

**AUTHORIZING THE CLOSURE OF DAVID AVENUE TO TRAFFIC AND VACATING THE RIGHT-OF-WAY.**

**WHEREAS**, the City of DeKalb, Illinois wishes to close David Avenue to traffic and vacate the right-of-way in the near future; and

**WHEREAS**, the City of DeKalb has purchased and demolished all flood-prone homes previously along David Avenue as homeowners and emergency service responders can access nearby Dawn Court homes from Sharon Drive; and

**WHEREAS**, the City intends to deed remaining City-owned vacant properties along David Avenue to the DeKalb Park District; and

**WHEREAS**, the DeKalb Park District wishes to know the intent of the City of DeKalb to vacate David Avenue as the DeKalb Park District is seeking park funding through a 2013 submittal of an Open Space Land Acquisition Development (OSLAD) grant for Lions Park, needing assurance for the grant details to include former David Avenue lots to be contiguous to Lions Park expanded without traffic interference from David Avenue; now

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, as follows:

**Section 1.** That the City of DeKalb, Illinois resolves to provide actions to vacate David Avenue in time for implementation of a successful OSLAD grant for Lions Park expansion and improvement without traffic interference.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, at a regular meeting thereof held on the 11<sup>th</sup> day of February, 2013 and approved by me as Mayor on the same day. Passed on voice vote.

**ATTEST:**

  
**DIANE K, WRIGHT**, City Clerk



  
**KRIS POVLSSEN**, Mayor



200 South Fourth Street  
DeKalb, Illinois 60115  
815.748.2000 • cityofdekalb.com

**Engineering Memo #2013-ENG005**

**DATE:** February 6, 2013

**TO:** Mayor  
City Council

**FROM:** Mark Biernacki, City Manager  
T.J. Moore, Director of Public Works

**BY:** Joel C Maurer, Assistant Director of Public Works  
Building and Engineering

**SUBJECT:** Resolution of Intent for David Avenue closure to Traffic

**STRATEGIC GOALS:** Create Safe and Quality Housing and Improved Environments in Our Neighborhoods

**I. Summary:**

There was a consensus at the Committee of the Whole meeting of January 28<sup>th</sup> to move forward with the David Avenue vacation proposal considered at the time. Safety issues expressed by Sharon Drive residents will be reviewed by staff pertaining to parking and speeding near the intersection of Sharon Drive and Taylor Street as that will be the main outlet for the neighborhood without David Avenue when it is vacated. The attached resolution of intent formalizes the intent of the City to vacate David Avenue in the near future. This intent is supportive for the DeKalb Park District to apply for a Lions Park improvement grant knowing the expanded park could encompass David Avenue without traffic safety concerns. The Public Works Department recommends approval of the resolution of intent and will continue to process the David Avenue vacation through the UDO process of Planning and Zoning Commission review and public hearing.

The last residential structure with a David Avenue address was demolished in 2012 as part of a multi-year floodplain buyout program near Lions Park, an area that is first in DeKalb to have river flooding during heavy rain events. Multiple lots along David Avenue and open area buyout lots along Dawn Court have been or will be transferred to the DeKalb Park District for recreational use as Lions Park can be expanded west of David Avenue. Public Works staff sent out a poll questionnaire to 27 households along Dawn Court and Sharon Drive asking whether they support closing David Avenue to traffic. The poll results were mixed. Of the seventeen (17) responses received, nine (9) support the street closure and eight were against it. It is timely

to make a decision on whether to close David Avenue as the DeKalb Park District will soon undertake a master plan for Lions Park, and also Taylor Street will be widened with curbs for the 800 foot section west of the bridge along the park and in front of the David Avenue intersection. This street vacation was discussed at the January 14th and 28<sup>th</sup> Committee of the whole. Cindy Capek of the DeKalb Park District supplied some details of possible Lions Park improvements like similar upgrades recently completed at neighborhood parks at Annie's Woods Park and Devonaire Farms Subdivision.

