

Draft  
1/06/10

Agenda  
Glen Ellyn Village Board of Trustees  
Monday, January 11, 2010  
8:00 p.m. – Galligan Board Room

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Village Recognition: **(Pages 1-7)**
  - A. Letter received from a grateful resident thanking Police Officers Raymond Munch, Joseph Nemchock and Brent Pacyga, and Sergeant Brian Beck for their assistance during a crisis.
  - B. December 7 letter from an out-of-state resident thanking Community Service Officer Becky Knutson for the help she provided the family when they locked themselves out of their car.
  - C. December 17 email from Harris Bank thanking the Police Department staff for the many forms of assistance they provided following an accident that occurred in the drive-thru area of the bank.
  - D. December 18 email from a Wheaton Councilman thanking Police Officers David Gill and Jim Monson for their assistance in the arrest of those responsible for opening fire hydrants in the Glen Ellyn/Wheaton area.
  - E. The Parkside/Summerdale Project completed in 2008 was selected to receive an American Public Works Association Award as the 2009 Project of the Year for Transportation – Less than \$5 million.
5. Audience Participation: **(Pages 8-10)**
  - A. Proclamation recognizing Glenbard South High School, whose football team captured the Western Sun Conference championship for 2009. Head Football Coach Dan Starkey and members of the Raiders football team will accept the proclamation.
  - B. Proclamation recognizing Glenbard West High School, whose football team captured the West Suburban Conference championship for 2009. Head Football Coach Chad Hetlet and members of the Hilltoppers football team will accept the proclamation.
  - C. Proclamation in recognition of outgoing Village Clerk Andrea Draths.

D. Other?

6. Consent Agenda

The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below: (*Trustee Cooper*)

A. Village Board Meeting Minutes: **(Pages 11-32)**

- April 27, 2009 Pre-Board Workshop
- July 27, 2009 Special Workshop
- August 10, 2009 Pre-Board Workshop
- August 24, 2009 Special Workshop
- September 28, 2009 Pre-Board Workshop
- October 12, 2009 Pre-Board Workshop
- October 26, 2009 Pre-Board Workshop
- November 9, 2009 Pre-Board Workshop
- November 9, 2009 Regular Meeting
- November 23, 2009 Special Workshop

B. Total Expenditures (Payroll and Vouchers) - \$3,678,828.49.

The vouchers have been reviewed by Trustee Cooper prior to this meeting.

~~C. Motion to designate Trustee Thorsell as Village President Pro Tem for the four-month period from January through April 2010.~~

D. Motion to approve the recommendation of Village President Pfefferman that the following appointments and reappointments be made for Boards and Commissions: **(Page 33)**

Economic Development Corporation

Grant A. Kief – appoint for a term ending December 31, 2013

Jodi Herbold – appoint for a term ending December 31, 2013

Historic Preservation Commission

Paul Isaac – appoint for a term ending December 31, 2012

Recreation Commission

Cheryl A. Conley – appoint for a term ending December 31, 2012

Plan Commission

Julie Fullerton – reappoint for a term ending December 31, 2012, and as Chairman through December 31, 2010

E. Resolution No. 10-01, a Resolution Accepting a Watermain Easement on Property Located at 800 Roosevelt Road. (*Planning and Development Director Staci Hulseberg*) **(Pages 34-38)**

- F. \*\*\*Motion receiving an executed copy of a Bond Order for \$3,000,000 General Obligation Bonds, Series 2010 (Build America Bonds – Direct Payment), in order to complete a number of Library improvements. (*Finance Director Jon Batek*) **(Pages 39-47)**
- G. \*\*\*Motion to approve Ordinance No. 5839 and Ordinance No. 5840, in order to provide additional clarity with respect to a number of newly created Special Service Area taxing districts. (*Finance Director Jon Batek*) **(Pages 48-56)**
  - 1. Ordinance No. 5839, an Ordinance Amending the Description of a Number of Newly Created Glen Ellyn Special Service Areas and Amending the 2009 Tax Levies of Said Special Service Areas; and
  - 2. Ordinance No. 5840, an Ordinance Concluding Glen Ellyn Special Service Areas Numbered 6 through 11.
- H. \*\*\*Civiltech Engineering, Inc. provided construction engineering services for the Lambert Farms Utility Extensions Project that brought sanitary sewer and storm sewer improvements into the subdivision bounded by Lorraine, McCreey, Lambert and Fawell. Civiltech is requesting additional compensation of \$21,500 for the project due to the extended project timeframe and effort required to achieve final completion, especially in the area of surface restorations. (*Public Works Director Joe Caracci*) **(Pages 57-63)**
  - 1. Motion to increase the appropriation for construction engineering services associated with the Lambert Farms Utility Extensions Project provided by Civiltech Engineering, Inc. by \$5,000, for a revised total appropriation of \$330,000, to be expensed to the FY 09-10 Capital Projects and Sanitary Sewer Funds; and
  - 2. Motion to approve Amendment No. 1 to the construction engineering services agreement with Civiltech Engineering, Inc. for additional construction engineering services for the Lambert Farms Utility Extensions Project, in the amount of \$21,500 for a final contract amount of \$330,000.
- I. \*\*\*Ordinance No. 5841, an Ordinance of the Village of Glen Ellyn Requesting the Transfer of Land from the Glen Ellyn Park District in Ackerman Park, 800 St. Charles Road. (*Public Works Director Joe Caracci*) **(Pages 64-71)**
- 7. Planning and Development Director Staci Hulseberg will present information on a request by Alva Robinson, owner of property located at 21W701 Bemis Road, to enter into an annexation agreement with the Village of Glen Ellyn. (*Trustee Comerford*) **(Pages 72-106)**
  - A. Public hearing regarding a proposed annexation agreement for property located at 21W701 Bemis Road.
  - B. Ordinance No. 5842, an Ordinance Approving an Annexation Agreement for Property Located at 21W701 Bemis Road.

8. Planning and Development Director Staci Hulseberg will present information on the requests of Peter Skiouris, trustee of property located at 455 Roosevelt Road, for approval of the exterior appearance and amended sign variations associated with plans to remodel the exterior of Giordano's Restaurant & Pizzeria and reconfigure and expand the existing parking lot into the Sunset Avenue right-of-way. The petitioner is also requesting the vacation of the adjacent Sunset Avenue right-of-way. (*Trustee Comerford*) **(Pages 73-142)**
  - A. Ordinance No. 5843, an Ordinance Repealing and Replacing Ordinance No. 5597 and Vacating the Sunset Avenue Right-of-Way Located Between Roosevelt Road and Taft Avenue to Property Commonly Known as 455 Roosevelt Road; and
  - B. Ordinance No. 5844, an Ordinance Amending Sign Variations Previously Granted by Ordinance No. 4310 and Granting Exterior Appearance Approval Associated with the Remodeling of Giordano's Restaurant and Pizzeria Located at 455 Roosevelt Road.
9. Reminders:
  - The next Regular Workshop meeting of the Glen Ellyn Village Board is scheduled for Monday, January 18, 2010 beginning at 7 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
  - The next Regular Village Board Meeting is scheduled for Monday, January 25, 2010 with the Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
10. Other Business?
11. Motion to recess into Executive Session for purposes of discussing collective bargaining and the appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body, adjourning thereafter without reconvening into open session. (*Trustee Cooper*)
12. Press Conference

from April '09

Raymond Munch

Brian Beck

Joseph Nemchuck

Brent Pacyga

In appreciation to the  
men & women of the  
Glen Ellyn Police Dept.  
an Paramedics who

helped me on April 24, 2009  
you truly gave me a new  
life. Wishing you and  
your families a Joyous  
Holiday Season.

A-4A

A-4B

Village of Glen Ellyn Police Department

535 Duane Street

Glen Ellyn, IL 60137

December 7, 2009

Dear Sirs:

I would like to write to formally recognize Officer Becky Knutson for her tenacity and selfless assistance on November 28, 2009. I had locked my keys in my car and she provided help. The result was that we got the keys out of the car without having to damage the car. My dog was locked in the car at the time and was rescued also because of her determined efforts.

My family and I had arrived at the Willowbrook Wildlife Center intending to have a short enjoyable stroll through the exhibit when I inadvertently closed the locked door after leaving my keys inside. Now, instead, ten of my family members and myself were trying to figure out what to do in the difficult situation. If we had broken a window we would have looked forward to a 400 mile trip home in a car with a broken window. No alternative seemed acceptable. And we could see the keys sitting on the floor of the back seat. I am guessing that we were locked out for a total of three hours. Temperatures were not cold, thank goodness, -but it was brisk.

Officer Knutson arrived and tried to use the wedges and long pole to push the door lock button. That did not work. She left us eventually with some good advice about calling a locksmith and also with the promise that she would come back if we needed her again. Someone had the idea that if we could activate the OnStar that was built into the car it could be opened that way. So using cell phones our group talked to the OnStar people and they said it could be done but you had to push the button that is located inside the car. This made us call Officer Knutson again to see if she could use the equipment to push the OnStar button. Soon she returned and was able to push the button but then we learned that it would not

work and anyway it would take some 24 hours to activate it. Here is where Officer Becky Knutson showed true intrepid kindness. She spent another hour or more struggling to get the keys out of the backseat by fishing them out. By the time the keys were extricated from the car we were holding flashlights and calling encouragement. I want to thank Officer Knutson for help above and beyond the call of duty!!

I called or emailed several members of my family to ask them for descriptive words for Officer Knutson. I received these replies. I wish I had kept track of how often several words were repeated, but I thought of that after I had collected most of the list.

good humored	kind	smart
pragmatic	friendly	helpful
persistent	professional	patient
unflustered	positive	tactful with us
willing to work	upbeat	had perseverance'
did not want to give up	willing	had creativity in problem solving
polite	helpful	
good natured	determined	had tenacity with task at hand
dedicated	caring	miracle worker!

Officer Knutson's upbeat, professional help was greatly appreciated and my family members and myself wish to thank her and wish her the very best!

Sincerely,

*Susan M. Scott*



Thank you!

Susan M. Scott

A-4C

[Print](#) | [Close Window](#)**Subject:** Accident at Harris Bank**From:** "Kirchhoff, Tracy Ann" <Tracy.Kirchhoff@harrisbank.com>**Date:** Thu, Dec 17, 2009 2:06 pm**To:** "pnorton@glenellyninfo.org" <pnorton@glenellyninfo.org>

Police Chief Norton,

I just wanted to take a few moments to commend you and your police department. This morning there was an accident in our drive-thru area. Your officers, and I wish that I could remember all of there names, did a wonderful job keeping the entire staff informed on the steps that needed to take place as well as a timeline so that we could let our customers know when we would be fully operational again. I have always been impressed by the constant exterior and interior patrols of our facilities by your officers. This morning was just another wonderful example of your team at work.

Thank you

Tracy Kirchhoff | AVP | Bank Manager  
Harris N.A. | 405 Pennsylvania Ave. | Glen Ellyn, IL 60137  
Ph. 630-547-5711 | Fax 630-790-9713  
e-mail: [tracy.kirchhoff@harrisbank.com](mailto:tracy.kirchhoff@harrisbank.com)  
Visit Harris online at [www.harrisbank.com](http://www.harrisbank.com)

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A-4D

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**Subject:** nice job  
**From:** tmouhelis@aol.com  
**Date:** Fri, Dec 18, 2009 8:02 am  
**To:** pnorton@glenellyninfo.org

Chief, Please convey my thanks to two of your officers in arresting the two perks who opened the fire hydrants in Wheaton and other suburbs. Great job on their part.

Tom Mouhelis  
Councilman East District  
City of Wheaton  
630-668-3686

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**Steve Jones**

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**From:** Joe Caracci  
**Sent:** Monday, December 28, 2009 11:13 AM  
**To:** Steve Jones  
**Subject:** FW: APWA Suburban Branch Awards  
**Attachments:** Awards Notice - Less 5M.pdf

A-4E

Steve,

Great News! Our Parkside / Summerdale Project completed in 2008 was selected to receive an APWA Award. It has been considered the 2009 Project of the Year for Transportation - Less than \$5 million. The application was submitted by ERA. Kudos go out to the entire project team that included:

- Design Engineer - ERA (Steve Wegner and Team)
- Construction Engineer - Civiltech (Dave Bugaj and Team)
- Contractor - John Neri Construction (Nick Neri and Team)
- Public Works Engineering - Bob Minix and Jeff Perrigo

This is a testament to having a "GREAT" all around Project Team.

Attached is the Award Notice provided to Bob Minix by the local APWA Chapter.

Respectfully,

Joe

*Joseph M. Caracci, P.E.*  
Public Works Director  
Village of Glen Ellyn  
30 South Lambert Road  
Glen Ellyn, IL 60137  
phone - (630) 547-5515  
fax - (630) 469-3128



Chicago Metropolitan Chapter  
American Public Works Association

**Suburban Branch**

**BRANCH OFFICERS – 2010**

President

**Brendan Daly**  
Bollinger Lach & Associates  
333 W Pierce Road  
Suite 200  
Itasca, IL 60143  
Phone: 630.438.6400  
Fax: 630.438.6444

Vice-President

**Reid Wagner**  
Civiltech Engineering, Inc.  
450 E Devon Avenue  
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Fax: 630.773.3975

Secretary

**Vic Sabaliauskas**  
Village of Oak Park  
201 South Blvd.  
Oak Park, IL 60302  
Phone: 708.358.5700  
Fax: 708.358.5711

Treasurer

**Mike Reynolds**  
Village of Arlington Heights  
33 S Arlington Heights Rd  
Arlington Heights, IL 60005  
Phone: 847.368.5807  
Fax: 847.577.5930

December 24, 2009

Mr. Bob Minix  
Village Engineer  
Village of Glen Ellyn  
30 S Lambert Road  
Glen Ellyn, IL 60137

Dear Mr. Minix:

It is my pleasure to inform you that the Suburban Branch of the Chicago Metro Chapter of the American Public Works Association (APWA) has selected the **Parkside/Summerdale Roadway and Infrastructure Improvement Project** as the 2009 Project of the Year Award, **Transportation - Less than \$5 Million**. This award recognizes excellence in completing Public Works and alliances between the Municipality, Consultant and Contractor.

The members of the Suburban Branch would like to recognize your project and achievement by having you as a guest at the Annual Awards Luncheon held on Tuesday, January 26, 2010 at 11:30 am located at the Medinah Shrine Center, 550 Shriners Drive, Addison, IL 60101. At this event, you will be presented with a plaque in recognition of the project. Additional plaques may be purchased upon request.

Kindly confirm by Friday, January 22, 2010 if you will be attending the luncheon. If you have any questions, additional attendees or reservation concerns, please contact me at 630.735.3390 or [rmagner@civiltechinc.com](mailto:rmagner@civiltechinc.com).

Congratulations and we look forward to seeing you at the luncheon.

Sincerely,

A handwritten signature in cursive script that reads 'Reid T. Wagner'.

**Reid T. Wagner, P.E.**  
Chairman, Suburban Branch APWA Awards

Cc: **Steve Wegner**  
Project Manager  
Engineering Resource Assoc.  
3 S 701 West Ave, Ste 150  
Warrenville, IL 60555

**Nick Neri**  
President  
John Neri Construction  
770 Factory Road  
Addison, IL 60101

A-5A



## VILLAGE OF GLEN ELLYN

# Proclamation

**WHEREAS**, Glenbard South High School, a District 87 High School attended by students from Glen Ellyn, is recognized as a school of distinction; and

**WHEREAS**, the dedication of faculty, administration, students and parents has produced high-quality academic, extracurricular, and athletic programs; and

**WHEREAS**, the 2009 Raiders football team, with head coach Dan Starkey, captured the Western Sun Conference championship and competed in the Class 5A State playoffs where they reached the quarter-finals;

**NOW, THEREFORE**, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do hereby convey the sincere congratulations of the Village Board and the residents of Glen Ellyn for the outstanding efforts and achievements of the Glenbard South High School Football Team, and offer our best wishes for continued success in years to come.



\_\_\_\_\_  
*Village President*

*attest:*

\_\_\_\_\_  
*Village Clerk*

\_\_\_\_\_  
*Date*

A-5 B



## VILLAGE OF GLEN ELLYN

# Proclamation

**WHEREAS**, Glenbard West High School is recognized as a school of distinction; and

**WHEREAS**, the dedication of faculty, administration, students and parents has produced high-quality academic, extracurricular, and athletic programs; and

**WHEREAS**, the 2009 Hilltoppers football team, with head coach Chad Hetlet, captured the West Suburban Conference championship and participated in the Class 7A State championship finals, earning second place;

**NOW, THEREFORE**, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do hereby convey the sincere congratulations of the Village Board and the residents of Glen Ellyn for the outstanding efforts and achievements of the Glenbard West High School Football Team, and offer our best wishes for continued success in years to come.



