

**ORDINANCE 7467  
PAMPHLET**

**ALLEY VACATION – 314 S. WESTMORE MEYERS ROAD**



PUBLISHED IN PAMPHLET FORM THIS 19<sup>th</sup> DAY OF JANUARY 2018, BY ORDER  
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE  
COUNTY, ILLINOIS.

A handwritten signature in dark ink, appearing to read "Sharon Kuderna", is written over a horizontal line.

Sharon Kuderna  
Village Clerk

**ORDINANCE NO. 7467**

**ORDINANCE VACATING A PORTION OF THE FIRST  
ALLEY WEST OF WESTMORE MEYERS ROAD, BETWEEN  
SOUTH BROADWAY AVENUE AND DIVISION STREET (SOUTH SEGMENT)**

**WHEREAS**, the Village of Lombard (hereinafter the "VILLAGE") maintains a public alley right-of-way, of sixteen feet (16) in width, immediately west of Westmore Meyers Road, between South Broadway Avenue and Division Street (hereinafter the "ALLEY"); and

**WHEREAS**, the Corporate Authorities find that the portion of the ALLEY, situated between a point 37 North of the North line of Division Street and a point 71 North of the North line of Division Street (hereinafter the "SUBJECT RIGHT-OF-WAY") is no longer needed by the Village for right-of-way purposes; and

**WHEREAS**, the Corporate Authorities find that the property owner to the East of the SUBJECT RIGHT-OF-WAY (hereinafter the "EAST ABUTTING OWNER") currently takes access from the SUBJECT RIGHT-OF-WAY; and

**WHEREAS**, the Corporate Authorities find that the property to the East of the SUBJECT RIGHT-OF-WAY is an improved commercial property, and cannot be accessed from Division Street without use of the SUBJECT RIGHT-OF-WAY; and

**WHEREAS**, the Corporate Authorities find that the property to the West of the SUBJECT RIGHT-OF-WAY, is currently an improved single-family residential property with access thereto from Division Street; and

**WHEREAS**, the Corporate Authorities have determined that the SUBJECT RIGHT-OF-WAY would primarily be for the use and benefit of the EAST ABUTTING OWNER, and would not serve the transportation needs of the VILLAGE or the access needs of the property to the west thereof; and

**WHEREAS**, the VILLAGE would benefit by maintaining the economic vitality of a commercial property, within the VILLAGE if the SUBJECT RIGHT-OF-WAY was vacated, with title thereto vesting solely in the EAST ABUTTING OWNER; and

**WHEREAS**, the owner of the property to the West of the SUBJECT RIGHT-OF-WAY does not desire to obtain title to any portion of the SUBJECT RIGHT-OF-WAY upon any vacation thereof; and

**WHEREAS**, the Corporate Authorities of the VILLAGE have received a Plat of Right-of-Way Vacation for the SUBJECT RIGHT-OF-WAY, a copy of which is attached hereto as "Exhibit A" and made part hereof (hereinafter the "Plat of Vacation"); and

**WHEREAS**, the Corporate Authorities of the VILLAGE deem it to be in the best interests of the VILLAGE to authorize that the SUBJECT RIGHT-OF-WAY be vacated, as set forth herein, subject to the retention of a public utility easement over the SUBJECT RIGHT-OF-WAY; and

**WHEREAS**, the EAST ABUTTING OWNER'S commitment to incorporate the SUBJECT RIGHT-OF-WAY into the commercial enterprise operated by the EAST ABUTTING OWNER to the East thereof serves as the compensation to the VILLAGE for the vacation of the SUBJECT RIGHT-OF-WAY, because of the importance to the VILLAGE of maintaining the economic vitality of the commercial sector of the VILLAGE;

**NOW THEREFORE BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: It is hereby determined that the public interest will be served by vacating the SUBJECT RIGHT-OF-WAY, as hereinafter legally described.