## **II. Background:**

In 2013 the DeKalb Park District intends to pursue an Open Space Lands Acquisition and Development (OSLAD) grant for Lions Park upgrades and if successful would hire an architect for master planning the park. Park officials have inquired about the possibility of David Avenue being closed and street pavement removed at Park District grant expense for restored access area or park amenities. Residents along Dawn Court would then have only Sharon Drive to get to Taylor Street for access instead of the present alternate option to use David Avenue to circulate their neighborhood. Dawn Court presently has a circle turn around for the street's east terminus which is contiguous to Lions Park. The Park District is not in favor of an alternative for reuse of the old street, if vacated, for neighborhood traffic or park use parking.

Design completion of Taylor Street widening near the David Avenue intersection is on hold pending a decision about the street closure. The design can easily resume with either the intersection open or closed in time for spring construction. Or the closure of David Avenue could be put off after Taylor is widened with a future curb and drainage retro-fit easily accomplished at low cost (\$15,000) if David Avenue is someday closed.

## **III. Community Groups/Interested Parties Contacted:**

The internal staff Neighborhood Services Committee has reviewed the closure of David Avenue and finds it acceptable to close as long as the Dawn Court circle turnaround is adequate. A poll was sent to area residents about the closure. Basically those properties polled closest to the park are in favor of the closure. Several on Sharon Drive expressed concern of access to Taylor Street being sometimes hazardous due to eastbound traffic speeding east of the Annie Glidden Road intersection or sight distance difficulties while stopped on Sharon Drive waiting to turn onto Taylor Street. Some Sharon Drive residents value using Dawn Court and David Avenue as an alternate safer travel way to get to Taylor Street. Alternatively, David Avenue frequently floods and is closed during times the river floods out of its bank, therefore Sharon Drive is the only open alternative, except a private drive through portions of the River Height golf course.

## **IV. Legal Impact:**

If David Avenue is decided to be closed then a traffic ordinance is necessary to remove the street as a local travel way. The street right of way could be vacated to the adjacent owners which along all sides is the DeKalb Park District. The resolution of intent does not cause the vacation to occur but identifies actions will be taken for the vacation to occur in the future in time for DeKalb Park District proposed improvements to Lions Park. Because the roadway to be vacated

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is within the corporate limits of the City, no formal public hearing is required under Illinois law, but the act of vacating the right of way must be approved by at least a  $\frac{3}{4}$  vote of the aldermen then holding office pursuant to 65 ILCS 5/11-91-1. However, under Article 15 of the City's Unified Development Ordinance, a public hearing is required, with at least 15 days advance notice. Accordingly, a hearing will be conducted and the provisions of Article 15 will be adhered to.

#### **V. Financial Impact:**

Over time a savings in street maintenance dollars formerly applied to David Avenue would be realized if the street is eliminated.

#### **VI. Alternatives:**

1. Do not approve the resolution of intent and therefore keep David Avenue open:
  - **Pros** - an alternate second access is maintained available for traffic use;
  - **Cons** - continued street maintenance costs; possible safety issue to expanded park or at least a less desirable feature for the expanded park to have a street dividing the park area
  -
2. Approve the resolution of intent which will close David Avenue in the near future:
  - **Pros** - City expenses for street maintenance would be lessened; expanded park would not be divided by a street and park user safety is enhanced; DeKalb Park District can pursue and OSLAD grant assuring of Lions Park expanded with planned improvements afforded by the grant without traffic safety issues of David Avenue as it will be closed to traffic and the area vacated for park purposes.
  - **Cons** - the Sharon and Dawn Court neighborhood would be limited to traffic access at Taylor Street by the Sharon Drive intersection, except an emergency access is already in place through the River Heights golf course through a paved drive at the south end of Sharon that connects to Annie Glidden Road.

#### **VII. Recommendation:**

The staff recommends approval of the resolution of intent to vacate David Avenue. Park District staff acknowledges there are more attractive park expansion options with David Avenue closed and the grant can indicate the City's intent to vacate, although the park expansion can presumably be successful with the street left open. The Park District will have opportunities for park planning public impact if the OSLAD grant is successful for Lions Park expansion. If the City Council passes the resolution of intent to close David Avenue to traffic, then ordinances and actions for vacation of the right of way can proceed this winter.

