

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: August 17, 2023

SUBJECT: Ordinance to Approve a Plat of Abrogation of a Public Utility Easement- 1105 Highridge Road

The property owner of Lot 3 and Outlot B of the Waheed Resubdivision proposes to combine the lots and has prepared a Plat of Consolidation for signatures and recording with DuPage County (separate document). The proposed removal of the property line between the two lots also necessitates the removal of the associated public utility easements on both sides of said property line. The property owner has applied for a permit to construct a new house on the property. The attached Plat of Abrogation of a Public Utility Easement was prepared and signed by the property owner. All other utility beneficiaries have signed off on the abrogation.

ACTION REQUESTED

Please place this item on the August 17, 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. Staff and the property owner request a waiver of first reading.

ORDINANCE NO. _____

**AN ORDINANCE ABROGATING A PUBLIC UTILITY EASEMENT
LOCATED AT 1105 HIGHRIDGE ROAD**

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 underground utilities (hereinafter the "Easement"), pursuant to a Plat of Easement Abrogation, as legally described as follows:

A PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ON THE EAST 5.00 FEET OF LOT 3 (EXCEPT THE SOUTH 10.00 FEET OF SAID LOT 3) AND THE WEST 5.00 OF OUTLOT B (EXCEPT THE SOUTH 10.00 FEET OF SAID OUTLOT B) IN WAHEED RESUBDIVISION OF LOTS 21 AND 22 IN YORK TOWNSHIP SUPERVISOR'S ASSESSMENT PLAT NUMBER 2 AND AS WESTMORE LANDS OF PART OF THE SOUTH HALF OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 19, 2004 AS DOCUMENT NUMBER R2004-266652, IN DUPAGE COUNTY ILLINOIS.

P.I.Ns: 06-16-313-062 (LOT 3);
06-16-313-063 (OUTLOT B)

Common Address: 1105 HIGHRIDGE ROAD

- B. The property owner, Sheikh Latif, has requested that the Village abrogate the aforementioned Easement, as depicted in the Plat of Easement Abrogation, attached hereto as Exhibit A, and made part hereof.
- C. The Village finds that the aforementioned Easement is no longer needed by the Village.

SECTION 2: It is hereby determined that the public interest will be subserved by abrogating the Easement, as shown on the Plat of Easement Abrogation attached hereto

Ordinance No. _____

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as Exhibit A, and, therefore, the Easement is hereby abrogated, and the Plat of Easement 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)

PLAT OF ABROGATION

FOR PUBLIC UTILITY EASEMENT

NOTE: THE PLAT HEREIN IS A PUBLIC UTILITY EASEMENT PLANNING PARALLEL TO THE COMMON USE LOT LINES OF THE VILLAGE OF LOMBARD, ILLINOIS, AND MORE PARTICULARLY DESCRIBED IN THE CAPTION IS HEREBY ABROGATED UPON ACCEPTANCE AND RECORDING OF THIS PLAT.

THIS SUBDIVISION IS LOCATED WITHIN THE BOUNDARIES OF DUPAGE COUNTY ELEMENTARY SCHOOL DISTRICT #22, HIGH SCHOOL DISTRICT #89 AND COMMUNITY COLLEGE DISTRICT #02.

VILLAGE CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS IS TO ACKNOWLEDGE THAT THE VILLAGE OF LOMBARD, ILLINOIS ACCEPTS AND APPROVES THE ABROGATION OF EASEMENT RIGHTS OVER THE LAND SHOWN HEREON.

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD AT A MEETING HELD THIS _____ DAY OF _____, 2023.

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

THIS IS TO CERTIFY THAT SHEKH ABID LATIF IS THE OWNER OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND HAS CAUSED THE SAME TO BE SURVEYED FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED THIS 5th DAY OF JULY, 2023.

S. Latif

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

I, Shekh Abid Latif, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT SHEKH ABID LATIF, PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED THE ANNEXED PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR PURPOSES AND USES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 5th DAY OF JULY, 2023.

NOTARY PUBLIC



STATE OF ILLINOIS)
COUNTY OF COOK) SS

THIS IS TO CERTIFY THAT I, STEVEN B. GRANATH, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3169, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE LAND SHOWN HEREON IN ACCORDANCE WITH THE PURPOSES STATED HEREON. ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT _____, ILLINOIS, ON 08th DAY OF May, 2023.

STEVEN B. GRANATH, ILL. NO. 3169-000189



A PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ON THE EAST 5.00 FEET OF LOT 3 (EXCEPT THE SOUTH 10.00 FEET OF SAID LOT 3) AND THE WEST 5.00 FEET OF OUTLOT B (EXCEPT THE SOUTH 10.00 FEET OF SAID OUTLOT B) IN NAMED RESUBDIVISION OF LOTS 21 AND 22 IN YORK TOWNSHIP, SUPERVISOR'S ASSOCIATION OF LOTS 21 AND 22 IN YORK TOWNSHIP, ILLINOIS, AND THE WEST 5.00 FEET OF LOT 20 IN NAMED RESUBDIVISION OF LOTS 21 AND 22 IN YORK TOWNSHIP, ILLINOIS, ACCORDING TO THE PLAT HEREBY RECORDED ON OCTOBER 19, 2004 AS DOCUMENT NUMBER 0800-08000, IN DUPAGE COUNTY, ILLINOIS.

UNDERLYING PLAT'S 08-16-313-062 (LOT 3) 08-16-313-063 (OUTLOT B)

HIGH RIDGE ROAD



DIRECTOR OF COMMUNITY DEVELOPMENT

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS IS TO ACKNOWLEDGE THAT COMMONWEALTH EXCON (CORPORATION) ACCEPTS THE ABROGATION OF EASEMENT RIGHTS OVER THE LAND SHOWN HEREON.

DATED THIS 30th DAY OF June, 2023.

John J. Ryan - Rights of Use

NICOR GAS

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS IS TO ACKNOWLEDGE THAT NICOR GAS ACCEPTS THE ABROGATION OF EASEMENT RIGHTS OVER THE LAND SHOWN HEREON.

DATED THIS 27th DAY OF June, 2023.

John A. Rydzewski

COMCAST COMMUNICATIONS

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS IS TO ACKNOWLEDGE THAT COMCAST COMMUNICATIONS ACCEPTS THE ABROGATION OF EASEMENT RIGHTS OVER THE LAND SHOWN HEREON.

DATED THIS 27th DAY OF June, 2023.

John J. Ryan - Rights of Use

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS INSTRUMENT NUMBER _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS ON THIS _____ DAY OF _____, 20____, AT _____ HOURS.

DUPAGE COUNTY RECORDER

