

December 16, 2021

Village President and Board of Trustees
Village of Oak Park
123 Madison Street
Oak Park, Illinois 60302

**Re: Application of Oak Park Residence
Corporation for a Right-of-Way Vacation of
Van Buren Street between Austin Boulevard
and the North to South Alley West of Austin
Boulevard – PC 21-06**

Dear President and Trustees:

History of Project.

On or about September 14, 2021, Oak Park Residence Corporation, of 21 South Boulevard, Oak Park, Illinois 60302 ("Applicant"), filed an application for approval of the vacation of a portion of the East-West Village public right-of-way parkway on the South side of Van Buren Street generally between Austin Boulevard and the North to South alley West of Austin Boulevard, as identified in the application ("Subject Property"). The portion of the Village right-of-way requested to be vacated is one thousand eight hundred thirty-seven and eight-tenths (1,837.8) square feet in size.

In conjunction with its application, the Applicant requests the Plan Commission ("Commission") make findings of fact and give a recommendation regarding the request set forth above, and the request is made in conjunction with the Applicant's request for a planned development on its property adjacent to the Subject Property at 7 Van Buren Street.

The Application and Notice.

On September 22, 2021, legal notice of the public hearing was published in *The Wednesday Journal*, a newspaper of general circulation in the Village of Oak Park.

Pursuant to legal notice, the Commission conducted a public hearing on the application on October 7, 2021, November 4, 2021, December 2, 2021 and December 16, 2021, at which time and place a quorum of the members of the Commission was present.

Having heard and considered the testimony and evidence at the public hearing, the Commission makes the following findings of fact:

FINDINGS OF FACT

The Subject Property.

1. The Subject Property is a one thousand eight hundred thirty-seven and eight-tenths (1,837.8) square feet parcel. The Subject Property is located between the R-7 Multi Family Zoning District. The Subject Property is currently a public right-of-way surrounded to the North by property owned by a residential apartment building in the R-7 Multi Family Zoning District and to the South by a residential apartment building owned by the Applicant in the R-7 Multi Family Zoning District.

The Applicant.

2. The Applicant is an owner and operator of housing in the Village.

Requested Approvals – Vacation.

3. The Applicant seeks to obtain ownership of the Subject Property from the Village through a vacation (“Vacation”).

4. The Applicant makes this request as part of its plans to construct a building on property it owns that abuts the Subject Property to the South, which building is proposed as a planned development, and which the Commission is reviewing simultaneously and in conjunction with the Applicant's request for the Vacation of the Subject Property in PC 21-06.

5. The Applicant intends that the building proposed to be constructed on the Subject Property be built over the Subject Property, but in a manner that ensures public use is allowed for public access across the Subject Property, after it is improved as set forth in the application.

6. During the public hearing there was discussion regarding the Vacation. The Applicant presented information and materials suggesting that the Vacation would serve the public's interest, and that the Vacation would have no negative impact to surrounding property owners, business owners or residents in the area of the Subject Property.

Policy and Procedures.

7. In April of 2000, the Village adopted the "Alley and/or Street Vacation Policy and Procedures." The "Policy Statement" therein states that:

The President and Board of Trustees may vacate a street or alley, or part thereof, by ordinance whenever they determine that the public interest will be subserved by vacating such street or alley, or part thereof. The determination of the President and Board of Trustees in this regard is conclusive, and the passage of such an ordinance shall be sufficient evidence of that determination whether so recited in the ordinance or not. The relief to the public from further burden and responsibility of maintaining any street or alley, or part thereof, constitutes a public use or public interest authorizing the vacation.

8. After considering the application, the testimony and materials presented at the public hearing, and after deliberating, the consensus of the Commission members was that the Vacation is a reasonable request given that the Applicant owns the property abutting the Subject Property to the South, and that relieving the Village of the maintenance obligations relative to the Subject Property would serve the public's interest.

RECOMMENDATION

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the Village of Oak Park, and based on the above findings, the testimony and the evidence presented at the public hearing, this Commission, sitting as a Zoning Commission, hereby recommends to the Village President and Board of Trustees that the public interest would be subserved by vacating the one thousand eight hundred thirty-seven and eight-tenths (1,837.8) square feet portion of the public right-of-way to the Applicant, generally consisting of the South side of Van Buren Street West of Austin Boulevard to the North to South alley West of Austin Boulevard, as presented to the Village, and that the Vacation be GRANTED.

This report adopted by a 6 to 2 vote of the Plan Commission, sitting as a Zoning Commission, this 2nd day of December, 2021.