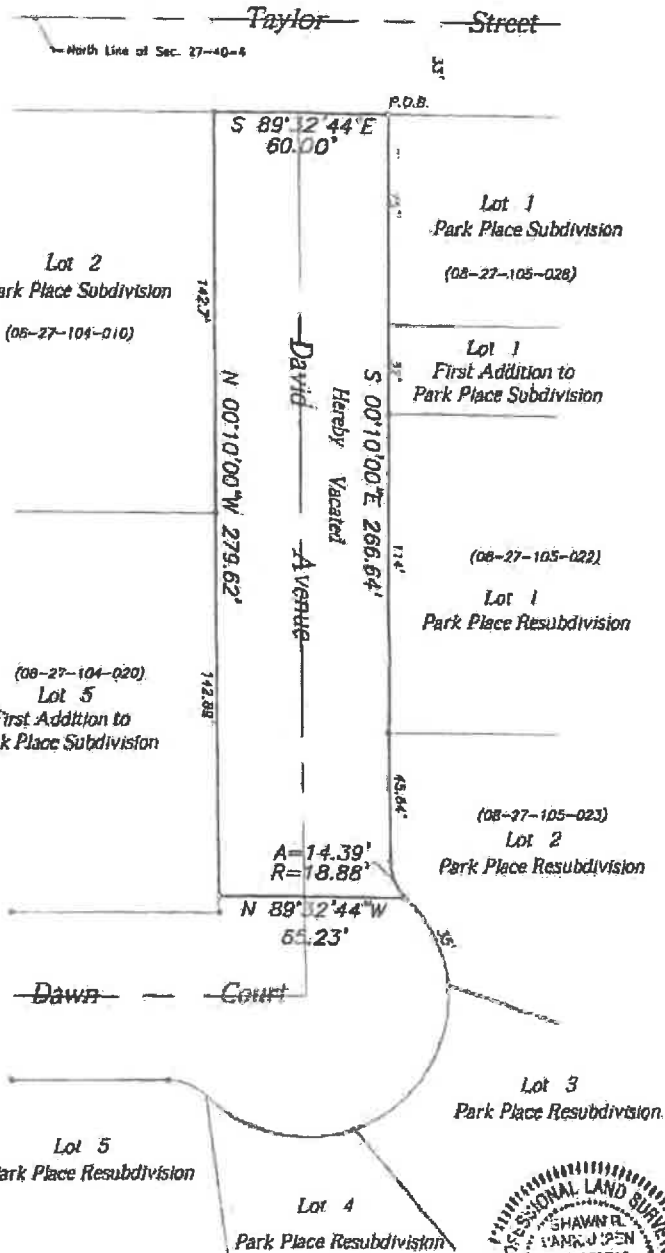
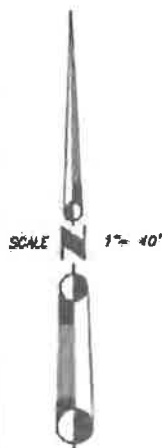
# PLAT OF VACATION

- ==LEGEND==
- Boundary of property surveyed
  - Indicates found survey marker
  - Indicates set open end pipe
  - \*—\*— Indicates fence line

**Description of Property Hereby Vacated:**

THAT PART OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN PARK PLACE SUBDIVISION, THENCE SOUTH 00°10'00" EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF DAVID AVENUE, 266.84 FEET TO A POINT OF CURVATURE; THENCE CONTINUING SOUTHEASTERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 14.39 FEET ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 18.88 FEET; THENCE NORTH 89°32'44" WEST, 65.23 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF DAVID AVENUE; THENCE NORTH 00°10'00" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 279.62 FEET TO THE NORTHEAST CORNER OF LOT 2 IN PARK PLACE SUBDIVISION; THENCE SOUTH 89°32'44" EAST, 60.00 FEET, TO THE POINT OF BEGINNING, ALL IN THE CITY OF DEKALB, ILLINOIS.

