

November 1, 2016

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

**Re: Application of Harrison Street Ventures for
a Vacation of a portion of a public alley
located between 20-2111 Harrison Street
and 213-215 Harrison Street.**

Dear President and Trustees:

On October 13, 2016, Harrison Street Ventures, (the "Applicant") filed for; a vacation of a portion of an abutting commercial public alley located between 201-211 Harrison Street and 213-215 Harrison Street, which are both owned by Harrison Street Ventures. The portion of the village right-of-way to be vacated is approximately sixteen (16) feet in width (east to west) and forty-seven (47) feet long (north to south).

A notice of the Public Hearing was published in the October 19, 2016 edition of the *Wednesday Journal*, a newspaper of general circulation in the Village. A courtesy notice to the neighbors regarding the alley vacation was provided to property and business owners along Harrison Street, Lombard Avenue, Flournoy Street, and Highland Avenue who have direct access to the block's alley system.

Pursuant to the legal notice, this Plan Commission conducted a public hearing on the application on November 3, 2016, at which time and place a quorum of the members of the Plan Commission were present. At the public hearing, the Applicant presented evidence and testimony and members of the presented evidence and testimony either in favor, against, or neither for or against, the Applicant's proposal.

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

FINDINGS

The Subject Property.

1. The Applicant, who owns properties on either side of the subject commercial alley depicted below, is requesting that a portion of the alley right-of-

way be vacated in order to acquire additional property for outdoor use for abutting land uses (namely restaurant outdoor dining).

2. Pursuant to Village policy, the Applicant submitted the following documents into evidence, which were taken into consideration by the Commission at the Public Hearing and made a part of the record:

(1) Application

(2) Plat of Survey

(3) Plat of Vacation

(4) Photographs

3. The Plan Commission also took evidence of neighbor letters both supporting and opposed to the proposed alley vacation.

4. The Village received a similar application in 2009 for the same portion of public alley. It was presented to the Plan Commission in February of 2010. At that time the Plan Commission supported the application with a 5-1 vote. The Plan Commission wanted to ensure the following: The area proposed for vacation shall be vacated, PROVIDED THAT the Village Board determines what compensation and/or

other benefits are due the Village for this vacation, including a bilateral agreement with the Applicant detailing its plans for the area proposed for vacation. This agreement should include a performance bond and possibly a reverter (Area Proposed for Vacation is returned to the Village in the event that the Applicant does not perform as promised), to insure that the vacated alley is improved and used as agreed to by the parties. The Plan Commission believes the proposal to be an asset to the Harrison Street Commercial District and would provide a benefit to the businesses as well as pedestrians. The application was prepared for review by the Village Board in May 2010, but did not go forward at the request of the applicant at that time.

5. The Village Staff reviewed this current request in October 2016 and determined their support for the proposed alley vacation but gave the following advice/review:

- (1) Staff wanted to ensure there were easements provided for any utilities in the alley.
- (2) Staff discussed snow removal and how that would occur.

(3) Staff was generally supportive and thought that the alley vacation could enhance the overall character and use of the Harrison Street district. However, staff felt that it was important that the alley vacation be conditioned on the naming of permitted retail use.

(4) Staff also discussed alley access, garbage pick up, deliveries, parking and determined that, although it wouldn't be as convenient with the alley closure, it was still possible. Trucks would either need to back up down the alley or be of a size that could make a turn around the corner.

6. As a part of this request, the Applicant is willing grant back to the Village of Oak Park an unrestricted easement for public pedestrian use.

7. The Applicant is also willing to grant to the Village an easement for public utilities, and maintenance of any public utilities affected in any way by the proposed public alley vacation.

8. The Applicant is also willing to a condition that the portion of the public alley not be granted until such time as the Applicant secures a specific commercial tenant to the Village.

9. The Plan Commission finds that the public interest would be subserved by vacating this portion of the public alley to the Applicant.

RECOMMENDATION

- I. Pursuant to the authority conferred to the Plan Commission by the referral of the President and Board of Trustees of the Village of Oak Park to hold a public hearing on the vacation of the portion of the public alley adjacent to 201-211 Harrison Street and 213-215 Harrison Street in question, and based on the above findings, the testimony and the evidence presented at the public hearing, this Plan Commission hereby finds and recommends to the President and Board of Trustees that the public interest would be subserved by vacating the 16' x 47' portion of the public alley to the Applicant, as the requested vacation was presented to the Village, pursuant to the following conditions:
 - a. That the Applicant grant back to the Village of Oak Park an unrestricted easement for public path/pedestrian use.
 - b. That the Applicant grant to the Village an easement for public utilities, and maintenance of any public utilities affected in any way by the proposed public alley vacation.

- c. That the vacation of the portion of the public alley not be granted until such time as the Applicant secures a specific commercial tenant to the Village.

This report adopted by a 5-0 vote of the Plan Commission, sitting as a Zoning Commission, this 3rd Day of November, 2016.