\_\_\_\_\_  
*Village President*

*attest:*

\_\_\_\_\_  
*Village Clerk*

\_\_\_\_\_  
*Date*



A-5C

## VILLAGE OF GLEN ELLYN

# Proclamation

**WHEREAS**, Andrea Draths has served the Village of Glen Ellyn as its elected Village Clerk since May 9, 2005; and

**WHEREAS**, her dedication to the well-being of Glen Ellyn residents has been manifest through her knowledge and patience in assisting all staff and residents who come to her with questions, and through her skills and talent applied to her many duties including her positions as part-time Receptionist for nine years, Collector, and Village Clerk; and

**WHEREAS**, her integrity, compassion and wisdom have earned her the respect and affection of those she has served and those with whom she has worked; and

**WHEREAS**, Andrea has responded to hundreds of Freedom of Information Act requests, taken minutes at approximately 118 Village Board Meetings and Workshops, assisted many Glen Ellyn businesses, community and philanthropic groups to acquire liquor licenses and required BASSET training, and served with two Village Presidents and three Village Managers.

**NOW, THEREFORE**, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do convey the appreciation of the Village Board and the residents of Glen Ellyn to Andrea Draths for her commitment to responsive government in our Village, as we extend to her our fond wishes in her future endeavors.



\_\_\_\_\_  
*Village President*

*attest:*

\_\_\_\_\_  
*Deputy Village Clerk*

\_\_\_\_\_  
*Date*

A-6A

**Pre-Board Workshop Minutes  
Village of Glen Ellyn  
April 27, 2009  
Glen Ellyn Civic Center  
Room 301**

**Meeting:** 7:30p.m. – 8:14p.m.

**Call to Order:** Village President Hase; Trustees Armstrong, Chapman, Comerford, Ladesic, Norton and Thorsell.

**Staff:** Jones, Barrett, Batek, Caracci, Hulseberg and Norton and Village Planner Michele Stegall.

Village Clerk Andrea Draths and Village Attorney Stewart Diamond were also present.

**Review of the April 27, 2009 Regular Village Board 8:00 p.m. Meeting Agenda**

**Item #10:** Director of Planning and Development Director Staci Hulseberg presented information on a final planned unit development plan, final plat of subdivision and a stormwater variation for the Duane Street Rowhouses to be located on a property commonly known as 460-478 Duane Street. Plan Commission Chairman Julie Fullerton addressed the Village Board. Chairman Fullerton said she had concerns regarding Village Board removal of a condition that had been recommended to the Village Board by the Plan Commission. She said the Plan Commission had recommended this project with certain conditions including the approval of a Developer's Agreement with C. George/Scigousky establishing a timeline for completion of the project. Although the Village has ongoing concerns regarding completion of previous projects with this developer, Chairman Fullerton said this was not the only reason for requesting the agreement. She also stated that the Plan Commission requested the agreement before they voted on recommending the project to the Village Board and reiterated that she felt the condition requiring a Developer's Agreement for this project should remain. John Mulherin, project attorney, said he had the utmost respect for Chairman Fullerton, he stated concerns regarding his client being treated differently by the Village than other developers and that C. George was no longer involved in the project. Discussion ensued and it was the consensus of the Village Board to table this item to a future agenda, and for the parties involved to discuss possible modifications to the agreement that would address both the Plan Commission's and developer's concerns.

**Adjournment** at 8:14 p.m. to the 8:00 p.m. Regular Village Board Meeting in the Galligan Board Room.

Submitted by:

Andrea Draths  
Village Clerk

**Special Village Board Pre-Board Workshop Minutes**  
**Village of Glen Ellyn**  
**July 27, 2009**  
**Galligan Board Room**

**Meeting:** 6:31 p.m. – 7:57 p.m.

1. **Call to Order:** President Pfefferman; Trustees Comerford, Henninger, Ladesic and Thorsell. Trustee Hartweg arrived at 6:35 p.m. and Trustee Cooper was excused.

Staff: Jones, Batek, Caracci, Hulseberg, Norton and Administrative Analyst Kristen Denney. Village Clerk Andrea Draths and Village Attorney Stewart Diamond were also present.

2. **Public Comments:** - None

3. **Review of the July 27, 2009 Regular Village Board 8:00 p.m. Meeting Agenda:**

**Item #6F:** Planning and Development Director Staci Hulseberg presented information regarding approving text amendments to the Village Sign Code to allow common program signs in the C5A and C5B zoning districts and motor vehicle dealer light pole banners. Director Hulseberg stated that the request regarding program signs has been coordinated by the Economic Development Corporation. Director Hulseberg confirmed that Manager Jones would have administrative approval to facilitate processing issues that might occur regarding the signs.

Janie Patch, Director of the EDC, addressed the Village Board describing the attention-getting “OPEN” signs. Ms. Patch said tenants would be responsible for installing the signs.

**Item #10:** Planning and Development Director Staci Hulseberg presented information regarding approval of an amendment to the Village Code to establish time restrictions on the use of private outdoor seating areas (patio) for restaurants located adjacent to residential areas. Director Hulseberg reminded the Village Board that Bells & Whistles Snackery, 405 N. Main Street and Tap House Grill, 411 N. Main Street have been working on creating a patio at the rear of their businesses. Prior to construction of the patio, both business owners came to the Village seeking direction and were told that in order to proceed they needed to comply with the Village’s stormwater and building permit requirements, and in order to serve liquor on the outdoor patio, Tap House Grill would be required to obtain approval of a Class G liquor license.

Director Hulseberg stated that during the project process some of the area residents voiced concerns regarding hours of operation of the patio relative to the adverse affect potential noise coming from patrons of the patio could cause certain residents who live in close proximity to the patio and also the re-routing of downspouts relative to water drainage in the area. Director Hulseberg stated that Mark Daniel, 300 E. Roosevelt Road, Wheaton, attorney representing the owners of Hillside Apartments, filed an appeal on July 1, objecting to the Village’s decision that the patio project did not require any additional zoning regulation compliance other than that mentioned above. Due the filing of the “stay,” all Village activity related to the project ceased. Since that time, Director Hulseberg said some of the parties involved appear to have come to a resolution and that resolution includes an agreement between the owners of Tap House Grill and the owners of Hillside Apartments regarding the use of the patio by Tap House Grill. Director Hulseberg indicated that some of the conditions listed in that agreement might also be conditions required by the Village prior to approval of a Class G liquor license for Tap

House Grill. A Liquor Hearing to consider that liquor license request is scheduled immediately following the Village Board's July 27, 2009 Regular 8 p.m. Meeting. Separate from the agreement, the owners of Hillside Apartments still had concerns regarding the hours of operation of the patio by Bells & Whistles. To address those concerns Village staff has created an ordinance for consideration by the Village Board. Director Hulseberg stated that Attorney Daniel has indicated that if the Village Board would approve the ordinance, and the liquor license with conditions, at their subsequent July 27 meetings, his client would lift the stay the morning of Tuesday, July 28.

Attorney Daniel thanked Village staff and Attorney Diamond for their efforts on this issue on his behalf and on behalf of his clients.

4. Village Attorney Diamond reminded the Village Board that the new law allowing video gaming does not go into effect until January 1, 2010 and that the Village Board has the opportunity to prohibit video gaming in Glen Ellyn. He recommended the Village Board come to a decision regarding allowing video gaming in Glen Ellyn prior to January 1. Attorney Diamond stated that although it is unclear, it is possible that if a municipality prohibits video gaming, they may not be eligible to receive state funding for capital improvements projects, as the state has targeted video gaming as one of the funding sources for the state's new capital improvements program. Attorney Diamond suggested, and it was the consensus of the Village Board, to solicit feedback from the community regarding their opinions on video gaming to include our residents and business owners who currently have liquor licenses. Additionally, President Pfefferman requested staff obtain additional information including the determination of potential revenues that could be obtained if video gaming were allowed in Glen Ellyn and present that information to the Village Board within approximately a month.

5. Village Manager Jones presented information on a draft communication plan. Manager Jones stated that although the plan was entitled "Power Outage Communication Policy" the plan was not just for power outages and that the plan has been informal in the past. Manager Jones said that according to the draft plan notification levels would increase based upon the severity of an event. Notification of the Village Manager/Village Board would be the first part/level of the plan; second would be notification of the general public; and third would be a higher level of notification to be used in cases involving the threat of imminent danger or the likelihood of life safety concerns. Notification methods included in the third part/level of the plan might include neighborhood notification via door-to-door interaction or loudspeaker, activation of a potential reverse 9-1-1 system, activation of a potential emergency text messaging system and the potential override of our cable television stations to scroll emergency information on the television screen.

6. **Adjournment** at 7:57 p.m. to the 8:00 p.m. Regular Village Board Meeting in the Galligan Board Room.

Submitted by:

Andrea Draths  
Village Clerk

**Pre-Board Workshop Minutes  
Village of Glen Ellyn  
August 10, 2009  
Glen Ellyn Civic Center  
Galligan Board Room**

**Meeting:** 7:00 p.m. – 7:56 p.m.

**Call to Order:** Village President Pfefferman; Trustees Cooper, Hartweg, Henninger, and Thorsell. Trustees Comerford and Ladesic were excused.

**Staff:** Jones, Batek, Caracci, Hulseberg, Norton and Administrative Analyst Kristen Denney and Fire Chief Scott Raffensparger.

Village Clerk Andrea Draths was present and Attorney Stewart Diamond arrived at 7:12 p.m.

**Review of the August 10, 2009 Regular Village Board 8:00 p.m. Meeting Agenda**

**Item #6C:** Director of Planning and Development Staci Hulseberg presented information regarding extending the expiration date of Ordinance No. 5513, which was previously extended by Ordinance No. 5652, which granted a variation from the lot width requirements for property 254 Glenwood Avenue. Discussion ensued regarding the unusual request for a second 18-month extension and Director Hulseberg said other builders and developers could request second extensions due to the downturn in the economy. Director Hulseberg informed the Village Board that previous Village Board's had approved one 18-month extensions in the past, but had discussed that approval of a second 18-month extension should demonstrate extenuating circumstances. Ray Whalen, 177 Sunset Avenue, owner of the property, stated that the reason for the second extension was due to the current negative state of the economy. The Village Board raised such concerns as approval of this request as setting a precedent and the need for additional time to allow staff to provide the Village Board with additional information regarding other possible projects that could request additional extensions. It was the consensus of the Village to table this item until a future Village Board agenda and to additionally look at the issue of approval of second 18-month extensions for discussion at a subsequent Village Board workshop meeting. Attorney Diamond added that approval of a second 18-month extension was not highly precedential and reiterated that we are in difficult economic times.

**Item 6G:** Mike Formento, Chamber of Commerce Co-Executive Director, addressed the Village Board and provided information regarding their upcoming Autumn Daze event scheduled for September 4 through September 6.

**Item 6F:** Carol White, representing the Downtown Glen Ellyn Alliance, mentioned that the Shoppers Trolley would be free for all on Saturday August 22.

**Item #8:** Planning and Development Director Staci Hulseberg presented information regarding approval of text amendments to the Glen Ellyn Zoning Code to allow certain non-retail uses behind back ground floor storefront units in the C5A Zoning District and reminded the Village Board that these amendments were being brought forward to the Village Board due at the initiative of the Planning Department staff to, in part, benefit business owners and property owners.

**Item #9:** Planning and Development Director Staci Hulseberg presented information regarding approving a Zoning Map Amendment to rezone properties located at 540 Ahlstrand Road and 552 Ahlstrand from RO Residential Zoning District to RE Residential Estate Zoning District. Director

Hulseberg reminded the Village Board that when these properties signed annexation agreements in 2004 the RE zoning classification did not exist. The RE zoning classification requires a one-acre minimum lot size in order to maintain the character of the area.

**Item #10:** Finance Director Jon Batek presented information regarding the establishment of two Special Service Area (SSA) taxing districts to be located within the unincorporated areas to the north and south of the Village limits, which are currently served by the Glen Ellyn Volunteer Fire Company. Attorney Diamond reminded the Village Board that the goal of establishing these two taxing districts is to have unincorporated property owners pay what Village residents pay for voluntarily via donations and that the Fire Company is subsidized by Village taxes for fire protection.

**Adjournment** at 7:56 p.m. to the 8:00 p.m. Regular Village Board Meeting in the Galligan Board Room.

Submitted by:

Andrea Draths  
Village Clerk

**Special Pre-Board Workshop Minutes**  
**Village of Glen Ellyn**  
**August 24, 2009**  
**Glen Ellyn Civic Center**  
**Galligan Board Room**

**Meeting:** 6:34 p.m. – 7:29 p.m.

1. **Call to Order:** Village President Pfefferman; Trustees Cooper, Hartweg, Henninger, Ladesic and Thorsell. Trustee Comerford arrived at 6:40 p.m.

Staff: Jones, Batek, Caracci, Hulseberg, Norton and Administrative Analyst Kristen Denney. Fire Chief Scott Raffensparger arrived at 6:45 p.m. Village Clerk Andrea Draths and Village Attorney Stewart Diamond were present. Attorney Paul Keller arrived at 7:04 p.m.

3. **Willowbrook Wildlife Center:** Planning and Development Director Staci Hulseberg presented information regarding the Forest Preserve District of DuPage County's plans to construct 3,000 square-foot rehabilitation cage at the Willowbrook Wildlife Center on park Boulevard. Director Hulseberg said it has been Village practice to check with the Village Board before granting a Special Use waiver for Willowbrook. It was the consensus of the Village Board to direct Director Hulseberg to waive the Special Use requirement for the project.

4. **Snow Operations:** Public Works Director Joe Caracci presented an overview of snow removal in the Village. Director Caracci stated that snow removal is a core function of the Public Works Department and their goal is to remove all snow and ice within 12 hours after the last snowflake has fallen. The number one priority group focus is to remove snow on the main roads, Central Business District streets, CBD parking facilities, Fire Station parking facilities, cul-de-sacs with hills, Taylor Street underpass and the Civic Center parking lot. The next priority group focus includes secondary streets, cul-de-sacs, alleyways and dead-end streets. Director Caracci said the CBD sidewalk policy states that if a snowfall is less than three inches, Public Works shovels sidewalk areas adjacent to Village owned property; if a snowfall is more than three inches Public Works plows a four-foot path down the remaining CBD sidewalks. He said have 2,000 tons of salt scheduled to be ordered for this upcoming winter season. Director Caracci discussed various salt mixes used on Glen Ellyn streets and Public Works ongoing efforts to limit salt usage due to concerns that the salt ultimately ends up in our storm sewers. He reminded Village residents to please shovel their sidewalks and that commuter parking lots are best cleared between 2 a.m. and 5 a.m.

President Pfefferman asked and Director Caracci and Police Chief Norton responded that residents can contact the Village snow command line at 858-SNOW (858-7669) or Public Works at 469-6756 during business hours; and at night or anytime, residents can call the Police Department at 469-1187 or 9-1-1.

At 7:29 p.m. Trustee Cooper moved and Trustee Henninger seconded the motion to **recess to Executive Session** for purposes of discussing collective bargaining; potential acquisition of property and pending or potential litigation and adjourning thereafter to the 8:00 p.m. Regular Village Board Meeting in the Galligan Board Room.

Upon roll call, Trustees Cooper, Henninger, Comerford, Hartweg, Ladesic and Thorsell voted "Aye." Motion carried.

Submitted by:

Andrea Draths  
Village Clerk

**Pre-Board Workshop Minutes  
Village of Glen Ellyn  
September 28, 2009  
Glen Ellyn Civic Center  
Galligan Board Room**

**Meeting:** 7:34 p.m. – 8:00 p.m.

**Call to Order:** Village President Pfefferman; Trustees Comerford, Hartweg, Henninger, Ladesic and Thorsell. Trustee Cooper was excused.

**Staff:** Jones, Batek, Caracci, Hulseberg, Norton and Administrative Analyst Kristen Denney and Fire Chief Scott Raffensparger.  
Village Clerk Andrea Draths and Village Attorney Paul Keller were also present.

**Review of the September 28, 2009 Regular Village Board 8:00 p.m. Meeting Agenda**

**Item #6E:** Police Chief Norton presented information regarding an ordinance to amend certain sections of the Village Code regarding **employee parking only** and four-hour parking. Chief Norton stated that one of the recommended changes adds six parking spaces to the Village's downtown inventory and creates more useable parking for customers in the more convenient lots, as employees use these new employee parking spots on Hillside Avenue. Gary Giesche, Giesche Shoes, 400 N. Main Street, addressed the Village Board stating his concerns regarding the negative impact the change from customer parallel parking on the north side of Hillside Avenue to the angled, "employee only" parking on the south side of the street would have on his business, including the truck delivery of merchandise. Chief Norton reminded the Village Board that this parking amendment recommendation was a result of the annual meeting held June 1, 2009, with the Chamber of Commerce, Economic Development Corporation, CBD business owners and members of the Village team, to discuss and review CBD parking.

Discussion ensued and it was the consensus of the Village Board to remove this item from the September 28, 2009 agenda, to allow Village staff the ability to provide the Village Board with additional information on this issue including a modified schematic drawing of CBD customer and employee parking, a copy of the June 1 meeting minutes and, if possible, a sense of the number of employees interested in purchasing permits for the newly created employee parking spots.

**Adjournment** at 8:00 p.m. to the 8:00 p.m. Regular Village Board Meeting in the Galligan Board Room.

Submitted by:

Andrea Draths  
Village Clerk

**Pre-Board Workshop Minutes  
Village of Glen Ellyn  
October 12, 2009  
Glen Ellyn Civic Center  
Galligan Board Room**

**Meeting:** 7:02 p.m. – 7:53 p.m.

1. **Call to Order:** Village President Pfefferman; Trustees Comerford, Cooper, Hartweg, Henninger, Ladesic and Thorsell.