CONTAINS 0.39 ACRE.



STATE OF ILLINOIS )  
 COUNTY OF DEKALB )

THIS IS TO CERTIFY THAT I HAVE PREPARED THE ATTACHED PLAT FOR THE PURPOSE OF DEPICTING THAT PORTION OF LAND VACATED BY ORDINANCE NO. \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

*Shawn R. VonKampen*  
 SHAWN R. VONKAMPEN  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710  
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2014

FOR: CITY OF DEKALB  
 JOB NO. WES 12451



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January 18, 2013

To: Joel Maurer, City Engineer/Asst. Director of Public Works

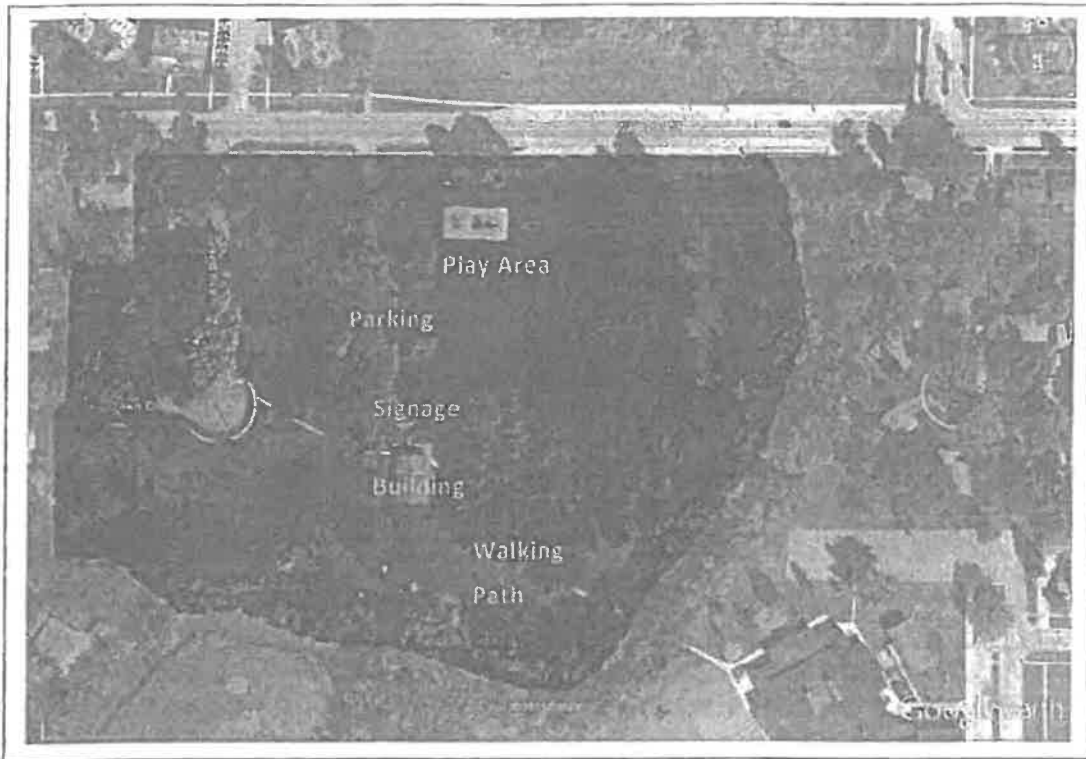
From: Cindy Capek, Executive Director DeKalb Park District

Subject: David Avenue

As requested by Council, following is additional information relative to the Park District and Lions Park as it relates to vacating David Avenue. Thank you for your consideration.

