

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

  X   Resolution or Ordinance (Blue)            Waiver of First Requested  
       Recommendations of Boards, Commissions & Committees (Green)  
       Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: April 24, 2023 BOT Date: May 4, 2023

SUBJECT: Plat of Abrogation of Water Main Easement – Summit Townhomes Development  
(300-398 Summit Circle, formerly 4 – 44 Yorktown Center)

JE for WH

SUBMITTED BY: Department of Community Development

BACKGROUND/POLICY IMPLICATIONS:

Attached is a Plat of Abrogation of the Water Main Easement located within the parcel of the new Summit Townhomes Development. The water main and all associated components have been removed by the developer as part of the site demolition efforts; therefore the easement is no longer required.  
(DISTRICT #3)

As this item requires three-fourths (3/4ths) vote of the Corporate Authorities (6of&), this item is being placed on items for Separate Action.

FISCAL IMPACT/FUNDING SOURCE:

REVIEW (AS NECESSARY):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_

Finance Director X \_\_\_\_\_ Date \_\_\_\_\_

Village Manager X \_\_\_\_\_ Date \_\_\_\_\_





## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**MEETING DATE:** May 4, 2023

**SUBJECT:** **Ordinance to Approve a Plat of Abrogation of a Public Water Main Easement – Summit Townhome Development (300-398 Summit Circle – formerly 4-44 Yorktown Shopping Center)**

The demolition of the property formerly known by the addresses of 4 – 44 Yorktown Shopping Center includes the removal of a Village-owned water main and associated components on private property. These items have been removed to prepare the site for the Summit at Yorktown Townhome Development, and the existing public water main easement is no longer needed and can therefore be abrogated. The attached Plat of Abrogation of a Water Main Easement was prepared and signed by the property owner.

### **ACTION REQUESTED**

Please place this item on the May 4, 2023 Village Board agenda for approval by Ordinance. The approval must be approved by three-fourths (3/4ths) vote of the Corporate Authorities (6 of 7), pursuant to State Statutes, and will be placed on Separate Action.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ABROGATING AN EASEMENT FOR A WATER MAIN  
LOCATED AT 300-398 Summit Circle (formerly 4-44 Yorktown Shopping Center)**

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

**SECTION 1:** That the President and Board of Trustees of the Village of Lombard (hereinafter the "Village") find as follows:

- A. The Village is the owners of an easement for a public water main, pursuant to a Plat of Resubdivision, as legally described as follows:

LOTS 1011 THROUGH 1161 AND COMMON AREA LOTS 9000-9006 IN THE SUMMIT AT YORKTOWN SUBDIVISION, BEING A RESUBDIVISION OF LOT 4 IN YORKTOWN COMMONS PHASE 1, BEING A RESUBDIVISION OF PART OF SECTION 29, TONWISHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 20, 2023 AS DOCUMENT R2023-003991, IN DUPAGE COUNTY, ILLINOIS.

PINs: 06-29-101-052 through -148

FORMERLY KNOWN AS PIN: 06-29-101-047

COMMON ADDRESS AND LOCATION: 300-398 Summit Circle  
(formerly 4-44 Yorktown Shopping Center Center)

- B. The property owner, D. R. Horton Inc. – Midwest, has requested that the Village abrogate the aforementioned water main easement, as depicted in the Plat of Abrogation, attached hereto as Exhibit A, and made part hereof.
- C. The Village finds that the aforementioned water main easement is no longer needed by the Village.

**SECTION 2:** It is hereby determined that the public interest will be subserved by

abrogating the water main, as shown on the Plat of Abrogation attached hereto as Exhibit A, and, therefore, the water main easement is hereby abrogated, and the Plat of Abrogation is hereby approved.

**SECTION 3:** That this Ordinance shall be in full force and effect from and after its passage by a three-fourths (3/4ths) vote of the Corporate Authorities holding office, and approval, as required by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2023.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Keith Giagnorio, Village President

**ATTEST:**

\_\_\_\_\_  
Elizabeth Brezinski, Village Clerk

**Exhibit A**

**Plat of Easement Abrogation**

(attached)