SECTION 2: The SUBJECT RIGHT-OF-WAY, which is legally described as follows:

THAT PART OF THE NORTH AND SOUTH ALLEY, ADJACENT TO LOT 7 IN ROBERTSON'S WESTMORE, BEING A SUBDIVISION IN PART OF THE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE THEREOF RECORDED JUNE 1ST, 1922 AS DOCUMENT NO. 156381, THE NORTH TERMINUS BEING THE NORTH LINE OF LOT 7 EXTENDED WEST TO THE EAST LINE OF LOT 23 IN ROBERTSON'S WESTMORE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE BEING IN PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 11, RECORDED NOVEMBER 2, 1925 AS DOCUMENT NUMBER 202421. THE SOUTH TERMINUS BEING THE SOUTH LINE OF THE NORTH 4.00 FEET OF LOT 8 EXTENDED WEST TO THE EAST LINE OF LOT 23 IN THE AFORESAID ROBERTSON'S WESTMORE, ALL BEING IN DUPAGE COUNTY, ILLINOIS.

and as shown on the Plat of Vacation attached hereto as Exhibit "A" and designated "hereby vacated" be and the same hereby is vacated, subject to the retention of a public utility easement therein.

SECTION 3: The owner of the following parcel shall acquire title to the SUBJECT RIGHT-OF-WAY upon the vacation thereof:

PIN: 06-09-303-010; Common Address: 314 S Westmore Road, Lombard, IL 60148

SECTION 4: That the Department of Community Development is hereby directed to record a certified copy of this Ordinance, along with the original Plat of Vacation, with the DuPage County Recorder of Deeds.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, by a three-fourths (3/4ths) vote of the Trustees holding office, approval and publication in pamphlet form, as provided by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_, 2018.

First reading waived by action of the Board of Trustees this 18<sup>th</sup> day of January, 2018.

Passed on second reading this 18<sup>th</sup> day of January, 2018.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and  
Ware


Nays: None

Absent: None

Approved this 18<sup>th</sup> day of January, 2018.

  
**Keith T. Giagnorio**  
**Village President**

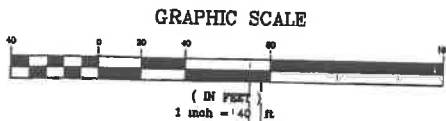
ATTEST:

  
**Sharon Kuderna**  
**Village Clerk**

Published by me in pamphlet form on this 19<sup>th</sup> day of January, 2018.

  
**Sharon Kuderna**  
**Village Clerk**

Exhibit "A"  
Plat of Vacation



# PLAT OF VACATION AND EASEMENT RETAINMENT

PIN 08-09-303-010



## UTILITY AND DRAINAGE EASEMENT PROVISIONS

EASEMENTS ARE RETAINED FOR THE VILLAGE OF LOMBARD AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISES FROM THE VILLAGE OF LOMBARD INCLUDING BUT NOT LIMITED TO COMMONWEALTH EDISON COMPANY AMERITECH INCOOR GAS MEDIANE AND THEIR SUCCESSORS AND ASSIGNS OVER ALL AREAS MARKED "EASEMENT FOR PUBLIC UTILITIES" AND "DRAINAGE" ON THE PLAT FOR THE PERPETUAL RIGHT PRIVILEGE AND AUTHORITY TO CONSTRUCT RECONSTRUCT REPAIR INSPECT MAINTAIN AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS AND INCLUDING OVERLAND DRAINAGE STORM AND/OR SANITARY SEWERS AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE AND/OR UTILITY COMPANIES OVER UPON ALONG UNDER AND THROUGH SAID INDICATED EASEMENT TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO RETAINED TO CUT DOWN AND IRM OR REMOVE ANY FENCES TEMPORARY STRUCTURES TREES SHRUBS OR OTHER PLANTS WITHOUT NEED FOR PROVIDING COMPENSATION THEREFORE ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS AND/OR STRUCTURES SHALL BE PLACED ON SAID EASEMENT BUT SAME MAY BE USED FOR GARDENS SHRUBS LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS WHERE AN EASEMENT IS USED FOR BOTH SEWER AND OTHER UTILITIES THE OTHER UTILITY INSTALLATION SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF LOMBARD

EASEMENT ARE HEREBY RETAINED BY THE VILLAGE OF LOMBARD AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THIS ENTIRE EASEMENT AREA FOR INGRESS EGRESS AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES INCLUDING WATER STORM AND SANITARY SEWER SERVICE AND MAINTENANCE

