



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: 4.b

Title:

Presentation to Consider Closing Walkway Path through Lots 5,6,13 and 14 of the Fox Glade Subdivision

Presenter:

Peter Suhr

Meeting: Government Services Committee

Date: November 28, 2016

Proposed Cost: \$0.0

Budgeted Amount: \$0.0

Not Budgeted:

Executive Summary *(if not budgeted please explain):*

City Staff will be facilitating our third consecutive conversation at a Government Services Committee meeting in regard to a request to close the walkway path near Fox Glade Ct. More specifically, the four property owners who provided the initial request reside at 1309, 1227, 1228 and 1310 Fox Glade Ct. and respectively on lots 5, 6, 13 and 14 of the Fox Glade PUD Subdivision Unit No. 1 final plat.

At our last Government Services meeting in October, the committee asked staff to complete the following tasks in preparation for further discussion this month:

- Hold a meeting with property owners and representatives from The Oaks and try to facilitate a discussion by both parties to compromise on a solution.
- Contact all residents on Fox Glade Ct. and seek input from them.
- Prepare a Resolution for vacating the walkway easement for consideration in November.

Staff has completed the tasks assigned and is prepared to continue the discussion. In brief the following is a summary of our findings:

- Staff met with the property owners and representatives of The Oaks on Nov. 9th as requested. While the dialog was engaging and several compromised solutions were discussed, the two parties could not come to a compromised solution. The homeowners remain firm in their position to close the walkway and The Oaks remain firm in their position to keep it open.
- While staff did not directly contact all of the residents on Fox Glade Ct. we did receive a petition from all residents on Fox Glade Ct. with signatures in support of closing the walkway. We also received a similar signed petition from The Oaks residents identifying that most residents of that subdivision are in support of the walkway remaining open.
- Please see attached Resolution authorizing the vacation of the walkway easement for your consideration.

Attachments *(please list):*

*Resolution Authorizing the Vacation of a Walkway Easement In Fox Glade P.U.D. Subdivision, Unit 1 *Homeowner Petitions

Recommendation/Suggested Action *(briefly explain):*

None

City of St. Charles Illinois
RESOLUTION NO. 2016-_____

**A Resolution Authorizing the Vacation of a Walkway Easement In
Fox Glade P.U.D. Subdivision, Unit 1**

WHEREAS, the City of St. Charles approved a subdivision known as Fox Glade P.U.D. Subdivision, Unit 1 on August 4, 1969; and

WHEREAS, the Fox Glade P.U.D. Subdivision, Unit 1 was recorded at the Office of the Kane County Recorder on September 25, 1969 as Document No. 1149771; and

WHEREAS, a walkway easement was created in the Fox Glade P.U.D. Subdivision, Unit 1 across portions of Lot 5, Lot 6, Lot 13 and Lot 14 of that Subdivision; and

WHEREAS, the City of St. Charles constructed and continues to maintain a sidewalk on the walkway easement; and

WHEREAS, the City of St. Charles authorized and recorded four (4) indemnity letters with respect to Lot 5, Lot 6, Lot 13 and Lot 14 of that subdivision on February 13, 2013 as Document Nos. 2013K011816, 2013K011817, 2013K011818, and 2013K011819; and

WHEREAS, the City Council has determined that it is in the best interest of the City to vacate the walkway easement along Lot 5, Lot 6, Lot 13 and Lot 14 in said Subdivision, to remove the sidewalk and grade and seed the affected area and to release the indemnity agreements described herein.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois as follows:

Section 1. That the City of St. Charles does hereby vacate the walkway easement, created in the Plat described herein.

Section 2. That the City of St. Charles shall take any and all action necessary to vacate said walkway easement and to prepare and record any and all documents that may be necessary for that purpose.

Section 3. That the City of St. Charles shall remove the sidewalk from the easement and will grade and seed the affected area and will release the indemnity agreements created in the documents referenced herein.