Staff: Jones, Batek, Caracci, Hulseberg, Norton and Administrative Analyst Kristen Denney and Assistant Finance Director Larry Noller.  
Village Clerk Andrea Draths and Village Attorney Stewart Diamond were also present.

3. **Review of the October 12, 2009 Regular Village Board 8:00 p.m. Meeting Agenda**

**Item #6E:** Assistant Finance Director Larry Noller introduced Fred Lantz, Sikich LLP, who presented an overview of the Village's Comprehensive Annual Financial Report, CAFR. Mr. Lance said that the independent auditors report was pleased to present the Village Board "a clean unqualified opinion on the Village's financial statements." Assistant Director Noller and Mr. Lance both reminded the Village Board that the CAFR is available for public review at the Village Clerk's Office, the Glen Ellyn Public Library and on the Village's website at [www.glenellyn.org](http://www.glenellyn.org)

4. **Vlahos Lease Agreement:** Director of Planning and Development Staci Hulseberg presented some background information regarding property located at 524-528 Duane Street and 443 Main Street owned by John Vlahos. Director Hulseberg stated that for many years access to the rear of Mr. Vlahos' property has been across the adjoining property to the east owned by Margot Henshaw owner of 530-532 Duane Street. A curb cut has existed for many years from Ms. Henshaw's property to the train parking lot. Director Hulseberg said much has transpired between these two property owners and said that at this point, Mr. Vlahos was requesting that the Village allow him to access the rear of his building from a new curb cut which would be constructed from the train parking lot to the north which would result in the loss of two Village train parking permit stalls, as well as the associated revenue. This affected parking area is located partially on DuPage County right-of-way and Chicago Northwestern Railroad right-of-way. Director Hulseberg said the plans have been reviewed by DuPage County and they have indicated they are ready to issue a permit. The attorney representing Mr. Vlahos, Hank Stillwell, and Attorney Diamond have been working on an agreement that would permit the requested access over the Village's property. Director Hulseberg stated that the only outstanding issue remaining regarding the agreement between the Village and Mr. Vlahos was the term of the agreement. Attorney Diamond said that the reason for the request for a long-term agreement was due to an extensive project planned by Mr. Vlahos for the property and Mr. Stillwell addressed the Village Board on behalf of his client and stated that Mr. Vlahos would ultimately be investing approximately \$200,000 in the project. Discussion ensued and it was the consensus of the Village Board to move forward on this item on a future Village Board agenda and to agree to a lease agreement term of 40 years with a clause allowing the Village to terminate the agreement in 15 years in the event the Village would decide to use the land for any purpose other than a parking lot and to add wording to the agreement to include that it could be terminated and/or amended upon mutual agreement.

**Adjournment** at 7:53 p.m. to the 8:00 p.m. Regular Village Board Meeting in the Galligan Board Room.

Submitted by:

Andrea Draths  
Village Clerk

**Pre-Board Workshop Minutes  
Village of Glen Ellyn  
October 26, 2009  
Glen Ellyn Civic Center  
Galligan Board Room**

**Meeting:** 7:32 p.m. – 7:57 p.m.

1. **Call to Order:** Village President Pfefferman; Trustees Comerford, Henninger, Ladesic and Thorsell.

Staff: Jones, Caracci, Hulseberg and Norton.

Village Clerk Andrea Draths and Attorney Stewart Diamond were also present.

President Pfefferman called for a **motion to allow Trustee Hartweg to attend the meeting electronically** due to personal illness or disability.

Trustee Comerford moved and Trustee Thorsell seconded the motion that Trustee Hartweg be allowed to attend the meeting electronically. All Trustees present voted “Aye.” Motion carried.

President Pfefferman confirmed and welcomed Trustee Hartweg via speaker phone.

Trustee Cooper arrived at 7:34 p.m.

3. **Review of the October 26, 2009 Regular Village Board 8:00 p.m. Meeting Agenda**

**Item #6N:** Trustee Ladesic requested that this item, an ordinance amending Ordinance No. 5766 establishing **ambulance service fees** for the Village of Glen Ellyn, be removed from the October 26 Consent Agenda or be tabled to a future Village Board agenda as he desired additional information and discussion on the topic including possible expansion of the program. Manager Jones and Attorney Diamond stated that what was being recommended was a continuation of the subscription program provided by the Village’s previous provider, Metro, that expired last July. Discussion ensued and it was the consensus of the Village Board that this item be removed from the Consent Agenda and instead be placed on the October 26, 2009 Regular Agenda.

**Item 9:** Planning and Development Director Staci Hulseberg presented information on adoption of a **Downtown Strategic Plan** for the Village of Glen Ellyn. Trustee Cooper stated, for the record, his concern regarding a two-way traffic study be conducted by a consultant. Director Hulseberg and the Village Board acknowledged Trustee Cooper’s concern and that it was adequately addressed in the Plan.

Ken Kloss, 350 Ridgewood Avenue, stated his concerns regarding the Plan relative to suggested square-footage of residences and parking structures in the CBD.

4. **College of DuPage undergrounding along Lambert Road** – Village Manager Jones presented the Village Board with some background information stating that in 2000 the Village and COD entered into an intergovernmental agreement that addressed several issues including the reconstruction of Fawell Boulevard and the undergrounding of utility wires. He said that the Village Attorney contends that the Village’s commitment to the undergrounding was only if the Village was able to secure funding from ComEd as part of the Village’s franchise agreement. He continued that COD was currently seeking a partnership in which COD would install the underground conduit and the Village would contract with

ComEd to relocate the lines and service connections. Discussion ensued and it was the consensus of the Village Board to direct staff to include this item in negotiation discussions with COD.

**Adjournment** at 7:57 p.m. to the 8:00 p.m. Regular Village Board Meeting in the Galligan Board Room.

Submitted by:

Andrea Draths  
Village Clerk

**Pre-Board Workshop Minutes  
Village of Glen Ellyn  
November 9, 2009  
Glen Ellyn Civic Center  
Room 301**

**Meeting:** 7:00 p.m. – 7:22 p.m.

**Call to Order:** Village President Pfefferman; Trustees Cooper, Hartweg, Henninger, Ladesic and Thorsell. Trustee Comerford was excused.

**Staff:** Jones, Batek, Caracci, Hulseberg, Norton and Administrative Analyst Kristen Schrader. Village Planner Michele Stegall and Recreation Director Matt Pekarek were also present.  
Village Clerk Andrea Draths was present. Attorney Stewart Diamond arrived at 7:10 p.m.

**Review of the November 9, 2009 Regular Village Board 8:00 p.m. Meeting Agenda**

**Item #6A2:** Trustee Thorsell identified a typographical error in the draft March 23, 2009 Regular Meeting Minutes and Village Clerk Draths responded that the minutes would be amended to reflect the correction.

**Item #6C:** Police Chief Phil Norton presented information regarding an ordinance to amend sections of the Village Code regarding speed limits at Glenbard West High School, Churchill School and Park View School. Chief Norton confirmed that signage around the schools would indicate the 20-mile per hour speed limit on school days when children were present.

**Item #9:** Recreation Director Matt Pekarek presented information regarding a resolution amending the 1988 Recreation Department Policy Statement. Discussion ensued and it was the consensus of the Village Board that this item be tabled to a future Village Board meeting agenda to allow for additional input from the Recreation Commission. Director Pekarek reminded the Village Board that the regularly scheduled Recreation Commission meeting for Wednesday, November 18 at 7:30 p.m. has been re-scheduled to Tuesday November 17, 2009 at 7:30 p.m.

**Item #11:** Planning and Development Director Staci Hulseberg presented information on an annexation agreement; and a zoning map amendment upon annexation to the Village; for property located at 22W654 Butterfield Road. Director Hulseberg stated that the rationale for Village staff's recommendation for C4 office zoning for this property, rather than the C2 neighborhood commercial requested by the petitioner, was to maintain zoning consistency in the surrounding area.

At 7:22 p.m. Trustee Henninger moved and Trustee Ladesic seconded the motion to **recess to Executive Session** for the purposes of discussing potential or pending litigation and the appointment, employment, compensation, discipline, performance, or dismissal of specific employees and reconvene immediately following the 8:00 p.m. Regular Village Board Meeting in the Galligan Board Room and adjourn thereafter without reconvening to open session.

Upon roll call, Trustees Henninger, Ladesic, Cooper, Hartweg and Thorsell voted "Aye." Motion carried.

Submitted by:

Andrea Draths  
Village Clerk

**Minutes  
Regular Meeting  
Glen Ellyn Village Board of Trustees  
Galligan Board Room  
November 9, 2009**

**Call to Order**

Village President Pfefferman called the meeting to order at 8:01 p.m.

**Roll Call**

Upon roll call by Village Clerk Draths, Village President Pfefferman and Trustees Cooper, Hartweg, Henninger, Ladesic and Thorsell answered, "Present." Trustee Comerford was excused.

**Pledge of Allegiance**

The Pledge of Allegiance was led by Jodi Herbold and Mary Sheehy of the Glen Ellyn Junior Women's Club. Ms. Herbold informed the Village Board that their Christmas Basket Program was entering its 60<sup>th</sup> year. To participate in the Christmas Basket program and other holiday service projects, residents are encouraged to contact the Juniors at [www@glenellynjuniors.com](mailto:www@glenellynjuniors.com)

**Correspondence**

None

**Audience Participation**

None

**Consent Agenda**

Village Manager Jones presented the Consent Agenda; Village President Pfefferman called for questions and/or discussion on the items on the Consent Agenda.

Trustee Thorsell moved and Trustee Hartweg seconded the motion that the March 23, 2009 Regular Meeting Minutes be approved as amended and the following items included on the Consent Agenda be approved:

- a. **Minutes** of the following Village Board Meetings:

- Special Budget Workshop  
March 7, 2009

Regular Meeting  
March 23, 2009

- b. Total **Expenditures** (Payroll and Vouchers) - \$1,265,305.99.  
The vouchers were reviewed by Trustee Thorsell prior to the meeting.
- c. **Ordinance No. 5812-VC**, an Ordinance to Amend Section 9-5-10 (Schedule J; Adjusted Speed Limits) of the Village Code of the Village of Glen Ellyn, Illinois regarding Speed Limits at Glenbard West High School, Churchill School and Park View School.

This updates the Village Code to reflect three school speed limit zones in the Village. The three school speed limit zones are located on Park Boulevard in front of Park View Elementary School, on Geneva Road in front of Churchill Elementary School, and on Crescent Boulevard in front of Glenbard West High School.

- d. **Ordinance No. 5813-VC**, an Ordinance to Amend Chapter Two (Amusements) of Title Three (Business Regulations) of the Village Code of the Village of Glen Ellyn, Illinois to Prohibit Video Gaming Within the Corporate Limits of the Village of Glen Ellyn.

The Video Gaming Act, enacted July 13, 2009, legalized the use of video gaming terminals in specific land locations in Illinois. The Act specified that unless an ordinance *banning* video gaming was approved by a municipality, video gaming would be allowed in certain licensed retail establishments where alcoholic liquor is served, such as a bar or restaurant. The Village requested community feedback regarding video gaming in Glen Ellyn via the Village website; Fall Newsletter; letter to affected current liquor license holders and Village e-blasts. The Village Board discussed video gaming in Glen Ellyn at their October 19, 2009 Regular Workshop Meeting and directed the Village Clerk's office and the Village Attorney to prepare an ordinance, for their consideration, to ban video gaming in Glen Ellyn.

- e. Waiver of various Sections of the Zoning Code to allow Glenbard District 87 to place four (4) temporary light towers on **Memorial Park** for the purpose of extending the practice time for the Glenbard West football team.

Bob Verisario, Director of Facilities and Transportation Services for Glenbard District 87, requested that the Village Board consider a motion to waive the following Sections of the Village Zoning Code: Section 10-5-11(M)1.C which requires a refractor to be used on lighting structures to cut off direct light to adjacent properties; Section 10-5-11(M)2.A(2) which requires the intensity of light adjacent to residential use to not exceed 0.5 foot-candles; and Section 10-5-11(M)B.(1) which requires light poles to be no closer than an interval that equals

four (4) times the mounting height of the light pole, for the purpose of placing temporary light towers in Memorial Park. The light towers would have minimal to no impact on the surrounding residential homes and would only remain on the property until the Thanksgiving Day weekend (November 28-29) when the football season ends.

- f. **Ordinance No. 5814**, an Ordinance Extending the Expiration Date of Ordinance 5675 which Granted a Lot Coverage Ratio Variation for Property at 542 Hillside Avenue, Glen Ellyn, Illinois.

Todd and Anna Kreissler requested an extension to Ordinance No. 5675 granting a variation from the Glen Ellyn Zoning Code to allow a lot coverage ratio of 20.82 percent in lieu of the maximum permitted lot coverage ratio of 20 percent. The subject property is an interior lot located on the north side of Hillside Avenue between Main Street and Forest Avenue in the R2 Residential District. Ordinance No. 5675 required that a building permit application be received by October 28, 2009 or the grant of variation would expire. Section Four of this ordinance allows the Village Board to extend, by motion, the period during which the building permit application must be received.

Upon roll call on the Consent Agenda, Trustees Thorsell, Hartweg, Cooper, Henninger and Ladesic voted "Aye". Motion carried.

### **Public Hearing – Annual Combined Property Tax Levy for the Village of Glen Ellyn and the Glen Ellyn Public Library**

Trustee Henninger moved and Trustee Cooper seconded the motion that the public hearing to receive comment on the proposed property taxes for the Village of Glen Ellyn and the Glen Ellyn Public Library be opened. All Trustees present voted "Aye." Motion carried.

Village Finance Director Jon Batek presented information concerning the 2009 proposed property taxes for the Village of Glen Ellyn and the Glen Ellyn Public Library which would be collected in 2010.

**Village Property Taxes** – The Village levies property taxes for operating purposes (public safety and road improvements) and to retire previously issued voter approved bonds for various capital infrastructure improvements. For 2009, total operating funds are proposed to increase by about \$111,000 or 3.1 percent over operating property taxes extended in 2008. Total capital bond funds will decrease by about \$44,000 or 2.0 percent from last year. The total proposed Village property tax levy for all uses combined is projected to increase by about \$67,000 or 1.2 percent over taxes extended in 2008.

**Library Property Taxes** – In the past, the Library levied property taxes only for operating purposes and to retire previously issued voter approved bonds from the construction of the Library building.

For 2009, the Library Board unanimously decided to add an additional line to the levy for the purpose of repairing and replacing the Library's building, systems, furniture, fixtures, appurtenances, and contents other than the Library's collection of books and materials, when they reach the expected end of their useful life. A line has been added to the Library budget entitled "Operating – Capital" to serve this purpose. This change is in addition to a proposed bond issue to repair known defects in the building and is intended to ensure that no further borrowings would be necessary to maintain the Library's facilities after those defects are repaired.

Total operating funds for 2009 are proposed to increase by about \$479,000 or 17.8 percent over operating property taxes extended in 2008, \$445,000 of which is for the new budget line for Operating – Capital. The amount of the additional budget line for Operating – Capital of \$445,000 is the best estimate of the average amount necessary annually to maintain the library facility. This estimate was provided by a consultant hired by the Library for that purpose, was unanimously adopted as correct by the Library Board, and is intended to substantially maintain the Library facility in its current state. The Library Board unanimously determined that this change in its budget in this amount is necessary to operate the Library in a fiscally conservative manner after detailed deliberations spanning nearly two years. Excluding the increase for Operating – Capital, the Library's budget for 2009 is an increase of 2.5 percent over its budget in 2008.

The following residents voiced various concerns against raising taxes regarding the Library Tax Levy including the building issues at the Library and the impact on residents caused by the current economic downturn: Janiece Waters, 740 Grand Avenue; Steve Tyahla, 76 Tanglewood Drive; Jay Kinzler, 929 Newton Avenue; and Laverne Street, 289 Illinois Street.

The following residents voiced their opinions in favor of supporting the increase for the Library Tax Levy mentioning the Library was an excellent resource for those who are in need and unemployed and utilized by many residents: Bob McClow, 445 N. Park Boulevard and Diane McGinley, 293 Abbotsford Court.

Library Board President Larry Stein stated the Library is fifteen years old and that there were subtle indications that there were flaws in the construction of the Library in the first few years after it was built, including intermittent leaking. Subsequent detailed roof investigation brought serious leakage problems to light. Mr. Stein said the statute of limitations on construction is four years and that litigation was a risk and could be very expensive. He said that the Library Board feels that the solution to this problem is to fix it and move forward.

Mr. Stein was asked and he responded that the Library Board would assure the Village that the right resources would be used in correcting the existing construction issues; they would hire the right construction consultant to monitor the construction and report back to the Library Board; and mentioned that the Library Board is very sensitive to the situation and they would be monitoring it carefully.

Trustee Henninger moved and Trustee Cooper seconded the motion that the public hearing be closed. All Trustees present voted "Aye." Motion carried.