EASEMENTS ALSO ARE RETAINED FOR CABLE COMMUNICATIONS COMPANIES ALONG WITH THE PUBLIC UTILITIES ALREADY REFERENCED

NOTHING SET FORTH ABOVE IS INTENDED TO SUPERSEDE ANY REQUIREMENTS CONTAINED IN ANY FRANCHISE AGREEMENT BETWEEN THE GRANTEEES AND THE VILLAGE OF LOMBARD OR PAGE COUNTY ILLINOIS WHERE A CONFLICT EXISTS BETWEEN THE EASEMENT RETAINMENT AND ANY SUCH FRANCHISE AGREEMENT OR WHERE THE PROVISIONS OF ANY SUCH FRANCHISE AGREEMENT ARE MORE RESTRICTIVE THAN THE LANGUAGE OF THIS EASEMENT RETAINMENT THE LANGUAGE OF SAID FRANCHISE AGREEMENT SHALL BE CONTROLLING UPON EACH OF THE GRANTEEES

SOUTH BROADWAY

HERETOFORE VACATED ALLEY

SCHOOL AVENUE

HERETOFORE VACATED ALLEY

WESTMORE AVENUE

DIVISION STREET

STREET

16' PUBLIC ALLEY HEREBY VACATED

16' PUBLIC UTILITIES & DRAINAGE EASEMENT HEREBY RETAINED

STATE OF ILLINOIS ) SS  
COUNTY OF DuPAGE )

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

DUPAGE COUNTY RECORDER OF DEEDS

STATE OF ILLINOIS ) SS  
COUNTY OF DuPAGE )

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD  
ILLINOIS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

PRESIDENT

VILLAGE CLERK

STATE OF ILLINOIS ) SS  
COUNTY OF DuPAGE )

APPROVED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF THE VILLAGE OF  
LOMBARD, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

DIRECTOR OF COMMUNITY DEVELOPMENT

STATE OF ILLINOIS ) SS  
COUNTY OF DuPAGE )

THIS IS TO CERTIFY THAT I, JOSEPH GENTILE, ILLINOIS PROFESSIONAL LAND SURVEYOR  
NUMBER 2925 HAVE PLATTED FROM AVAILABLE RECORDS THE FOLLOWING DESCRIBED  
PROPERTY FOR THE PURPOSE OF VACATING A CERTAIN PUBLIC ALLEY (AS SHOWN  
HEREON) DESCRIBED AS FOLLOWS

THAT PART OF THE NORTH AND SOUTH ALLEY ADJACENT TO LOT 7 IN ROBERTSON'S WESTMORE BEING A  
SUBDIVISION BY PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9 TOWNSHIP 30 NORTH  
RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE THEREOF RECORDED JUNE 1ST 1922  
AS DOCUMENT NO 156381 THE NORTH TERMINUS BEING THE NORTH LINE OF LOT 7 EXTENDED WEST TO THE  
EAST LINE OF LOT 23 IN ROBERTSON'S WESTMORE RESUBDIVISION OF LOTS 10 TO 27 INCLUSIVE BEING IN  
PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 9 TOWNSHIP 30 NORTH RANGE 11  
RECORDED NOVEMBER 2 1925 AS DOCUMENT NUMBER 202421 THE SOUTH TERMINUS BEING THE SOUTH LINE  
OF THE NORTH 4.00 FEET OF LOT 8 EXTENDED WEST TO THE EAST LINE OF LOT 23 IN THE AFORESAID  
ROBERTSON'S WESTMORE ALL BEING IN DUPAGE COUNTY ILLINOIS

CONTAINING 544.01 sq ft (0.012 acres)

ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF

GIVEN UNDER MY HAND AND SEAL THIS 2ND DAY OF NOVEMBER A.D. 2017

ILLINOIS PROFESSIONAL LAND SURVEYOR NO 2925  
MY LICENSE EXPIRES NOVEMBER 30, 2018



**GENTILE & ASSOCIATES, INC.**

PROFESSIONAL LAND SURVEYORS  
550 E. ST. CHARLES PLACE  
LOMBARD ILLINOIS 60148  
PHONE (830) 918-8262



PREPARED FOR VILLAGE OF LOMBARD-DEPT OF COMMUNITY DVLPMT

DRAWN BY VAF/MMG/VF

ORDER NO 12-20274-17 VAC S REVZ

ILLINOIS PROFESSIONAL DESIGN  
FIRM LICENSE NO 184 002870