- During the Park District and City of DeKalb's discussions on accepting the vacated lots on David Avenue, the Park District had indicated that vacating David Avenue would be desirable and would be a significant enhancement to Lions Park. The Park District is interested in submitting an Open Space Lands Acquisition Development Grant this year. The deadline to do so is July 1, 2013. Prior to engaging an architect to assist the District in plan development, we would like to know if this is acceptable.
- I have attached the DeKalb Park District's Master Plan (pages 147 and 148) the Lions Park site evaluation. A recommendation in the 2012 Master Plan is for the Park District to work with the City of DeKalb to vacate David to provide a significant expansion of useable space in the park.
- As part of the OSLAD grant application process, neighborhood meetings are held to discuss park amenities, park layout and the overall site plan. I have attached the plans for Devonaire Farms Park as well as Annies Woods Park. Both of these projects received fifty percent funding through OSLAD grants enabling the District to provide a comprehensive plan of park improvements. The District would like to apply for a grant of \$400,000 for Lions Park, with \$200,000 as our matching share. This would provide an opportunity to make needed significant improvements to Lions Park similar to those of Devonaire and Annies Woods parks.
- Should David Avenue remain, it would divide the park space, limiting development, but more importantly will pose a significant safety issue by having to cross a street to access different parts of the park and may limit the type of amenities to be provided as different locations in Lions Park.

**N13 – Lions Park**



**900 West Taylor Street  
11.5-Acres – Neighborhood Park**

Lions Park is an 11.5-acre neighborhood park site that is bordered on the east and south by the South Branch of the Kishwaukee River. The river has a significant impact on the park as the majority of the eastern half of the park is within the floodplain. The frequent flooding for extended periods of time adversely affects the turf quality and area available for recreation.

Lions Park Improvements include a play area, reserveable shelter, parking, open play area, sanitary district services building and a winter sports area.

The internal trail network crosses the river and connects to Tyler Elementary School to the east and to the DeKalb Nature Trail to the north through the Prairie Park.

Lions Park was acquired by the District in several phases from the City and private donations in 1936, 1956, 1961, 1966, 2001, and 2012.

CONDITION ASSESSMENT	
Curb Appeal	Fair
Pedestrian Access	Fair
Internal Access	Fair
Playground	Fair
Sand Play	NA
Shelter	Fair
Toilets/Restrooms	Fair
Basketball Courts	NA
Sitting Area	Poor
Ball Field	NA
Soccer Field	NA
Athletic Turf	NA
Lawns	Fair
Landscaping	Fair
Paths/Trails	Fair
Parking	Fair
Park Sign	Good
Site Furnishings	Fair
Maintenance	Fair

Lions Park was originally constructed in the mid-1930's with renovations and additional construction in the mid-1950's and mid 1960's.

A sanitary district pumping station is also located in Lions Park. The service access for the station utilizes the parking lot and a "stabilized turf roadway" surface. Internal paths and trails have damaged and failing edges which could be a function of inadequate width to support park maintenance equipment and vehicles.

The playground area is a wood timber structure, constructed in 1999, that will require modification to comply meet ADA accessible play requirements. The specific modifications are covered in the detailed ADA Audit report. Playground safety surface is not structurally contained. This encourages contamination of the safety surface with grass clippings and the lawn with safety surface. The general site requires additional modifications to provide accessible routes to most of the park features and elements. Security lighting meets the District's branding standards. Overall site furnishings are not consistent with the District's recent branding practice for benches, waste receptacles or picnic tables. The shelter needs renovation.

Newly planted trees have single or multiple short metal stakes for support during the establishment period. This practice should be reviewed and alternative staking methods or rootball staking employed.

Consideration should be given to development of a trail connection to Taylor Street cross-walk near the bridge. The District should work with City to relocate the cross-walk to west near the existing DeKalb Nature Trail crossing.