### **Ordinance – Property Tax Levy – First Reading**

This first reading of the proposed property tax levy is a non-binding “straw vote” of the Village Board for the purpose of providing additional opportunity for the public to raise additional questions or comments about the Village and Library proposed property taxes for 2009.

Trustee Henninger moved and Trustee Cooper seconded the motion that an Ordinance for the Levy and Assessment of Taxes in the Amount of \$9,774,225 for the Fiscal Year Beginning May 1, 2009, and Ending April 30, 2010, of the Village of Glen Ellyn, DuPage County, Illinois be passed in a two-reading process, with second reading requested for November 23, 2009.

Trustee Ladesic said he could not support the levy for the Library because he felt that the Library \$3,000,000 amount was excessive, that he could support \$1,500,000 for repairs. He felt additional consideration should be given to other options or ideas to address the problems.

Trustee Henninger said he felt if we delayed conditions would worsen and costs would increase. Trustee Henninger and Trustee Cooper agreed that that the important issue is that the Village should protect its investment in the Library.

Upon roll call, Trustees Henninger, Cooper, Hartweg and Thorsell voted “Aye.” Trustee Ladesic voted “Nay.” Motion carried.

### **Resolution No. 09-29 – Issue General Obligation Library Bonds**

Finance Director Jon Batek presented information concerning this Village Board resolution which authorizes the Library and Village teams to begin the steps needed to issue \$3 million in General Obligation Library Bonds to provide necessary repairs to the Library facility. This proposal comes following a series of public information meetings conducted by the Library in October and years of discussions concerning building construction and design issues which have led to advanced deterioration of the facility. This action further assembles the financing team including financial advisor and bond counsel to assist the Village in bringing this issue to market prior to March 1, 2010. A bond sale is tentatively scheduled for early December.

Director Batek introduced Steve Larson, Ehlers & Associates, who addressed several issues regarding the issuance of the bonds. In response to a Trustee question inquiring as to whether the Village could start with a bond issue of less than \$3,000,000 and issue more bonds at a later date if additional funds were still needed, Mr. Larson stated that the Village would pay more overall if they issued bonds in two separate issues instead of one. He said interest rates are very favorable at this time; the tax exempt rates are at

approximately 3 ½ % and that the Village might be able to utilize the Build America program which could offer a tax subsidy for the bonds to lower the interest rate to approximately 3%.

Dan Bach, 389 Turner Avenue, asked where the Library obtained the money for work recently completed and Library Board President Stein said it came primarily from previous Library budget surpluses and a tax levy to bolster that fund.

Trustee Cooper moved and Trustee Thorsell seconded the motion that Resolution No. 09-29 be passed, a Resolution of the Village of Glen Ellyn, DuPage County, Illinois, Authorizing Proceeding with a Plan for the Issuance of Not-to-Exceed \$3,000,000 General Obligation Library Bonds for the Purpose of Repairing and Improving the Existing Glen Ellyn Public Library.

Upon roll call, Trustees Cooper, Thorsell, Hartweg and Henninger voted "Aye." Trustee Ladesic voted "Nay." Motion carried.

#### **Resolution Amending the 1988 Recreation Department Policy Statement - Table**

Trustee Cooper moved and Trustee Henninger seconded the motion to table the resolution amending the 1988 Recreation Department Policy Statement to a future Village Board Meeting agenda, as was determined at the November 9, 2009 Pre-Board Workshop Meeting. All Trustees present voted "Aye." Motion carried.

#### **Ordinance No. 5815 – Glen Oak Restaurant (479 Pennsylvania Avenue) – Sign Code Variation**

Village Planner Michele Stegall presented information on the request of DKL Investments, LLC, owners of property located at 479 Pennsylvania Avenue, represented by Ken and Pam Little, regarding sign variations to allow three primary signs to be on the property in lieu of the maximum number of two primary signs permitted, and to allow an 18.5 foot tall free-standing sign in lieu of the maximum height of 8 feet permitted. The requests were made to accommodate the installation of a new sign face on the existing free-standing sign on the property. The subject property is located at the southwest corner of Glenwood Avenue and Pennsylvania Avenue in the C5B Central Business District, Central Service Sub-District. The Architectural Review Commission reviewed the requests at a public hearing on October 14, 2009. By a vote of 8-0, the Commission recommended approval of the requests.

Trustee Ladesic moved and Trustee Hartweg seconded the motion that Ordinance No. 5815 be passed, an Ordinance Granting Approval of Sign Code Variations for the Glen Oak Restaurant Located on Property Commonly Known as 470 Pennsylvania Avenue, Glen Ellyn, Illinois.

Upon roll call, Trustees Ladesic, Hartweg, Cooper, Henninger and Thorsell voted "Aye." Motion carried.

**Public Hearing – 22W654 Butterfield Road – Annexation Agreement**

Trustee Hartweg moved and Trustee Thorsell seconded the motion that the public hearing to receive comment on a proposed annexation agreement for property located at 22W654 Butterfield Road be opened. All Trustees present voted "Aye." Motion carried.

Village Planner Michele Stegall presented information on the request of Dr. Daniel O’Carroll, trustee of property located at 22W654 Butterfield Road, regarding an annexation agreement for the property. The petitioner also requested a zoning map amendment to zone the property C2 Community Commercial District zoning upon annexation to Glen Ellyn. The subject property is located on the north side of Butterfield Road between Lambert Road and Park Boulevard in unincorporated DuPage County. The site is zoned DuPage County O-Office District and is not currently contiguous to the Village limits. A medical office building is presently under construction on the site. The Plan Commission reviewed the requested zoning map amendment at a public hearing on October 22, 2009. By a vote of 5-2, the Plan Commission recommended future C4 zoning of the property as opposed to the C2 zoning requested by the petitioner. Among other things, the annexation agreement designates the property for future C4 zoning, requires annexation of the property upon it becoming contiguous to the Village limits, and allows the petitioner to connect to the Village’s water and sanitary sewer systems.

Dr. O’Carroll addressed the Village Board and stated that he was requesting C-2 zoning of the property for flexibility upon sale of the property. Dr. O’Carroll requested a waiver of the required sidewalk fee of \$2,400 and waiver of any additional consulting fees. Dr. O’Carroll said he felt the language regarding the additional consulting fees was somewhat vague in the annexation agreement.

President Pfefferman stated he believed there would eventually be sidewalks in this area. Dr. O’Carroll stated that with the current topography of the property installation of a sidewalk would be extremely difficult at this time. Discussion ensued and it was the consensus of the Village Board to not waive any fees regarding this project, and not change the C4 zoning designation upon annexation.

Trustee Hartweg moved and Trustee Thorsell seconded the motion that the public hearing be closed. All Trustees present voted "Aye." Motion carried.

**Ordinance No. 5816 – 22W654 Butterfield Road – Approve Annexation Agreement**

Trustee Hartweg moved and Trustee Henninger seconded the motion that Ordinance No. 5816 be passed, an Ordinance Approving an Annexation Agreement for Property Located on the North Side of Butterfield Road between Lambert Road and Park Boulevard Commonly Known as 22W654 Butterfield Road, Glen Ellyn, Illinois.

Upon roll call, Trustees Hartweg, Henninger, Cooper, Ladesic, Thorsell and President Pfefferman voted "Aye." Motion carried.

Attorney Diamond stated that typically the Village Board would not approve a Zoning Map amendment until a property was annexed to the Village and he suggested, and it was the consensus of the Village Board, to defer approval of a Zoning Map amendment to zone property located on the north side of Butterfield Road between Lambert Road and Park Boulevard an commonly known as 22W654 Butterfield Road to the C4 Office District upon annexation to the Village of Glen Ellyn, Illinois.

### **Reminders**

- The next regular Village Board Workshop is scheduled for Monday, November 16, beginning at 7:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
- The next Pre-Board Meeting of the Glen Ellyn Village Board is scheduled for Monday, November 23, beginning at 7:30 p.m. in Room 301 of the Glen Ellyn Civic Center.
- The next Regular Village Board Meeting is scheduled for Monday, November 23, beginning at 8:00 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

### **Adjournment**

At 9:43 p.m., Trustee Henninger moved and Trustee Hartweg seconded the motion that the Regular Meeting of the Village Board of Trustees be adjourned and that the Village Board reconvene into the Executive Session begun at its Pre-Board Meeting, in Room 301, to continue discussing potential or pending litigation and the appointment, employment, compensation, discipline, performance, or dismissal of specific employees, adjourning thereafter without reconvening into open session.

All Trustees present voted "Aye." Motion carried.

Respectfully Submitted,

Andrea Draths  
Village Clerk

**Special Pre-Board Workshop Minutes  
Village of Glen Ellyn  
November 23, 2009  
Glen Ellyn Civic Center  
Galligan Board Room**

**Meeting:** 7:01 p.m. – 7:41 p.m.

1. **Call to Order:** Village President Pfefferman; Trustees Hartweg, Henninger, Ladesic and Thorsell. Trustee Cooper arrived at 7:21 p.m. and Trustee Comerford was excused.

Staff: Jones, Batek, Caracci, Hulseberg, Norton and Administrative Analyst Kristen Schrader and Recreation Department Director Matt Pekarek.

Village Clerk Andrea Draths and Village Attorney Stewart Diamond were present.

3. **Review agenda for the November 23, 2009 Regular Village Board Meeting – Village Manager Steve Jo**

4. **Snow Operations:** Public Works Director Joe Caracci presented an overview of snow removal in the Village. Director Caracci stated that snow removal is a core function of the Public Works Department and their goal is to remove all snow and ice within 12 hours after the last snowflake has fallen. The number one priority group focus is to remove snow on the main roads, Central Business District streets, CBD parking facilities, Fire Station parking facilities, cul-de-sacs with hills, Taylor Street underpass and the Civic Center parking lot. The next priority group focus includes secondary streets, cul-de-sacs, alleyways and dead-end streets. Director Caracci said the CBD sidewalk policy states that if a snowfall is less than three inches, Public Works shovels sidewalk areas adjacent to Village owned property. If a snowfall is more than three inches Public Works plows a four-foot path down the remaining CBD sidewalks. He said the Village has 2,000 tons of salt scheduled to be ordered for this upcoming winter season. Director Caracci discussed various salt mixes used on Glen Ellyn streets and Public Works ongoing efforts to limit salt usage due to concerns that the salt ultimately ends up in our storm sewers. He reminded Village residents to please shovel their sidewalks and that commuter parking lots are best cleared between 2 a.m.-5 a.m.

President Pfefferman asked and Director Caracci and Police Chief Norton responded that residents can contact the Village snow command line at 858-SNOW (858-7669) or Public Works at 469-6756 during business hours; and at night or anytime residents can call the Police Department at 469-1187 or 9-1-1.

At 7:41 p.m. Trustee Cooper moved and Trustee Henninger seconded the motion to **recess to Executive Session** for purposes of discussing collective bargaining; potential acquisition of property and pending or potential litigation and adjourning thereafter to the 8:00 p.m. Regular Village Board Meeting in the Galligan Board Room.

Upon roll call, Trustees Cooper, Henninger, Comerford, Hartweg, Ladesic and Thorsell voted “Aye.” Motion carried.

Submitted by:

Andrea Draths  
Village Clerk

AVAILABLE IN  
FALL 2008

VILLAGE OF GLEN ELLYN

A-60

PERSONAL PROFILE OF APPLICANT  
FOR SERVICE ON ADVISORY BOARD OR COMMISSION

Name Herbold Jodi L. Date of Birth 12/6/69  
 (Last) 760 (First) WESTERN (Initial) AUE-AS OF 3/08  
 Home Address 239 Forest Avenue Telephone 858-5813  
 Business Address (including name of company) Dykema Gossett, 10 S. Wacker Drive,  
Suite 2300, Chicago, IL 60606 (\*) Business Telephone 312/627-2119  
 Number of Years Glen Ellyn Resident 30+ Today's Date August 8, 2004

EDUCATIONAL BACKGROUND AND OTHER PERTINENT EXPERIENCE

Name, Location, Etc.	From	To
<u>University of Illinois</u> <u>-Urbana/Champaign</u>	<u>1988</u>	<u>1992</u>
<u>DePaul College of Law</u>	<u>1992</u>	<u>1995</u>

CIVIC AND FRATERNAL ORGANIZATIONS AND ACTIVITIES

member - Faith Lutheran Church  
member - League of Women Voters of Glen Ellyn

RECEIVED  
AUG 10 2004  
VILLAGE OF GLEN ELLYN  
VILLAGE CLERK

BUSINESS OR PROFESSIONAL ACTIVITIES

(including type of present employment)

(\*) Attorney - use maiden name - Jodi L. Henninger at work  
specialize in real estate, corporate law and finance  
Member of : DuPage County and State of Illinois Bar Associations

PLEASE INDICATE VILLAGE BOARD/COMMISSION INTERESTS

I am interested in numerous commissions. I was told  
there is an opening of the Environmental Commission.

Thank you for your interest! Please return this completed form to:  
 Glen Ellyn Village Clerk, 535 Duane Street, Glen Ellyn, IL 60137

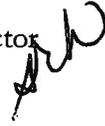
A-6E

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MEMORANDUM

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**TO:** Steve Jones, Village Manager

**FROM:** Staci Hulseberg, Planning and Development Director  
Michele Stegall, Village Planner *MTS* 

**DATE:** January 5, 2010

**FOR:** January 11, 2010 Village Board Meeting

**SUBJECT:** Parkview Community Church  
Watermain Easement

---

**Background.** On February 23, 2004, by the adoption of Ordinance 5237, the Village Board granted a number of zoning and subdivision approvals to allow the expansion of the Parkview Community Church located at 764 St. Charles Road. This project was to be constructed in two phases. Phase one of the project, which included the construction of an addition on the south side of the building and the expansion of the parking lot, is complete. However, in closing out the project, the Village team discovered that a Plat of Easement for a watermain and a Plat of Consolidation for the property had not yet been finalized and recorded.

To accommodate the project, the Church extended a Village watermain from St. Charles Road north along the western side of Ackerman Park Drive on property owned by the Park District. A Plat of Easement (attached) allowing a watermain to be installed in this location and granting the Village the right to access and maintain the watermain has been prepared. The attached Plat has been reviewed and approved by Village engineering consultant, Bill McGurr and the easement is ready for acceptance by the Village Board.

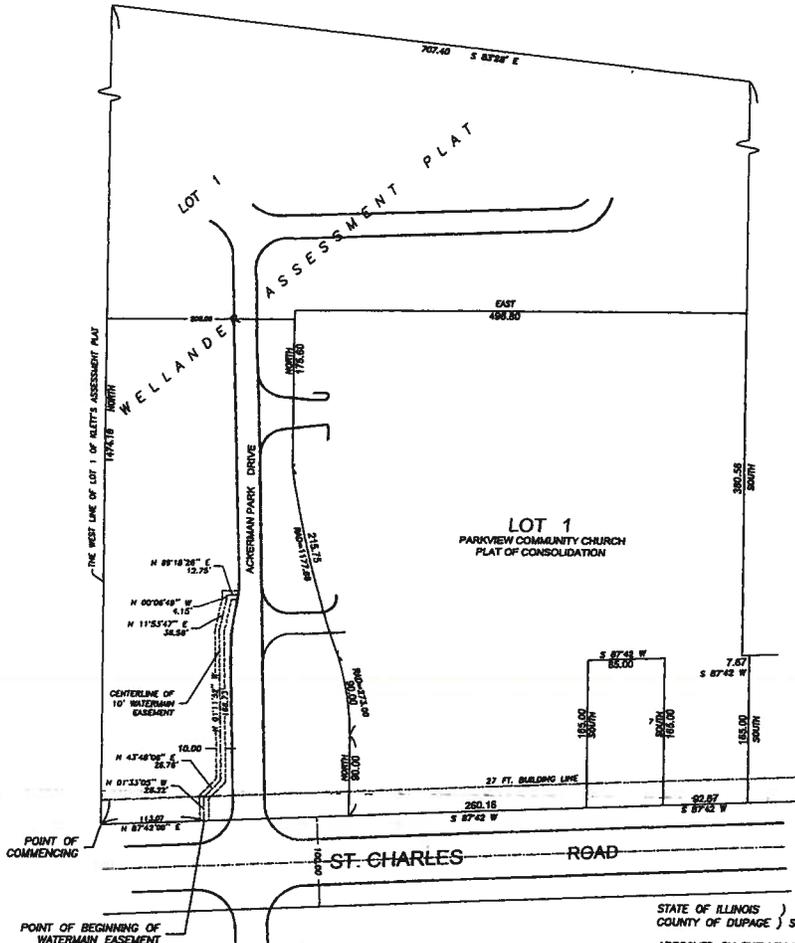
As part of the project, the Church was also required to consolidate their property which is currently made up of 4 lots into one lot. Ordinance 5237, approved a Plat of Consolidation for the property. The Plat of Consolidation also grants the Village a stormwater management easement and a drainage and conservation easement. The Village's engineering consultant, Bill McGurr, has recently approved the Plat of Consolidation. Therefore, this Plat is ready for signature by the Village President and others. However, no action on the Plat of Consolidation is required by the Board as it was previously approved by Ordinance 5237.