Section 4. That the City Clerk is directed to record a duly certified copy of this Resolution in the Office of Recorder of Deeds of Kane County, Illinois.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval pursuant to law.

PRESENTED to the City Council of the City of St. Charles, Illinois this ____ day of _____, 2016.

PASSED by the City Council of the City of St. Charles, Illinois, this ____ day of _____, 2016.

APPROVED BY THE Mayor of the City of St. Charles, Illinois this ____ day of _____, 2016.

MAYOR

CITY CLERK

COUNCIL VOTE:

Ayes: _____

Nays: _____

Absent: _____

Walkway Easment
Oaks Petition
Summary

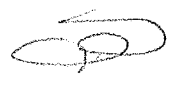
Unit	Street	Signed	Sunbirds	Vacant	NO	Not Home	Notes
	# of Units >	66	2	4	1	2	75
	% to Total >	88.0%	2.7%	5.3%	1.3%	2.7%	100.0%
14	White Oak Circle	1					
15	White Oak Circle	1					
16	White Oak Circle	1					
17	White Oak Circle	1					
18	White Oak Circle				1		Always says no
19	White Oak Circle	1					
20	White Oak Circle	1					
21	White Oak Circle	1					
22	White Oak Circle			1			Not moved in yet
24	White Oak Circle	1					
25	White Oak Circle	1					
26	White Oak Circle	1					
27	White Oak Circle	1					
28	White Oak Circle	1					
30	White Oak Circle	1					
31	White Oak Circle	1					
32	White Oak Circle	1					
33	White Oak Circle	1					
34	White Oak Circle	1					
35	White Oak Circle	1					
36	White Oak Circle	1					
37	White Oak Circle	1					
38	White Oak Circle	1					
39	White Oak Circle	1					
40	White Oak Circle	1					
41	White Oak Circle	1					
42	White Oak Circle	1					
43	White Oak Circle	1					
44	White Oak Circle	1					
45	White Oak Circle	1					
46	White Oak Circle	1					
48	White Oak Circle	1					
49	White Oak Circle	1					
50	White Oak Circle	1					
51	White Oak Circle	1					
52	White Oak Circle	1					
53	White Oak Circle	1					
54	White Oak Circle					1	
55	White Oak Circle	1					
56	White Oak Circle	1					
57	White Oak Circle					1	

Walkway Easment
Oaks Petition
Summary

Unit	Street	Signed	Sunbirds	Vacant	NO	Not Home	Notes
	# of Units >	66	2	4	1	2	75
	% to Total >	88.0%	2.7%	5.3%	1.3%	2.7%	100.0%
58	White Oak Circle	1					
59	White Oak Circle	1					
60	White Oak Circle	1					
61	White Oak Circle			1			In assisted living
62	White Oak Circle	1					
63	White Oak Circle			1			Being flipped
64	White Oak Circle	1					
65	White Oak Circle	1					
66	White Oak Circle	1					
67	White Oak Circle	1					
68	White Oak Circle	1					
69	White Oak Circle	1					
70	White Oak Circle	1					
71	White Oak Circle	1					
72	White Oak Circle	1					
73	White Oak Circle	1					
74	White Oak Circle	1					
75	White Oak Circle	1					
76	White Oak Circle	1					
77	White Oak Circle	1					
78	White Oak Circle			1			Death
79	White Oak Circle	1					
80	White Oak Circle		1				In Arizona already
81	White Oak Circle	1					
82	White Oak Circle	1					
84	White Oak Circle	1					
85	White Oak Circle	1					
86	White Oak Circle	1					
8	Roosevelt Street	1					
10	Roosevelt Street	1					
12	Roosevelt Street	1					
14	Roosevelt Street	1					
16	Roosevelt Street	1					
18	Roosevelt Street		1				In Florida already