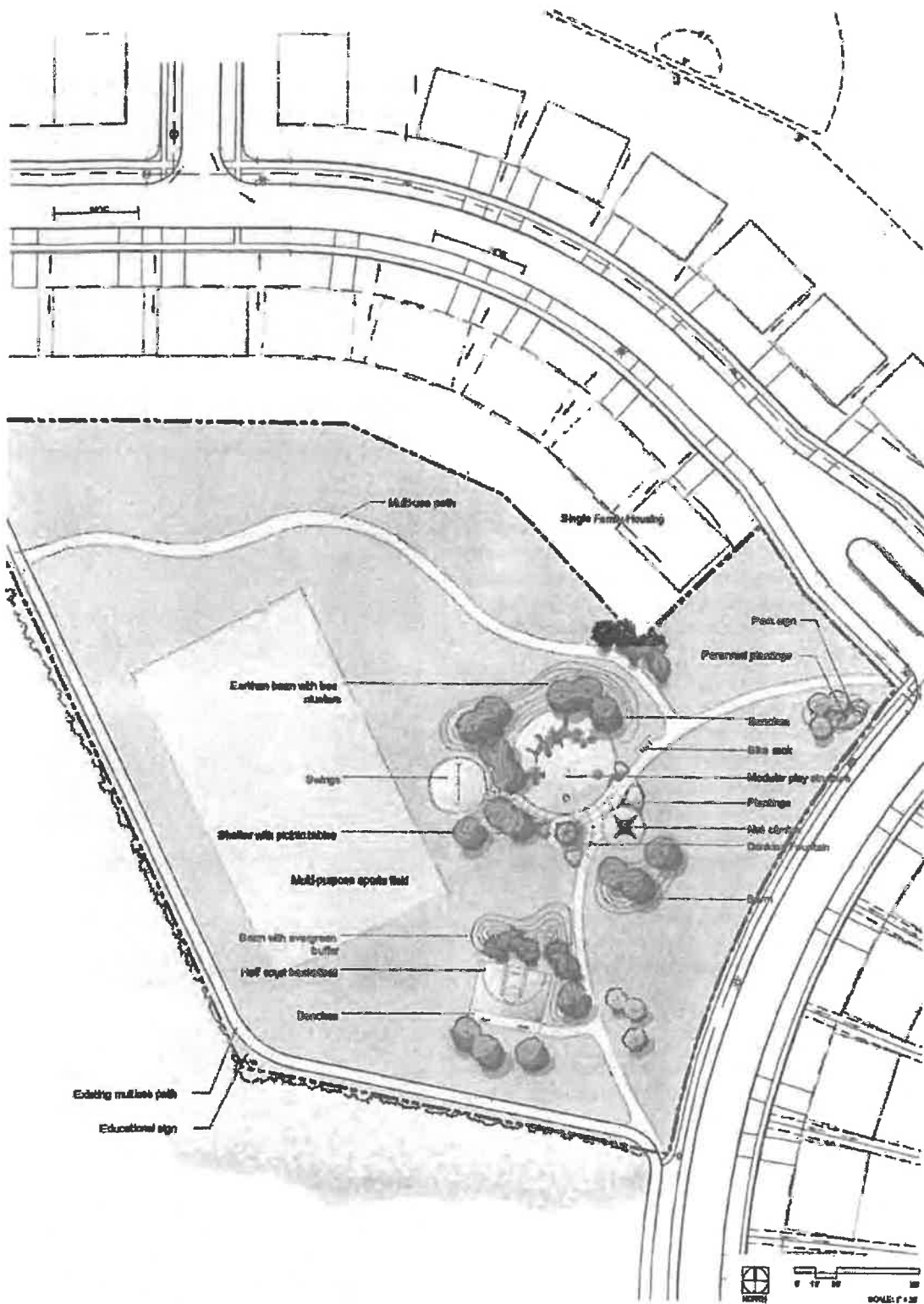
The District should work with the City to close and vacate David Avenue. The vacation of the road right-of-way would provide a significant expansion of useable space in the park.



**RECOMMENDATIONS**

- Initiate public process to develop master plan for Lions Park, address ADA requirements during the planning process
- Implement ADA Audit recommendations
- Transition turf areas east of wooded area to native grasses to minimize maintenance
- Relocate cross-walk to west near Lions Park entrance across from trail spur in Prairie Park
- Vacate David Avenue
- Renovate Lions Park Shelter