**Action Requested.** The Village Board is requested to approve the attached Plat of Watermain Easement associated with the close out of the Parkview Community Church project. The Village team has prepared a Resolution accepting the watermain easement for consideration at the January 11, 2010 Village Board meeting.

**Attachments:** Plat of Watermain Easement  
Plat of Consolidation  
Resolution

**Cc:** Joe Caracci, Public Works Director  
Cory Atwell, Glen Ellyn Park District  
Dave Davis, Parkview Community Church

# PLAT OF WATERMAIN EASEMENT FOR Village of Glen Ellyn



**PUBLIC UTILITY EASEMENT PROVISIONS**

EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF GLEN ELLYN, ILLINOIS AND THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE VILLAGE OF GLEN ELLYN, INCLUDING, BUT NOT LIMITED TO, COMED, AMERITECH, NIPOR, CABLE TELEVISION FRANCHISEES, AND THEIR SUCCESSORS AND ASSIGNS, OVER ALL OF THE AREAS MARKED "PUBLIC UTILITY AND DRAINAGE EASEMENT" OF MARKED "P.U. & D.E." ON THE PLAT FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS, INCLUDING ELECTRICITY, SOUNDS AND SIGNALS, GAS PIPELINES, WATER PIPELINES, AND STORM AND SANITARY SEWERS, AND STORMWATER DRAINAGE PATHS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY, OVER, UPON, ALONG, UNDER AND THROUGH SAID INDICATED EASEMENTS, TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY AS NECESSARY. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON SAID INDICATED EASEMENTS THAT INTERFERE WITH THE OPERATION OF THE DRAINAGE PATH OF UTILITY.

NO PERMANENT BUILDING SHALL BE PLACED ON SAID INDICATED EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. WHERE SAID INDICATED EASEMENTS ARE USED, BOTH FOR DRAINAGE, SEWERS, AND OTHER UTILITIES, THE OTHER UTILITY INSTALLATION(S) SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN.

**VILLAGE BOARD PRESIDENT'S CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) S.S.

APPROVED BY THE VILLAGE PRESIDENT AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2008.  
ORDINANCE NUMBER \_\_\_\_\_

VILLAGE PRESIDENT \_\_\_\_\_  
ATTEST: \_\_\_\_\_  
VILLAGE CLERK

**PARK DISTRICT CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) S.S.

APPROVED BY THE BOARD OF COMMISSIONERS OF THE VILLAGE OF GLEN ELLYN PARK DISTRICT, THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2008.  
ORDINANCE NUMBER \_\_\_\_\_

PRESIDENT OF THE BOARD OF COMMISSIONERS \_\_\_\_\_  
ATTEST: \_\_\_\_\_

**RECORDER'S CERTIFICATE**

STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) S.S.

THIS INSTRUMENT NO. \_\_\_\_\_ AS FILED FOR RECORD IN  
THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE  
\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2008.

DUPAGE COUNTY RECORDER OF DEEDS

**LEGAL DESCRIPTION:**

A 10 FEET WATERMAIN EASEMENT THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF WELLANDER ASSESSMENT PLAT AND RUNNING THENCE NORTH 87°42'00" EAST 113.07 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 1 IN WELLANDER ASSESSMENT PLAT FOR A POINT OF BEGINNING; THENCE NORTH 01°33'05" EAST 26.22 FEET; THENCE NORTH 43°48'08" EAST 26.76 FEET; THENCE NORTH 01°11'52" WEST 166.73 FEET; THENCE NORTH 11°53'47" EAST 36.58 FEET; THENCE NORTH 01°06'49" WEST 4.15 FEET; THENCE NORTH 89°18'26" EAST 12.75 FEET, FOR A POINT OF TERMINATION.



STATE OF ILLINOIS ) S.S.  
COUNTY OF DU PAGE )

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY.  
GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS 18TH DAY OF NOVEMBER, A.D. 2008.

*Robert V. Lambert, Jr.*  
ILLINOIS LAND SURVEYOR NO. 1843  
LICENSE RENEWAL, NOVEMBER 30, 2010

**RETURN TO:**  
VILLAGE OF GLEN ELLYN  
536 DUANE STREET  
GLEN ELLYN, IL 60137

REVISED 10-16-09 (PER VILLAGE REVIEW)  
REVISED 02-04-05 (PER VILLAGE REVIEW)

• Found from stake  
• not from stake

File name: C:\DRAWINGS\000258\000258F

**LAMBERT & ASSOCIATES**  
LAND SURVEYORS  
320 SOUTH REBER ST. WHEATON, ILL. 60187  
PHONE: (630) 653-6331 FAX: (630) 653-6396



Resolution No. \_\_\_\_\_

**Resolution Accepting a Watermain Easement  
on Property Located at 800 Roosevelt Road**

**Whereas**, on February 23, 2004, by the adoption of Ordinance 5237, the Village of Glen Ellyn granted various zoning and subdivision approvals to accommodate the expansion of the Parkview Community Church located at 764 St. Charles Road; and

**Whereas**, the plans required a Village watermain to be extended from St. Charles Road, north along the western side of Ackerman Park Drive, which is a private road owned by the Glen Ellyn Park District and located on property commonly known as 800 St. Charles Road; and

**Whereas**, a Plat of Watermain Easement has been prepared giving the Village the right to install, access and maintain the watermain; and

**Whereas**, the Village's engineering consultant has reviewed the Plat and found it to be in compliance with all applicable Codes and Ordinances; and

**Whereas**, the Village of Glen Ellyn finds that the interests of the Village are protected by the conditions set forth on the Plat of Easement, a copy of which is attached hereto as Exhibit "A".

**Now, Therefore be it Resolved** by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

**Section One:** Based on the findings and conclusions set forth in the above preambles, the Village of Glen Ellyn hereby approves the Plat of Watermain Easement prepared by Lambert and Associates Land Surveyors and signed by surveyor Norbert Lambert on November 19, 2009 for property located at 800 St. Charles Road, a copy of which is attached hereto as Exhibit "A".

**Section Two:** The Village Clerk shall cause this Ordinance and the Plat of Watermain Easement to be recorded with the DuPage County Recorder of Deeds and the property owner shall pay all Village costs incurred with the preparation, review, approval and recording of these documents.

**Section Three:** This Resolution shall be in full force and effect from and after the passage and approval.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Village President of the Village  
of Glen Ellyn, Illinois

**Attest:**

\_\_\_\_\_  
Village Clerk of the Village of  
Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.)

X:\Plandev\PLANNING\Development Projects\St. Charles\St. Charles 764, Parkview Community Church\St. Charles 764, Parkview Community Church, SUP, ZV, SUB, SWV, EA\Resolution Accepting Watermain Easement 121109.doc

A-67

STATE OF ILLINOIS    )  
                                  ) SS  
COUNTY OF DUPAGE    )

**AVAILABILITY OF BOND ORDER  
\$3,000,000 GENERAL OBLIGATION BONDS, TAXABLE SERIES 2010  
(BUILD AMERICA BONDS—DIRECT PAYMENT)**

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Glen Ellyn, DuPage County, Illinois (the "*Village*"), and as such official I am the keeper of the official books, records, minutes and files of the Village and of the President and Board of Trustees thereof (the "*Corporate Authorities*").

I do further certify that I shall make available to all members of the Corporate Authorities at the regular meeting of the Corporate Authorities to be held on the 11th day of January 2010, a Bond Order for \$3,000,000 General Obligation Bonds, Taxable Series 2010 (Build America Bonds—Direct Payment), a true, correct and complete copy of which is attached hereto.

IN WITNESS WHEREOF I hereunto affix my official signature, this 8th day of December 2009.

  
Village Clerk  
Village of Glen Ellyn,  
DuPage County, Illinois

STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF DUPAGE    )

**BOND ORDER**  
**IN CONNECTION WITH THE ISSUANCE OF**  
**\$3,000,000 GENERAL OBLIGATION BONDS, TAXABLE SERIES 2010**  
**(BUILD AMERICA BONDS—DIRECT PAYMENT)**

To:   Honorable President and Board of Trustees  
      Village of Glen Ellyn, DuPage County, Illinois, and the  
      County Clerk of The County of DuPage, Illinois

GREETINGS:

We are pleased to advise you as follows:

A.   SALE

The President and Board of Trustees (the “*Corporate Authorities*”) of the Village of Glen Ellyn, DuPage County, Illinois (the “*Village*”), on November 23, 2009, adopted an ordinance numbered 5821 and entitled:

AN ORDINANCE providing for the issuance of General Obligation Bonds, [Taxable] Series 2009, of the Village of Glen Ellyn, DuPage County, Illinois, for library improvements, authorizing the execution of a bond order in connection therewith and providing for the levy and collection of a direct annual tax for the payment of the principal of and interest on said bonds.

(the “*Bond Ordinance*”), which authorizes the issuance of one or more series of general obligation bonds of the Village for the purpose of providing improvements to the Glen Ellyn Public Library, and paying costs related to the issuance of such bonds (the “*Bonds*”). Terms used but not defined herein shall have the same meanings as terms defined in the Bond Ordinance. Responsive to authority contained in the Bond Ordinance, the undersigned officers, as any two or more of the Designated Officers named in the Bond Ordinance, have sold the Bonds as taxable Qualified Build America Bonds in the aggregate principal amount of

\$3,000,000 to the purchaser, namely, BMO Capital Markets, GKST Inc., Chicago, Illinois, pursuant to the Bond Purchase Agreement at a price of \$3,010,665.50 (representing par net of an underwriters' discount of \$12,150.00 plus original issue premium of \$22,815.50), plus accrued interest (-0-). The price paid to the Village for the Bonds is at least 99% and not in excess of 102.5% of the par value of the Bonds.

#### B. FINDINGS

The following further conditions have also been met: (a) We have received the required certificate or report of the Financial Advisor (Ehlers & Associates, Inc.) supporting our statements herein. (b) The Bonds are to be issued in not to exceed the maximum authorized amount of \$3,000,000 for all series. (c) No interest rate on the Bonds exceeds 5.50% per annum. (d) The *sum* of the principal of and interest on the Bonds due in any given annual period from January 2 to the following January 1 (a "*Bond Year*") does not exceed \$600,000. (e) The Bonds become due and payable serially on January 1 of the years in which the Bonds are to mature, *provided* that no Bond matures later than January 1, 2021. (f) The Bonds were sold to the bidder with the best (lowest interest cost) bid at a public competitive sale. (g) The terms of the Bonds are fair and reasonable in light of current conditions in the market for taxable municipal obligations such as the Bonds.

#### C. NO CONFLICTS

Neither the undersigned officers nor any Village official called upon to give advice in the matter of the sale of the Bonds, either by election or appointment, is in any manner financially interested, either directly, in his or her own name, or indirectly, in the name of any other person, association, trust or corporation, in the Bond Purchase Agreement with the Purchaser for the purchase of the Bonds.

D. TERMS OF THE BONDS

The Bonds shall be designated “General Obligation Bonds, Taxable Series 2010 (Build America Bonds—Direct Payment).” Pursuant to the terms of the Bond Purchase Agreement, the Bonds shall be issued in the amount of \$3,000,000; shall be dated as of the date of delivery; and shall have the further terms as is set forth in *Exhibit I* attached hereto and incorporated herein by reference.

E. TAXES

Section 11 of the Bond Ordinance provides for direct annual taxes to pay the principal of and interest on the Bonds promptly when and as the same falls due at maturity. Please be further advised that the Bonds were sold on terms resulting in a final schedule of taxes levied and to be extended as set forth in *Exhibit II* attached hereto and incorporated herein by reference.

F. BOND INSURANCE

The Purchaser has not requested and no Bond Insurance has been procured as of the date hereof for the payment of principal of and interest on the Bonds.

G. DEPOSITS INTO FUNDS

At the time of execution of this Bond Order, the proceeds of the Bonds are expected to be used substantially as follows:

	Derived as follows:	(\$)
(1)	Par Amount	3,000,000.00
(2)	Reoffering Premium	22,815.50
(3)	Purchaser’s Underwriting Discount (-)	<u>(12,150.00)</u>
(4)	Purchase Price (=)	3,010,665.50
(5)	Accrued Interest (+)	<u>0.00</u>
(6)	Total Received by Village (=)	3,010,665.50

	Allocated or spent as follows:	(\$)
(a)	Costs of Issuance to be paid directly or to Expense Fund (+)	29,171.00
(b)	Accrued Interest to Project Fund (+)	0.00
(c)	Principal Deposit to Project Fund (+)	<u>2,981,494.50</u>
(d)	Total (=)	3,010,665.50

H. BOND REGISTRAR

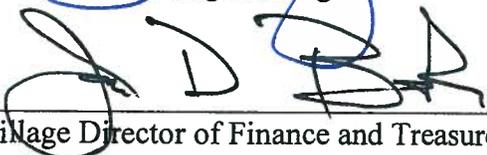
The Bond Registrar and Paying Agent for the Bonds is Bond Trust Services Corporation, Roseville, Minnesota.

I. RECORDS

Finally, please be advised that this Bond Order shall be entered into the records of the Village and made available to all members of the Corporate Authorities at a public meeting thereof held after the date hereof.

Respectfully submitted as of this 8th day of December 2009.

  
 \_\_\_\_\_  
 Village Manager\*

  
 \_\_\_\_\_  
 Village Director of Finance and Treasurer\*

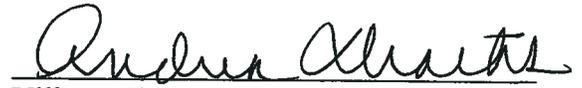
\_\_\_\_\_  
 President\*

  
 \_\_\_\_\_  
 Village Clerk\*

\* Must be signed by two (or more) of the named officers.

**ACKNOWLEDGMENT OF FILING**

Filed in the office of the Village Clerk of the Village of Glen Ellyn, DuPage County,  
Illinois, this 8th day of December 2009.

A handwritten signature in black ink, appearing to read "Andrea Alvarado", written over a horizontal line.

Village Clerk  
Village of Glen Ellyn  
DuPage County, Illinois

**EXHIBITS:**

EXHIBIT	DESCRIBES
I	Terms of the Bonds
II	Taxes to be levied for the Bonds

## EXHIBIT I

### TERMS OF THE BONDS

The Bonds are due on January 1 of the years and in the amounts and bear interest at the rates percent per annum as follows:

YEAR	AMOUNT (\$)	RATE (%)
2015	390,000	3.50
2016	400,000	3.75
2017	410,000	4.20
2018	425,000	4.50
2019	440,000	4.50
2020	460,000	4.70
2021	475,000	4.75

Each of the Bonds bears interest from the later of the dated date as stated above or from the most recent interest payment date to which interest has been paid or duly provided for, until the principal amount of such Bond, respectively, is paid or duly provided for, such interest (computed upon the basis of a 360-day year of twelve 30-day months) being payable on January 1 and July 1 of each year, commencing on July 1, 2010.

*Mandatory Redemption.* The Bonds are not subject to mandatory redemption.

*Optional Redemption.* The Bonds are not subject to optional redemption.

**EXHIBIT II**

**TAX LEVY FOR BONDS**

<b>YEAR</b>	<b>A TAX SUFFICIENT TO PRODUCE THE DOLLAR (\$) AMOUNT</b>	
2009	127,544.42	for interest up to and including January 1, 2011
2010	128,977.50	for interest
2011	128,977.50	for interest
2012	128,977.50	for interest
2013	518,977.50	for interest and principal
2014	515,327.50	for interest and principal
2015	510,327.50	for interest and principal
2016	508,107.50	for interest and principal
2017	503,982.50	for interest and principal
2018	504,182.50	for interest and principal
2019	497,562.50	for interest and principal

A-6G



To: Steve Jones, Village Manager

From: Jon Batek, Finance Director

Date: January 5, 2010

Re: SSA Housekeeping Ordinances

### **Background**

Upon the filing of final SSA ordinances which recreated five economic development SSAs and two new fire service SSAs, the County Clerk's Office noted that the SSA numbers related to the economic development districts were the same as the those which were used for the recently expired districts (numbered 6 through 11). I indicated that when these SSAs were renewed last in 1999, the same numbers were reused at that time and there were no issues with this.

The County Clerk's Office indicated that since these districts were recreated from scratch, then new numbers would need to be assigned, and due to the boundary changes in some of them, new numbers would be necessary to properly identify which were new, from those which were expired.

At their request, I have drafted two ordinances which should clarify the naming of the new districts. The first renames the SSAs and modifies their respective tax levies by reference. The second formally acknowledges the completion of the previous SSAs 6 through 11. The Clerk has reviewed a draft of the proposed renaming ordinance and finds it acceptable. These ordinances should be placed on the consent agenda for consideration by the Village Board at their January 11, 2010 meeting.