6JB
14-30

PETITION IN SUPPORT OF THE RETENTION OF THE WALKWAY EASMENT

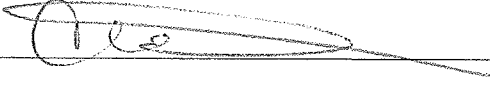

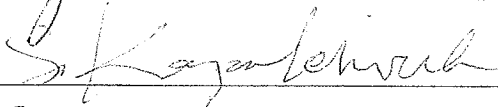





The undersigned affirm that we are owners and/or residents of The Oaks of St. Charles. It is our desire that the walkway between The Oaks and Ash Street through the Fox Glade subdivision remains open. The walkway provides all residents (including non-Oaks residents) easy and safe accessibility to surrounding communities. It is the shortest route for students to attend the Davis school or to reach the closest school bus stop. It has served the community well for over forty years and also provides the only feasible emergency egress/ingress in case The Oaks' main entrance is unusable.

Common Address		Print Name	Signature
#	Street		
28	White Oak Circle	EUGENE J. BELMONT	Eugene J. Belmont
27	White Oak Circle	VERNA E WILSON	Verna E. Wilson
24	White Oak Circle	DEB AWE	Deborah Awe
25	White Oak Circle	JAMES GRASSO	James Grasso
26	White Oak Circle	Signed Below	
21	White Oak Circle	VIRGINIA K. SCATTERDAY	Virginia K. Scatterday
20	White Oak Circle	Rune Jansen	Rune Jansen
19	White Oak Circle	MARILYN KAISER	Marilyn Kaiser
18	White Oak Circle		
17	White Oak Circle	Debbie Zottner	Debbie Zottner
16	White Oak Circle	John Resmussen	John Resmussen
15	White Oak Circle	JEFF GARY	Jeff Gary
14	White Oak Circle	Kristina Landahl	Kristina Landahl
13	White Oak Circle	Jennifer Crossen	Jennifer Crossen
30	White Oak Circle	Colleen Busby	Colleen Busby

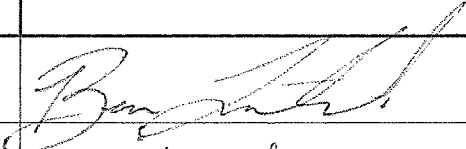

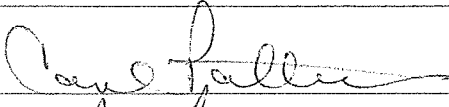
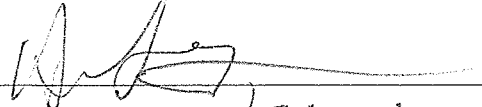
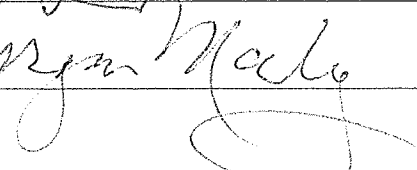
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Common Address		Print Name	Signature
#	Street		
37	White Oak Circle	Cindy Lund	
35	White Oak Circle		MARK A. EDRIE
34	White Oak Circle	JOAN Luencioni	Joan Luencioni
33	White Oak Circle	Stephanie Kopalchick	
32	White Oak Circle	Judy Rice	SANDY RICE
38	White Oak Circle	C. Bison	C. BISON
40	White Oak Circle	Rafael Zuniga	RAFAEL ZUNIGA
42	White Oak Circle	Eola G. Gunn	Eola Gunn
39	White Oak Circle	John Burke	
36	White Oak Circle	Marshall Balding	Marshall Balding
41	White Oak Circle	Ruth K. Fischer	Ruth Fischer
43	White Oak Circle	Donald F. Brod	Donald F. Brod
31	White Oak Circle	DIANE HELKER	Diane Helker
44	White Oak Circle	John Thornhill	
45	White Oak Circle	Adabeth Lawniczak	