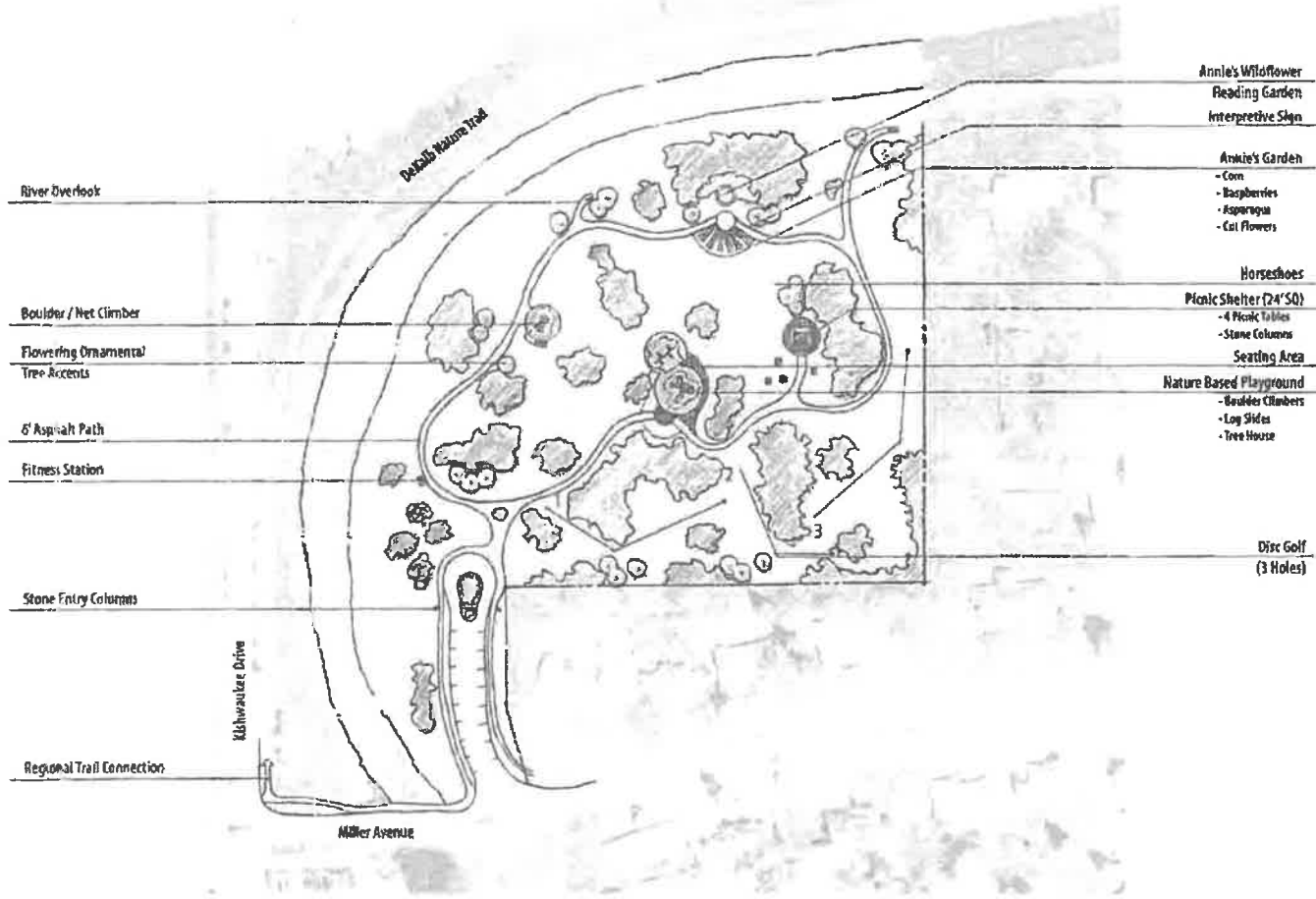
DeKalb Park District

# Devonaire Farm Park

## Site Development Plan

DeKalb, IL

Hatchcock Design Group  
Landscape Architecture



DeKalb Park District

**Concept Plan**  
**Annie's Woods**  
 DeKalb, Illinois

**Hirchock Design Group**  
 "Creating Better Places"  
 11111 N. ...  
 ...

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