**Issues** - None

**Action Requested** - Approval of proposed ordinances.

**Attachments** - Ordinances renaming SSAs with new numbers and formally closing prior SSAs.

**Supplemental Agenda Information  
Village of Glen Ellyn**

***Agenda Item Supplemented by Commentary***

Pros & Cons  
Strategic Action Goal  
Downtown Strategic Plan Goal  
Budget Impact/Return on Investment  
Process Improvement  
Green Initiative  
Communication Initiative  
Safety/Liability/Risk Assessment  
Other

**Comments:**

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**Village of Glen Ellyn**

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**Ordinance No. \_\_\_\_\_**

**An Ordinance Amending the Description of a Number of Newly Created Glen Ellyn  
Special Service Areas and Amending the 2009 Tax Levies of Said Special Service Areas**

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**Adopted by the  
President and Board of Trustees  
of the  
Village of Glen Ellyn,  
DuPage County, Illinois  
This \_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_.**

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Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this \_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_.

Ordinance No. \_\_\_\_\_

**An Ordinance Amending the Description of a Number of Newly Created Glen Ellyn Special Service Areas and Amending the 2009 Tax Levies of Said Special Service Areas**

**Whereas**, the corporate authorities created seven (7) Special Service Area (SSA) taxing districts through the adoption of Ordinance Numbers 5822, 5823, 5824, 5825, 5826, 5827 and 5828 on November 23, 2009 pursuant to authority granted to the Village by the 1970 Illinois Constitution and the Special Service Area Tax Law; and

**Whereas**, in the interest of more clearly identifying these special service areas (SSAs) on the County tax rolls, it is advisable and appropriate to amend the descriptions of said SSAs to set them apart from previously used SSAs which are no longer active or in use;

**Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois**, in the exercise of the Village's home rule authority, as follows:

**Section 1:** The descriptions of the aforestated special service areas shall be amended as follows:

- A. Special Service Area Number 6 as adopted by Ordinance 5824 on November 23, 2009 shall hereafter be described and named "**Glen Ellyn Special Service Area Number 13**".
- B. Special Service Area Number 7 as adopted by Ordinance 5825 on November 23, 2009 shall hereafter be described and named "**Glen Ellyn Special Service Area Number 14**".

- C. Special Service Area Number 9 as adopted by Ordinance 5826 on November 23, 2009 shall hereafter be described and named “**Glen Ellyn Special Service Area Number 15**”.
- D. Special Service Area Number 10 as adopted by Ordinance 5827 on November 23, 2009 shall hereafter be described and named “**Glen Ellyn Special Service Area Number 16**”.
- E. Special Service Area Number 11 as adopted by Ordinance 5828 on November 23, 2009 shall hereafter be described and named “**Glen Ellyn Special Service Area Number 17**”.
- F. The North Glen Ellyn Fire Protection Special Service Area as adopted by Ordinance 5822 on November 23, 2009 shall hereafter be described and named “**Glen Ellyn Special Service Area Number 18**”.
- G. The South Glen Ellyn Fire Protection Special Service Area as adopted by Ordinance 5823 on November 23, 2009 shall hereafter be described and named “**Glen Ellyn Special Service Area Number 19**”.

**Section 2:** Property tax levies related to the aforesaid SSAs for 2009 and adopted through the passage of ordinances 5832,5833, 5834, 5835, 5836, 5837 and 5838 on December 14, 2009 which have been filed in the office of the DuPage County Clerk on December 17, 2009 shall hereby incorporate the change in description as established in Section 1 of this ordinance;

**Section 3:** The Village Clerk is hereby authorized and directed to file a certified copy of this ordinance with the DuPage County Clerk within 30 days of the adoption of this ordinance.

**Section 4:** This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

**Passed** by the Village President and Board of Trustees of the Village of Glen Ellyn,

Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this \_\_\_\_ day of

\_\_\_\_\_, 2010.

\_\_\_\_\_  
Village President of the  
Village of Glen Ellyn, Illinois

**Attest:**

\_\_\_\_\_  
Village Clerk of the  
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_\_ day of \_\_\_\_\_).

**Village of Glen Ellyn**

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**Ordinance No. \_\_\_\_\_**

**An Ordinance Concluding Glen Ellyn Special Service Areas Numbered 6 through 11**

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**Adopted by the  
President and Board of Trustees  
of the  
Village of Glen Ellyn,  
DuPage County, Illinois  
This \_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_.**

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Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this \_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_.

**Ordinance No. \_\_\_\_\_**

**An Ordinance Concluding Glen Ellyn Special Service Areas Numbered 6 through 11**

**Whereas**, the corporate authorities established or continued six (6) Special Service Area (SSA) taxing districts numbered 6 through 11 through the adoption of Ordinance Numbers 4778, 4779, 4780, 4781, 4782 and 4783 on November 22, 1999 pursuant to authority granted to the Village by the 1970 Illinois Constitution and the Special Service Area Tax Law; and

**Whereas**, the term of said special service areas (SSAs) was established for a fixed period of time, and authorized tax levy funding through and including the tax levy for 2008, and

**Whereas**, the terms of these SSAs and related tax levy authorization have now passed, and

**Whereas**, in the interest of providing clarity with respect to the administration and maintenance of property owner tax records, it is advisable and appropriate to formally affirm the conclusion of the term of said SSAs;

**Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois**, in the exercise of the Village's home rule authority, as follows:

**Section 1:** Pursuant to the provisions identified in the ordinances identified in the preambles to this ordinance, the Village Board does hereby affirm that the terms of Glen Ellyn Special Service Area 6, Special Service Area 7, Special Service Area 8, Special Service Area 9, Special Service Area 10 and Special Service Area 11 have concluded and that no further taxing authority is granted under these SSAs.

**Section 2:** The Village Clerk is hereby authorized and directed to file a certified copy of this ordinance with the DuPage County Clerk within 30 days of the adoption of this ordinance.

**Section 3:** This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

**Passed** by the Village President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Village President of the  
Village of Glen Ellyn, Illinois

**Attest:**

\_\_\_\_\_  
Village Clerk of the  
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_\_ day of \_\_\_\_\_).

# A-6H

**To:** Steve Jones, Village Manager

**From:** Joe Caracci, Public Works Director 

**Date:** January 4, 2010

**Re:** Lambert Farms Utility Extensions – Civiltech Engineering Services  
Closeout



## **Background**

The Lambert Farms project included the extension of sanitary sewer mains and significant storm sewer upgrades into the area of the Village bounded by Lorraine, McCreey, Lambert and Fawell. The project began in the fall of 2006, and finally closed out in the summer of 2008. Swallow Construction was the project contractor. Final cost of the project was approximately \$3.15 million.

Civiltech was retained to provide construction engineering services for the project with their original contract estimating \$308,500 in fees. The contract was approved by the Village Board in August 2006 with \$325,000 in monies from the capital (bonds) and sanitary sewer funds.

## **Issues**

Due to project delays, Civiltech Engineering has expended nearly \$350,000 on the project. In good faith, they have reduced their request for payment to \$330,000. Although \$5,000 above the approved contingency, the Village retained \$5,000 in the form of a contract deduction from Swallow as liquidated damages due to their inability to complete the job on time. This deduction will prove to be cost neutral to the Village for project closeout.

## **Action Requested**

Approval of an Amendment to the Civiltech construction engineering services agreement in the amount of \$21,500 and additional funding of \$5,000 (\$3,000 in Capital [bonds] and \$2,000 in Sanitary Sewer funds) be authorized by the Village Board to bring the total engineering services agreement to \$330,000.

## **Attachments**

- Recommendation memorandum authored by Professional Engineer Bob Minix dated January 4, 2010
- Request for Engineering Services Agreement Amendment from Civiltech Engineering

## **Supplemental Agenda Information Village of Glen Ellyn**

### *Agenda Item Supplemented by Commentary*

- Pros & Cons
- Strategic Action Goal
- Downtown Strategic Plan Goal
- X Budget Impact/Return on Investment
- Process Improvement
- Green Initiative
- Communication Initiative
- Safety/Liability/Risk Assessment
- X Other

### **Comments:**

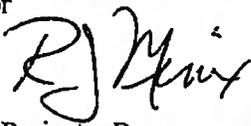
Civiltech Engineering, Inc. has played a significant role in the implementation of our capital improvements program in the past seven years, with over 15 major assignments for construction engineering services in that timeframe. In addition, the firm has assisted staff on a number of smaller projects and situations, and the continuity and ongoing accessibility afforded by their long-term relationship with us has proved time and time again to be very valuable. Their field engineering services have been outstanding, especially in the person of Resident Engineer Dave Bugaj, and the Engineering Division heartily endorses the concept of maintaining a close relationship with the firm.

As the firm has had continuing assignments with the Village over the past years, minor engineering cost overruns and out-of-scope extra services have been quite readily absorbed by the ongoing contracts. This type of relationship has proven to be a great benefit to the Village and has provided a great return on investment as many small oversight projects are performed by Civiltech without need for additional proposals or contracts. They have become an extension of our Public Works Team and are always willing to assist with their expertise at a moment's notice.

This action will allow final closeout of the Lambert Farms Project. Total cost of the project was \$3,695,000 (\$3,138,000 construction, \$227,000 design engineering, and \$330,000 construction engineering).

## Interoffice Memorandum

**to:** Joe Caracci, Public Works Director

**from:** Bob Minix, Professional Engineer 

**subject:** Lambert Farms Utility Extensions Project – Recommendation for Approval of Amendment No. 1 to the Civiltech Engineering Inc. Agreement for Construction Engineering Services

**date:** January 5, 2010

Civiltech Engineering, Inc. has played a significant role in the implementation of our capital improvements program in the past seven years, with over 15 major assignments for construction engineering services in that timeframe. In addition, the firm has assisted staff on a number of smaller projects and situations, and the continuity and ongoing accessibility afforded by their long-term relationship with us has proved time and time again to be very valuable. Their field engineering services have been outstanding, especially in the person of Resident Engineer Dave Bugaj, and the Engineering Division heartily endorses the concept of maintaining a strong relationship with the firm.

As the firm has had continuing assignments with the Village over the past years, minor engineering cost overruns and out-of-scope extra services have been quite readily absorbed by the ongoing contracts; however, in 2008 the effort expended on existing contracts greatly exceeded the approved maximum compensation levels. Civiltech staff met with me to discuss possible remedies to this situation earlier in 2009. This memorandum recommends an approach to compensate Civiltech for a portion of their extra construction engineering services incurred under one of the projects completed in 2008, namely the Lambert Farms Utility Extensions Project.

The Lambert Farms project included the extension of sanitary sewer mains and significant storm sewer upgrades into the area of the Village bounded by Lorraine, McCreey, Lambert and Fawell. The project began in the fall of 2006, and finally closed out in the summer of 2008. Swallow Construction was the project contractor. Final cost of the project was approximately \$3.15 million.

Civiltech was retained to provide construction engineering services for the project, with their original contract estimating \$308,500 in fees. The contract was approved by the Village Board in August 2006 with \$325,000 in monies allotted from the capital (bonds) and sanitary sewer funds for the effort. The company has been paid about \$318,000 for the project to date, using some of the available contingency.

Civiltech is requesting another \$12,000 or so in billings, resulting in a final engineering project cost of \$330,000. This amount is based on using all of the remaining dollars in the purchase order as well as

an additional \$5,000 which represents the deduction imposed on the project contractor for contract time overruns.

The requested fee of \$12,000 largely under-represents the additional consultant expenses incurred. Based on discussions with Civiltech, I estimate the level of their project costs in excess of \$350,000. The effort to close out the project was protracted, involving the development and follow-up of numerous punch lists and meetings with the contractor to resolve restoration issues and final quantities in the spring and summer of 2008. Dave Bugaj was unfailingly thorough and complete in all his project efforts even with the knowledge that the engineering costs were in excess of the available budget dollars.

It is recommended that an amendment to the Civiltech construction engineering services agreement be approved in the amount of \$21,500 and additional funding of \$5,000 (\$3,000 in Capital [bonds] and \$2,000 in Sanitary Sewer funds) be authorized by the Village Board. Amendment No. 1 to the Civiltech Services Agreement for construction engineering associated with the Lambert Farms Utility Extensions Project would increase the compensation level paid to the consultant to \$330,000.

Again it should be noted that the final construction cost monies paid to Swallow Construction included a deduction of \$5,000 for the run-over in construction time. Note the excerpt enclosed from the final project cost spreadsheet indicating this deduction.

Funding for the additional \$5,000 needed to fully compensate Civiltech for construction engineering expenses associated with the Lambert Farms project should be taken from the following FY 09 - 10 budgets:

Sanitary Sewer Fund, Account No. 50200-580100-00404:	<b>\$2,000</b>
Capital Projects Fund, Account No. 40000-580125-00404:	<b>\$3,000</b>

enc. as noted

cc: Steve Jones, Village Manager  
Kristen Schrader, Administrative Analyst  
Jeff Perrigo, Civil Engineer

X:\Publicwks\ENGINEER\Lambert Farms\Storm and Sanitary\Amendment No 1 to the Civiltech Services Agreement.doc

VILLAGE OF GLEN ELLYN  
 LAMBERT FARMS  
 FINAL QUANTITIES  
 7/31/2008 by R J Minix

ITEM NO.	DESCRIPTION	UNIT	SANITARY QUANTITY	STORM QUANTITY	TOTAL QUANTITY To Date	UNIT PRICE	SANITARY COST	STORM COST	TOTAL COST
120	MODULAR RETAINING WALL	SQ FT	0	553.3	553.3	\$ 32.00	\$ -	\$ 17,705.60	\$ 17,705.60
121	DECORATIVE FENCE	FOOT	0	252	252	\$ 30.00	\$ -	\$ 7,560.00	\$ 7,560.00
122	SPECIAL CLEANOUT STRUCTURE	EACH	1	0	1	\$ 600.00	\$ 600.00	\$ -	\$ 600.00
123	BORE PIT	EACH	4	0	4	\$ 1,500.00	\$ 6,000.00	\$ -	\$ 6,000.00
124	SANITARY FORCE MAIN - DIRECTIONAL BORE	FOOT	809.8	0	809.8	\$ 50.00	\$ 30,490.00	\$ -	\$ 30,490.00
125	DUPLEX CONCRETE LIFT STATION MODIFICATION	L SUM	1	0	1	\$ 40.00	\$ 40.00	\$ -	\$ 40.00
126	TEST HOLE	EACH	0	0	0	\$ 30.00	\$ -	\$ -	\$ -
127	SANITARY SERVICE ADJUST	FOOT	8.7	0	8.7	\$ 25.00	\$ 217.50	\$ -	\$ 217.50
128	STREET SWEEPING	DAY	4.75	0	4.75	\$ 500.00	\$ 2,375.00	\$ -	\$ 2,375.00
129	BYPASS PUMPING	L SUM	1	0	1	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 5,000.00
130	CONSTRUCTION LAYOUT	L SUM	0.5	0.5	1.00	\$ 30,000.00	\$ 15,000.00	\$ 15,000.00	\$ 30,000.00
<b>TOTAL PROJECT - Base Contract</b>							<b>SANITARY</b>	<b>STORM</b>	<b>Total</b>
							\$ 1,304,183.24	\$ 1,785,125.34	\$ 3,089,308.58
							42.2%	57.8%	

Basis of Cost Split: 50/50 for common items; 67 (Sanitary) / 33 (Storm) for most parkway restoration items  
 Some items have been specifically calculated, such as trench backfill

CHANGE ORDERS (Items 1 & 2 in CO#1; Items 3-17 in CO#2)	UNIT	QUANTITY	UNIT PRICE	SANITARY COST	STORM COST	TOTAL COST
1 SANITARY LATERAL SERVICE	FOOT	45.3	\$ 58.20	\$ 2,636.46	\$ -	\$ 2,636.46
2 CORE AND BOOT SANITARY MANHOLE	L SUM	1	\$ 885.50	\$ 885.50	\$ -	\$ 885.50
3 SANITARY SERVICE, TYP 3 (T&M)	L SUM	1	\$ 1,624.32	\$ 1,624.32	\$ -	\$ 1,624.32
4 STORM SEWER, WM QUAL, TY 2, 8"	FOOT	0	\$ 50.00	\$ -	\$ 1,950.00	\$ 1,950.00
5 SLUMP PUMP DISCHARGE CONNECT	EACH	31	\$ 300.00	\$ -	\$ 9,300.00	\$ 9,300.00
6 REPLACE VALVE BOLTS	EACH	12	\$ 1,000.00	\$ -	\$ 12,000.00	\$ 12,000.00
7 TIE BACK BUSHES FOR WALL WORK	L SUM	0	\$ 880.00	\$ -	\$ 880.00	\$ 880.00
8 ORCHARD LANE ELECTRIC REPAIR	L SUM	0	\$ (163.55)	\$ -	\$ (163.55)	\$ (163.55)
9 SANITARY LIFT STATION REVISION	L SUM	1	\$ 5,785.06	\$ 5,785.06	\$ -	\$ 5,785.06
10 AGGREGATE SHOULDERS	SQ YD	0	\$ 5.20	\$ -	\$ 16,735.16	\$ 16,735.16
11 CREDIT FOR PULVERIZING	SQ YD	3218.3	\$ (1.00)	\$ -	\$ (7,358.50)	\$ (7,358.50)
12 LIFT STATION SERVICE CALL	L SUM	0	\$ (511.20)	\$ -	\$ (511.20)	\$ (511.20)
13 SPRINKLER SYSTEM REPAIR	L SUM	1	\$ (104.02)	\$ -	\$ (104.02)	\$ (104.02)
14 CORE DRILLING SIDEWALK FOR FENCE	L SUM	0	\$ 913.00	\$ -	\$ 913.00	\$ 913.00
15 ADDITIONAL STORM SEWER WORK	L SUM	1	\$ 5,552.71	\$ -	\$ 5,552.71	\$ 5,552.71
16 DEDUCTION FOR TIME RUNOVER	L SUM	0.4	\$ (5,000.00)	\$ (2,000.00)	\$ -	\$ (5,000.00)
17 INSTALLATION OF RIP-RAP AT OUTFALLS	L SUM	0	\$ 3,395.03	\$ -	\$ 3,395.03	\$ 3,395.03
<b>TOTAL PROJECT - Base + CO's</b>				<b>SANITARY</b>	<b>STORM</b>	<b>Total to Date</b>
				\$ 1,312,603.38	\$ 1,825,225.17	\$ 3,137,828.55
				41.8%	58.2%	



January 5, 2010

Mr. Joseph M. Caracci, P.E.  
Director of Public Works  
Village of Glen Ellyn  
30 South Lambert  
Glen Ellyn, Illinois 60137

**Re: Lambert Farms Utility Extensions Project  
Supplement for Construction Engineering Services**

Dear Mr. Caracci:

We are requesting a supplement to our Construction Engineering Services Agreement to raise the level of compensation to \$330,000 which represents an increase over the original estimated contract amount of \$308,500 and payments received to date of approximately \$318,000. Our original contract amount is exhausted, and the requested amount is for engineering services already performed beyond our original contract that were required to complete the project.