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Command Address		Print Name	Signature
#	Street		
46	White Oak Circle	BEN LUSTED	
48	White Oak Circle	Jennifer Fraser	Jennifer Fraser
49	White Oak Circle	Elizabeth Richards	
50	White Oak Circle	Peggy S. Wright	Peggy S. Wright
51	White Oak Circle	BARBARA CAMPBELL	Barbara Campbell
52	White Oak Circle	Deborah A. Flatley	Deborah A. Flatley
53	White Oak Circle	Deborah D. Howerton	Deborah D. Howerton
54	White Oak Circle		
55	White Oak Circle	Candy Melita Candy Melita	Candy Melita
56	White Oak Circle	Jenise Woodard	Jenise Woodard
57	White Oak Circle		
58	White Oak Circle	CAROL PATTERSON	
59	White Oak Circle	Heidi Schmidt	
60	White Oak Circle	VIRGINIA MALONEY	Virginia Maloney
61	White Oak Circle	Vacant	

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Common Address		Print Name	Signature
#	Street		
62	White Oak Circle	MAY SWANSON	May Swanson
64	White Oak Circle	FRANK ESPOSITO	Frank Esposito
66	White Oak Circle	JO ANN HOPPE	Jo Ann Hoppe
65	White Oak Circle	DOUG D'AVICO	Doug D'Avico
67	White Oak Circle	Jeremy Hulse	Jeremy Hulse
68	White Oak Circle	Rebecca DANIELS	Rebecca Daniels
69	White Oak Circle	Mary Kay Sharp-Kochler	Mary Kay Sharp-Kochler
	White Oak Circle		
	White Oak Circle		
	White Oak Circle		
	White Oak Circle		
	White Oak Circle		
	White Oak Circle		
	White Oak Circle		
	White Oak Circle		

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Common Address		Print Name	Signature
#	Street		
70	White Oak Circle	JAMES B BACHMAN	<i>[Signature]</i>
71	White Oak Circle	BECKY BUCHHOLZ KENT BUCHHOLZ	<i>[Signature]</i> <i>[Signature]</i>
72	White Oak Circle	LUIS BUSH	<i>[Signature]</i>
73	White Oak Circle	MARLENE	<i>[Signature]</i>
74	White Oak Circle	Eve Turnquist	<i>[Signature]</i>
74	White Oak Circle	John R. DeBates	<i>[Signature]</i>
76	White Oak Circle	JACKIE BREEN	<i>[Signature]</i>
76	White Oak Circle	DAN BREEN	<i>[Signature]</i>
77	White Oak Circle	WILLIAM KRUCZYNSKI WILLIAM KRUCZYNSKI LAURIE KRUCZYNSKI	<i>[Signature]</i> <i>[Signature]</i>
79	White Oak Circle	Sherry Miller Mike Miller	<i>[Signature]</i> <i>[Signature]</i>
80	White Oak Circle	ROGER DEAN DIGNA DEAN	<i>[Signature]</i> <i>[Signature]</i>
85	White Oak Circle	ROBERT A. RAUCCI Beverly Raucci	<i>[Signature]</i> <i>[Signature]</i>
86	White Oak Circle	PAMELA TILBROOK Roger W. Tilbrook	<i>[Signature]</i> <i>[Signature]</i>
75	White Oak Circle	ROBERT L. BRUBAKER Marilyn G. James	<i>[Signature]</i> <i>[Signature]</i>
81	White Oak Circle	KRISTY ESPARZA TRISTAN ESPARZA	<i>[Signature]</i> <i>[Signature]</i>

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Common Address		Print Name	Signature
#	Street		
8	Roosevelt Street	MARIJO KUSICIEL	<i>Marijo Kusiciel</i>
10	Roosevelt Street	Johanna Roady	<i>Johanna Roady</i>
12	Roosevelt Street	STANLEY F. LEMAIRE	<i>Stanley F. Lemaire</i>
14	Roosevelt Street	Paul D. Schendura	<i>Paul D. Schendura</i>
16	Roosevelt Street	Norm Miller	<i>Norm Miller</i>
18	Roosevelt Street		