving through the process and the opportunity to use more property and thanked the Commission for their time. There being no further discussion, Ch. Rickard closed the opportunity for further public comment.

Commission Deliberation:

Ch. Rickard asked if the Commissioners had any comments regarding this proposal.

Ms. Rollins stated that the Commission has seen this a couple times and it makes sense. It makes sense as nobody uses the right-of-way.

Ch. Rickard stated that it is the Village's desire to see that these alleys are consumed, and it is straight forward.

Ms. Gassen stated that based on the petitioner's submittal, the staff report, and the testimony presented, the proposed alley vacation complies with the alley vacation policy of the Village and is in the public interest, and therefore, moved that the Plan Commission recommend that Village Council approve 19-PLC-0028. Subject to the following conditions:

- 1. The vacation shall substantially conform to the staff report dated November 4, 2019.**
- 2. Prior to final Village Council consideration, a Mylar copy of the Final Plat of Vacation shall be provided indicating a 16-foot public drainage, utility and utility access easement along the entire length and width of the alley to be vacated.**
- 3. No additional improvements proposed to the driveway may be placed until a permit has been reviewed and approved by the Village.**
- 4. The driveway, approach and all improvements made to proposed vacated portion of the right-of-way, shall be improved to meet all Village Code requirements.**
- 5. Prior to execution of the plat, the petitioners shall pay the Village a total of \$6,870.30.**

Motion seconded by Commissioner Dmytryszyn

AYES: Dmytryszyn, Gassen, Johnson, Majauskas, Maurer, Patel, Rollins, Ch. Rickard

NAYS: None

The Motion passed unanimously