This supplement is necessary due to the additional engineering time that was required to properly inspect and document the contractor's work which ran far beyond the original estimated completion. Our proposal provided our best estimate of time necessary for Construction Engineering. The original contract completion date was to be in the Summer of 2007. The contractor was able to open the roadways in 2007, but did not fully complete the project until 2008 which was well beyond Civiltech's estimated time to close out the project. There were multiple punchlists created to guide the contractor towards acceptable completion, and agreeing with the contractor on final quantities was an extensive process. All of the work was inspected to ensure an acceptable final product for the Village which required additional hours of Construction Engineering.

Although the actual hours spent providing the required Construction Engineering to properly complete this project were substantially more, Civiltech is only requesting a supplement amount to our agreement that can be covered by approved contingency and deductions from the contractor for their late finish. We have been very fortunate to have such a long term relationship with the Village of Glen Ellyn, and we wish to share in the additional costs to make certain that a quality project is delivered. We truly value the strong partnership with the Village that has been built over the past years, and we would like to continue our joint efforts to provide the best possible improvements for the Village residents for many years to come.



We hope this will meet with your approval. If this request for a supplement to our Construction Engineering Agreement is acceptable, please execute below and return one copy to us.

Should you have any questions, please do not hesitate to contact us. Thank you for the opportunity to work with you on this eventually successful improvement, and we look forward to continuing our shared efforts together.

Very truly yours,

**CIVILTECH ENGINEERING, INC.**



James D. Ewers, P.E.

**Proposal Accepted by:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

# A-6I

**To:** Steve Jones, Village Manager

**From:** Joe Caracci, Public Works Director *JMC*

**Date:** January 4, 2010

**Re:** Riford Road Reconstruction Project – Land Transfer with Glen Ellyn Park District



## **Background**

As the project team seeks to wrap up the various elements of the Riford Road Reconstruction Project prior to the scheduled Illinois Department of Transportation letting in March 2010, a few items relating to the acquisition of right-of-way are still pending. Two parcels of land are required for the project, consisting of a 5,500 square foot strip of Ackerman Park on the north side of St. Charles Road to accommodate left turn lanes on St. Charles Road, and a 1,350 square foot section of private property along Riford Road at 715 St. Charles. The private land take on the southwest corner of Riford and St. Charles is required to improve the current steep profile of Riford as it approaches St. Charles.

## **Issues**

A requirement for the transfer of land from the Park District was recently identified by the Glen Ellyn Park District attorney, Steve Adams, and confirmed by Village Attorney Stewart Diamond. The Local Governmental Property Transfer Act requires the governmental body requesting a transfer to act by formal action as part of the process. An Ordinance has been drafted and is attached for consideration.

## **Action Requested**

Immediate approval of the ordinance is requested of the Village Board, as all land acquisition activities must be wrapped up by mid-January in order to meet the IDOT certification requirements deadline for the March 5, 2010 letting.

## **Attachments**

- Recommendation memorandum authored by Professional Engineer Bob Minix dated January 4, 2010
- Draft Ordinance (reviewed by Village Attorney Diamond)

## **Supplemental Agenda Information Village of Glen Ellyn**

### *Agenda Item Supplemented by Commentary*

- Pros & Cons
- Strategic Action Goal
- Downtown Strategic Plan Goal
- Budget Impact/Return on Investment
- Process Improvement
- Green Initiative
- Communication Initiative
- Safety/Liability/Risk Assessment
- X Other

### **Comments:**

This is a required process as part of the receipt of Federal Surface Transportation Program (STP) Funds. Please refer to Interoffice Memo authored by Professional Engineer Minix for further details.

## Interoffice Memorandum

**to:** Joe Caracci, Public Works Director

**from:** Bob Minix, Professional Engineer 

**subject:** Riford Road Reconstruction Project  
Recommendation for Approval of an Ordinance Requesting Transfer of Land in Ackerman Park from the Glen Ellyn Park District

**date:** December 29, 2009

As the project team seeks to wrap up the various elements of the Riford Road Reconstruction Project prior to the scheduled Illinois Department of Transportation letting in March 2010, a few items relating to the acquisition of right-of-way are still pending. Two parcels of land are required for the project, consisting of a 5,500 square foot strip of Ackerman Park on the north side of St. Charles Road to accommodate left turn lanes on St. Charles Road, and a 1,350 square foot section of private property along Riford Road at 715 St. Charles. The private land take on the southwest corner of Riford and St. Charles is required to improve the current steep profile of Riford as it approaches St. Charles.

A requirement for the transfer of land from the Park District was recently identified by the Glen Ellyn Park District attorney, Steve Adams, and confirmed by Village Attorney Stewart Diamond. Mr. Adams stated that the Local Governmental Property Transfer Act requires the governmental body requesting a transfer to act by formal action as part of the process. According to Village Attorney Diamond in an email response to my request for guidance on this issue:

The purpose of the law is to somewhat simplify the transfer of land between governmental bodies, especially when, absent this law, there are different requirements for land to be transferred by a variety of governmental bodies . . . The statute strangely requires an ordinance of the requesting government and then a resolution of the transferring government passed by a vote of at least 2/3 of the members of the corporate authorities. The "instrument of conveyance" is then recorded in the Office of the Recorder of Deeds."

Attorney Diamond developed a form of the ordinance to use in this situation. With very minor editing on my part, the suggested ordinance is attached.

Attorney Diamond also noted in his response:

Because the real estate in question may be held by the Park District, with certain restrictions, I am including language in the ordinance, which indicates that the Village

will honor the restrictions. That situation probably would not present a problem here, but there are instances where land has been acquired by a park district, solely for park purposes, and it could not be transferred to a sanitary district, for example, for the construction of a sewage treatment plant. In this case, the land will apparently be used for improvements on St. Charles Road. This would be consistent with the use that the Park District could make of the property.

Immediate approval of the ordinance is requested of the Village Board, as all land acquisition activities must be wrapped up by mid-January in order to meet the IDOT certification requirements deadline for the March 5, 2010 letting.

enc. as noted

cc: Steve Jones, Village Manager  
Kristen Schrader, Administrative Analyst  
Andrea Draths, Village Clerk  
Jeff Perrigo, Civil Engineer  
Stewart Diamond, Village Attorney  
Steve Adams, Park District Attorney

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**Village of Glen Ellyn**

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**Ordinance No. \_\_\_\_\_ -VC**

**An Ordinance of the Village of Glen Ellyn  
Requesting the Transfer of Land from the Glen Ellyn Park District in  
Ackerman Park, 800 St. Charles Road**

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**Adopted by the  
President and the Board of Trustees  
Of the Village of Glen Ellyn,  
DuPage County, Illinois**

**this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.**

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Published in pamphlet form by the authority  
of the President and Board of Trustees of the  
Village of Glen Ellyn, DuPage County, Illinois 60137

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Ordinance No. \_\_\_\_\_ -VC

**An Ordinance of the Village of Glen Ellyn  
Requesting the Transfer of Land from the Glen Ellyn Park District in  
Ackerman Park, 800 St. Charles Road**

**Whereas**, the Village of Glen Ellyn (“Village”) needs to acquire a portion of Ackerman Park from the Glen Ellyn Park District (“Park District”) for improvements on St. Charles Road associated with the Riford Road Reconstruction Project; and

**Whereas**, the Park District is prepared to make a transfer of the property to the Village in accordance with the provisions of the Local Governmental Property Transfer Act; and

**Whereas**, that Act requires the municipality seeking the transfer to pass an ordinance declaring that it is necessary or convenient for it to use, occupy or improve the real estate; and

**Whereas**, the Corporate Authorities of the Village are prepared to take such action and make such request;

**Now, Therefore, Be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois**, in the exercise of its home rule powers, as follows:

**Section One:** The Corporate Authorities of the Village of Glen Ellyn find that the Village requires a parcel of land owned by the Glen Ellyn Park District for the widening of St. Charles Road as part of the Riford Road Reconstruction Project. The Corporate Authorities herein declare that it is necessary for it to use, occupy or improve the needed real estate, and herein request the transfer of the property, legally described in Exhibit “A,” attached to and made a part of this Ordinance. Upon receipt of the transfer from the Park District, the Village will utilize the property received from the Park District in accordance with any condition or limitation, which has bound the Park District in its use of the property. After acquisition, the

Village intends to use, occupy or improve the real estate so transferred for a municipal or public purpose and agrees to hold said real estate by the same right, title and interest by which the Park District held said real estate immediately prior to said transfer.

**Section Two:** This ordinance shall be in full force and effect, upon its passage, approval and publication in pamphlet form as provided by law.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on first reading, second reading not being requested.

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Village President of the Village  
of Glen Ellyn, Illinois

**Attest:**

\_\_\_\_\_  
Village Clerk of the Village  
of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_)

Exhibit "A"

Route : F.A.U. 1487 (St. Charles Road)  
Section : 05-00068-00-FP  
County : DuPage  
Job No. : R-55-001-97  
Parcel : 0000001DED  
Sta. 44+80.00 To Sta. 48+47.73  
Owner : Glen Ellyn Park District  
Index No. 05-02-416-026  
05-02-416-027  
05-02-416-028  
05-02-416-029  
05-02-417-017

That part of lots 13, 14 and 15 of block 7, lots 13, 14, 15 and 16 of block 8, and vacated Goodridge Avenue in North Glen Ellyn Homesites, being a subdivision of part of section 2, township 39 north, range 10 east of the third principal meridian, according to the plat thereof recorded March 23, 1923 as document 163751, described as beginning at the intersection of the east line of North Glen Ellyn Homesites and the north line of St. Charles Road, as monumented, and running thence South 87°14'22" West (South 88°11' West record) along said north line, 366.92 feet; thence North 02°46'51" West, 9.98 feet; thence North 85°39'41" East, 367.86 feet, to a point on the aforesaid east line of North Glen Ellyn Homesites; thence South 00°29'08" East (South 00°27' West record), along said east line, 20.13 feet, more or less, to the point of beginning, all in DuPage county, Illinois.

Said parcel containing 0.127 acre, more or less, or 5,523.64 square feet, more or less.

A-7

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MEMORANDUM

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**TO:** Steve Jones, Village Manager

**FROM:** Staci Hulseberg, Planning and Development Director  
Michele Stegall, Village Planner *MS*  
Christina Collison, Planning Intern *CC* *SHW*

**DATE:** January 5, 2010

**FOR:** January 11, 2010 Village Board Meeting

**SUBJECT:** 21W701 Bemis Road – Annexation Agreement

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**Request:** Alva Robinson, the owner of property located at 21W701 Bemis Road is requesting approval to enter into an annexation agreement with the Village of Glen Ellyn in order to allow connection to the Village's water and sanitary sewer located in front of the property in the adjacent Bemis Road right-of-way. The subject property is located on the southwest corner of Bemis Road and Ridge Road and is not contiguous to the Village limits.

Among other things, the proposed annexation agreement provides for the following:

1. It requires the property to be annexed to Glen Ellyn upon becoming contiguous to the Village limits.
2. It permits the owner to connect to the Village's water and sanitary sewer mains located in the adjacent Bemis Road right-of-way. Connection to the water and sanitary sewer mains is required by December 31, 2010.
3. Upon annexation, the property would be zoned R2B Residential district. The property exceeds the minimum lot width, lot depth and lot area required in the R2B Residential District. However, if the existing home is on the site when the property is annexed, it will be annexed with a legal nonconforming corner side yard setback of 28.97 feet. A 30-foot corner side yard setback is required.

**Public Notice:** In accordance with the Illinois Compiled Statutes, the Board must hold a public hearing to consider the annexation agreement. Notice of a public hearing to consider the annexation agreement for 21W701 Bemis Road was published in the Daily Herald on December 26, 2009.

**Village Board Action:** The Village Board is requested to conduct a public hearing and act on the proposed annexation agreement. Staff has prepared an Ordinance approving the annexation agreement for consideration at the January 11, 2010 Village Board Meeting

**Attachments:**

- Location Map
- Public Hearing Notice

- Annexation Application
- Proof of Ownership
- Plat of Survey
- Annexation Agreement
- Ordinance

cc: Joe Caracci, Public Works Director  
Property Owner

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**NOTICE OF PUBLIC HEARING REGARDING A PROPOSED ANNEXATION AGREEMENT UNDER CONSIDERATION BY THE VILLAGE OF GLEN ELLYN**

In accordance with the Illinois Municipal Code, 65 ILCS 5/11-15.1-3 on Monday, January 11, 2010 at 8:00 p.m., the Glen Ellyn Village Board will conduct a public hearing to consider entering into an annexation agreement with property located at 21W701 Bemis Road. The Village Board may act on the proposed annexation agreement this same night following the public hearing.

The subject property is located on the southwest corner of Bemis Road and Ridge Road, Glen Ellyn, IL in unincorporated DuPage County. The property is not currently contiguous to the Village limits. The property is legally described as follows:

THE NORTH 135.0 FEET OF THE WEST 110.0 FEET OF LOT 17 IN FREDERICK H. BARTLETT'S SUNNYSIDE FARMS, BEING A SUBDIVISION IN SECTION 24, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 15, 1941 AS DOCUMENT 430032, IN DUPAGE COUNTY, ILLINOIS

P.I.N.: 05-24-301-014

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. A copy of the annexation agreement is available for public review in the Planning and Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, IL. Questions related to the proposed annexation agreements should be directed to Christina Collison, Planning Intern 630-547-5246.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village at least 24 hours in advance of the meeting.

Christina Collison, Planning Intern  
Village of Glen Ellyn

Publication Date: December 26, 2009

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**ANNEXATION APPLICATION**  
**Village of Glen Ellyn**  
**Planning and Development Department**  
**September 27, 2004**

**Contact Information:**

<u>Property Owner</u>		<u>Attorney, Surveyor, Engineer, etc.</u>	
Name	<u>ALVA M. ROBINSON</u>	Name	_____
Address	<u>28W 241 FLANDERS LN, WINFIELD, IL</u>	Address	_____ _____
Phone	<u>630-293-7210</u>	Phone	_____
E-mail	_____	E-mail	_____

**Property to be Annexed:**

Address	<u>21W 701 BEMIS Rd GLEN ELLYN, IL</u>	PIN(s)	<u>05-24-301-014</u>
	_____		_____
	_____		_____

**Required Submittals:**

1. Annexation Application
2. Notarized Annexation Petition (attached)
3. Letter explaining the reasons for the requested annexation and any other pertinent information related to the annexation request
4. Plat of Survey
5. Proof of Ownership
5. Annexation Application fee and escrow account deposit (see below). The escrow account is established to cover the Village's out-of-pocket costs to process the annexation request including, but not limited to, attorney fees, public notice costs, public hearing minutes/transcripts, engineering fees, County recordation, and preparation of the plat of annexation.

**Fee and Deposit to be paid by the property owner:**

**Cost**

Annexation Application Fee	_____
Single-family home \$250	
All others \$1,000 per acre	
 Escrow Account Deposit	 _____
Single-family home \$1,000	
All others to be determined by Director	

PETITION FOR ANNEXATION  
VILLAGE OF GLEN ELLYN, ILLINOIS

TO THE GLEN ELLYN VILLAGE BOARD:

Petitioners on oath state as follows:

1. That the undersigned are the sole owners of record of all of the property described in Attachment A and commonly known as ALVA ROBINSON 2006 DECLARATION OF REVOCABLE TRUST and P.I.N. 05-24-301-014 (Subject Realty).
2. That this petition is executed by all of the owner(s) of record of the Subject Realty.
3. That no electors reside on the Subject Realty or, in the alternative, at least fifty-one percent (51%) of the electors residing on the Subject Realty have executed this petition.
4. That no portion of the property is within the corporate limits of any municipality.
5. That the Subject Property is either contiguous to the Village of Glen Ellyn, will be at the time of annexation, or may be contiguous when combined with other property annexing to the Village of Glen Ellyn.
6. That the property which the Petitioners desire to have annexed to the Village of Glen Ellyn is the property that is described in Attachment A attached hereto and made a part hereof.
7. That this Petition shall be in full force and effect from and after the date hereof and until the property is annexed to the Village of Glen Ellyn in agreement with State Law.

WHEREFORE, the applicants' petition that the property be annexed by ordinance to the Village of Glen Ellyn, Illinois, is in accordance with the appropriate statutes.

The undersigned, on oath, state that the undersigned have read the foregoing Petition for Annexation, have knowledge of the allegations contained therein, and that said allegations are true and correct to the best of the Petitioners' knowledge.

Owners of Record of Subject Property:

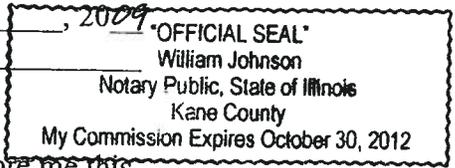
Signature: Alva Robinson  
 Print Name: ALVA M. ROBINSON  
 Date: Nov 19, 2009  
DEC 3, 2009

Signature: \_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 Date: \_\_\_\_\_

Signature: Alva Robinson  
 Print Name: \_\_\_\_\_  
 Date: \_\_\_\_\_

Subscribed and sworn to before me this  
3rd day of DECEMBER, 2009

NOTARY PUBLIC



Subscribed and sworn to before me this  
 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

NOTARY PUBLIC

Subscribed and sworn to before me this  
 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

QUIT CLAIM DEED

Above space for Recorder's use  
only

THE GRANTOR(S) ALVA M. ROBINSON

Of the City of Glen Ellyn, County of DuPage State of Illinois for the consideration of TEN AND NO DOLLARS, and other good and valuable considerations in hand paid, CONVEY(S) and QUIT CLAIMS TO:

ALVA ROBINSON 2006 DECLARATION OF REVOCABLE TRUST

all interest in the following described Real Estate, the real estate in Cook County, Illinois, commonly known as 21W701 BEMIS ROAD, GLEN ELLYN, ILLINOIS legally described as:

THE NORTH 135.0 FEET OF THE WEST 110.0 FEET OF LOT 17 IN FREDERICK H. BARTLETT'S SUNNYSIDE FARMS, BEING A SUBDIVISION IN SECTION 24, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 15, 1941 AS DOCUMENT 430032, IN DUPAGE COUNTY, ILLINOIS.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois. Permanent Real Estate Index Number (s): 05-24-301-014

Address(es) of Real Estate: 21 W 701 BEMIS ROAD, GLEN ELLYN, ILLINOIS

DATED this 27 day of February, 2006

Please print or type Name(s) below Signature(s)

*Alva Robinson* (SEAL) \_\_\_\_\_ (SEAL)

ALVA M. ROBINSON

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

State of Illinois, County of Cook ss. I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that

Alva Robinson  
personally known to me to be the same person whose name \_\_\_\_\_  
subscribed to the foregoing instrument, appeared before me this day in person, and  
acknowledged that \_\_\_\_\_ h \_\_\_\_\_ signed, sealed and delivered the said instrument as  
\_\_\_\_\_ free and voluntary act, for the uses and purposes therein set forth,  
including the release and waiver of the right of homestead.

IMPRESS SEAL HERE



Given under my hand and official seal this 27 day of February 2006

Commission expires \_\_\_\_\_ 20 \_\_\_\_\_

NOTARY PUBLIC

State of Illinois, County of \_\_\_\_\_ ss. I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that

IMPRESS  
SEAL  
HERE

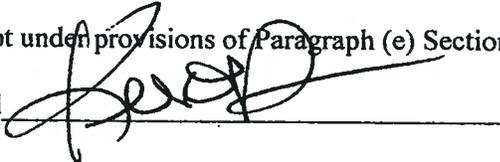
personally known to me to be the same person \_\_\_\_\_ whose name \_\_\_\_\_  
subscribed to the foregoing instrument, appeared before me this day in person, and  
acknowledged that \_\_\_\_\_ h \_\_\_\_\_ signed, sealed and delivered the said instrument as  
\_\_\_\_\_ free and voluntary act, for the uses and purposes therein set forth,  
including the release and waiver of the right of homestead.

Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

Commission expires \_\_\_\_\_ 20 \_\_\_\_\_

NOTARY PUBLIC

Exempt under provisions of Paragraph (e) Section 200/31-45 Paragraph 200/ 31-45

Signed 

Date 2/27/04

This instrument was prepared by PRITCHETT & ASSOCIATES, ONE WESTBROOK CORP CTR, SUITE 120, WESTCHESTER, ILLINOIS 60154

MAIL TO: Kevin O. Pritchett, ESQ  
Pritchett & Associates,  
One Westbrook Corp Ctr, Ste 120  
Westchester, Illinois 60154

SEND SUBSEQUENT TAX BILLS TO:  
ALVA ROBINSON REVOCABLE TRUST  
C/O 28W 241 Flanders Lane  
Winfield, Illinois 60190

OR: RECORDER'S OFFICE BOX NO. \_\_\_\_\_

**ALVA ROBINSON 2006 DECLARATION OF  
REVOCABLE TRUST**

I **ALVA ROBINSON** of Glen Ellyn, Illinois, declare myself Trustee ("Trustee") of the **ALVA ROBINSON 2006 DELCARATION OF REVOCABLE TRUST**," consisting of the property identified on the attached Schedule of Property. I also declare that I have caused or will cause the death benefits under the insurance policies on my life identified in the attached Schedule of Insurance to be made payable at my death to the successor Trustee then acting hereunder. All rights as contingent beneficiary of those policies, the proceeds of those policies when received, any property added to the trust, which property and all additions, investments, and accretions shall be administered upon the following terms:

**ARTICLE I  
Settlor's Retained Rights**

At any time during my life, I may amend or revoke this instrument or remove the incumbent Trustee, by written notice delivered to the Trustee, and if this instrument is completely revoke, all trust property held by the Trustee shall be transferred and delivered to me or as I otherwise may direct in writing.

**ARTICLE II  
Living Trust**

During my life, the Trustee shall administer the trust as follows:

A. The Trustee shall distribute to me or apply for my benefit, such amounts of net income and principal, even to the extent of exhausting principal, as the Trustee determines from time to time to be required for my health, support and best interest, for the health and support of my spouse, and for the health, support and education of my dependent children, adding any undistributed net income to principal from time to time, as the Trustee determines.. The trustee shall add any undistributed net income to principal from time to time, as the Trustee determines.

B. Unless I have been declared to be disabled, the Trustee also shall distribute to me such amounts of net income and principal as I may direct in writing, adding any undistributed net income to principal from time to time, as determined by the Trustee.

C. The Trustee, in the Trustee's discretion, may make gifts from principal to such one or more of my beneficiaries other than the Trustee, and any charitable organizations as the Trustee determines to be desirable under the circumstances (including tax planning considerations), if such action is not significantly detrimental to my welfare. No gifts shall be considered advancements and no person shall have standing to complain of any gift made or not made.

D. If at any time in the judgment of the successor Trustee the Settlor, by reason of mental or physical disability, is unable to administer the Settlor's financial affairs, then the successor Trustee shall pay to or expend for the benefit of the Settlor such sum or sums out of the income and principal of the Trust Estate as in the judgment of the successor Trustee shall be reasonably necessary or desirable to provide for the care, comfort, support and welfare of the Settlor, including reasonable luxuries. Any income not so expended shall be added to the principal of the Trust Estate and invested as a part thereof.

During any period in which Settlor has been declared to be disabled pursuant to the terms and conditions of this trust, unless the Successor Trustee designates otherwise in its declaration of disability or a subsequent notice, or a court of competent jurisdiction has determined that Settlor is legally competent to act, I Settlor shall be (i) restricted from making withdrawals and giving directions under this Article, (ii) removed as Trustee, (iii) prohibited from amending or revoking this instrument, and (iv) disqualified from appointing successor Trustees and approving Trustee accounts, in which event the persons who would exercise those rights if I Settlor were then deceased shall exercise them in my place. No person shall have a duty to seek a judicial determination regarding my legal competency.

### **ARTICLE III Allocation to Trust**

As of my death, but after the payment of any debts, taxes and administration and other expenses, as provided later in this instrument, the Trustee shall allocate the balance of the trust principal (including property to which the Trustee may be entitled from any other source) to the Trust.

### **ARTICLE IV Residuary Provisions**

Upon the death of grantor, the Trust shall be administered as follows:

1. Upon the death of the grantor and pursuant to the provisions of this article and this entire Trust agreement, grantor intends to dispose of all the rest, residue, and remainder of grantor's property and estate of every kind, character, and description and wheresoever situated, that is not otherwise effectively disposed of by the provisions of grantor's will excluding any property over which grantor has power of testamentary disposition at the time of grantor's death pursuant to a power of appointment.

2. After taking the expense provisions of this agreement into consideration along with similar provisions in grantor's will, the then existing Trustee or Successor Trustee as defined herein shall divide the remaining trust estate as follows:

a all items listed on attached Schedule of Property as well as any other assets of whatever type described in the are to be considered assets of the Trust

("Trust Assets"). Trustee shall distribute property pursuant to the provisions my Last Will and Testament. If after the death of Grantor the succeeding Trustee shall liquidate all Trust Assets pursuant to my Last Will and this Trust, and after paying all expenses as defined in this Trust, shall distribute residual Trust Assets to my **daughter, Juarez Boyd, 28W241 Flanders Lane, Winfield, Illinois 60190..**

b. In the event **my daughter, Juarez Boyd**, shall predecease Settlor, Trustee shall distribute Trust Assets to my granddaughter **Marva Elaine Boyd, 1221 N. Dearborn #601, Chicago, Illinois 60610.**

e No distribution made under this paragraph shall be charged as an advancement.

3. No interest of any beneficiary shall be assignable or transferable, in whole or in part, by the act of such beneficiary or by operation of law, and no such interest shall be liable for any obligation of such beneficiary, including alimony.

#### **ARTICLE V Trustee Provisions**

A. If I cease to be Trustee, I appoint my daughter, **Juarez Boyd, 28 W 241 Flanders Lane, Winfield, Illinois 60190** as Trustee, or if she fails to become or ceases to be Trustee, I appoint **Marva Elaine Boyd, 1221 N. Dearborn, Chicago, Illinois 60610** as successor Trustee.

B. The Trustee shall render a current annual account to each income and principal beneficiary, whether vested or contingent, who so requests in writing each year.

C. Any Trustee may resign at any time by giving prior written notice to the Trustee Appointer. All trusts created under this instrument need have or continue to have the same Trustee. The provisions of this instrument that relate to the Trustee shall be separately applicable to each trust held hereunder. While two or more Trustees are acting, the following provisions shall apply where the context admits:

1. The corporate Trustee, if any, shall have custody of the trust property and of the books and records of the Trustees;

2. With respect to any matter as to which two or more Trustees have joint authority, a Trustee, by written notice, may temporarily delegate any or all of that Trustee's rights, powers, duties, and discretion as Trustee to any other Trustee sharing that authority, with the consent of the latter;

3. The Trustees may establish bank and brokerage accounts and may authorize that checks or drafts may be drawn on, or withdrawal made from, any such account on the individual signature of any Trustee;

4. Any Trustee alone may perform on behalf of the Trustees all acts necessary for the acquisition, sale and transfer of personal and real property, including the giving of directions and the signing and endorsing of checks and other negotiable instruments, stocks and bond certificates and powers, deeds of real estate and related transfer documents, applications, fax forms and other forms or documents; and no person dealing with the Trustees need inquire into the propriety of any such act if such Trustee certifies in writing to that person that the Trustees have approved that act;

5. A Trustee shall be presumed to have approved a proposed act or decision to refrain from acting if that Trustee fails to indicate approval or disapproval thereof within fifteen (15) days after a written request for approval, and a Trustee shall not be required to continue to make a proposal which has been disapproved on at least two occasions if that Trustee has informed each disapproving co-Trustee that continued disapproval will be assumed until notice to the contrary has been received; and

6. The Trustees may execute documents by jointly signing one document or separately signing concurrent counterpart documents

D. Unless specifically provided otherwise, at any time when more than one person is designated to act in the same fiduciary capacity, the action or decision of a majority in number shall control; and a person who does not vote or does not concur in any vote shall not be liable for any act or failure to act of the others.

E. If any corporate Trustee designated to act or at any time acting hereunder is merged with or transfers substantially all of its assets to another corporation, or is in any other manner reorganized or reincorporated, the resulting or transferee corporation shall become Trustee in place of its predecessor.

F. Any person designated to act in a fiduciary capacity may release or renounce any or all powers granted hereunder at any time by written instrument filed with the trust records, and, if so specified, that release or renunciation shall bind all successors acting in that fiduciary capacity. Except as otherwise provided in the preceding sentence, the incumbent Trustee shall have all of the title, powers, and discretion granted to the original Trustee, without court order or act of transfer. No successor Trustee shall be personally liable for any act or failure to act of a predecessor Trustee.

**ARTICLE VI**  
**Payment of Debts, Taxes and Expenses**

Following my death, but before final division or allocation of the trust principal, the Trustee shall pay from the trust principal all (a) my legally enforceable debts, including debts owed by me to a Trustee individually, except debts secured by real estate which were incurred primarily to acquire or improve the encumbered property, (b) the expenses of my last illness and funeral, (c) the administration expenses payable by reason of my death, and (d) the estate and inheritance taxes (including any interest and penalties) payable in any jurisdiction by reason of my death (whether or not the assets generating those taxes and expenses pass under this trust). Despite the foregoing, if a personal representative of my probate estate is appointed within six months after my death, then the Trustee shall pay the preceding items only to the extent my personal representative shall certify in writing to the Trustee that the value of the cash and readily marketable assets of my residuary estate, as determined by my personal representative, is insufficient to pay those items. Any of the preceding items payable by the Trustee as a result of such certification may be paid either directly to the appropriate payee or to the personal representative of my probate estate, as the Trustee determines to be advisable. The preceding items shall be charged generally against the trust principal. The Trustee shall not seek reimbursement for, recovery of, or contribution toward the payment of the preceding items from any person, except that if no personal representative of my probate estate is appointed within six months after my death, then to the maximum extent permitted by law, the Trustee shall seek reimbursement for, recovery of, or contribution toward the payment of estate taxes attributable to property which is included in my gross estate under Section 2036, 2041 or 2044 of the Code, and which taxes are not otherwise paid or payable. Any generation-skipping tax resulting from a transfer occurring under this instrument shall be charged to the property constituting the transfer in the manner provided by applicable law.

**ARTICLE VII**  
**Financial Powers**

A. In addition to all powers granted by law, the Trustee shall have the following powers with respect to each trust held under this instrument, exercisable in the discretion of the Trustee:

1. To retain for any period, without liability for loss or depreciation in value, any property transferred to the Trustee, even though the Trustee could not properly purchase the property as a trust investment and though its retention might violate principles of investment diversification;

2. To sell at public or private sale, wholly or partly for cash or on credit, contract to sell, grant or exercise options to buy, convey, transfer, exchange, or lease (for a term within or extending beyond the term of the trust) any trust property, and to partition, dedicate, grant easements in or over, subdivide, improve, and remodel, repair,

or raze improvements on any real property of the trust, and in general to deal otherwise with the trust property in such manner, for such prices, and on such terms and conditions as any individual might do as outright owner of the property.

3. To borrow money at interest rates then prevailing from any individual, bank, or other source, whether or not the lender is then acting as a Trustee, and to create security interests in the trust property;

4. To invest in domestic or foreign investments of any kind, without being limited by any statute or rule of law governing trust investments, including, but not limited to, interest-bearing deposit accounts, bonds, common or preferred stocks, notes, real estate mortgages, common trust funds, shares of regulated investment companies or registered mutual funds, interests in limited liability companies, partnership interests of any kind, currencies, real estate or partial interests in property, such as life estate, term or remainder interests;

5. To allocate, divide, and distribute trust property in cash or in kind, or partly in each, and to value any such property for those purposes; to allocate different kinds or disproportionate shares of property or undivided interests in property among the beneficiaries or separate trusts, without liability for, or obligation to make compensating adjustments by reason of, disproportionate allocations of unrealized gain for federal income tax purposes; and, in funding any fractional shares created hereunder in kind, to allocate that property in entire or disproportionate shares, as the Trustee determines to be in the best interests of the beneficiaries, without compensating adjustments;

6. To make such elections and allocations under the tax laws permitted to be made by the Trustee as the Trustee considers advisable (whether or not the election or allocation relates to the trust property), without regard to, or adjustments between, principal and income or the relative interests of the beneficiaries;

7. To exercise in person or by general or limited proxy all voting and other rights, powers, and privileges and to take all steps to realize all benefits with respect to stocks or other securities; and to enter into or oppose, alone or with others, voting trust, mergers, consolidations, foreclosures, liquidations, reorganizations, or other changes in the financial structure of any business entity;

8. To cause any trust property to be held, without disclosure of any fiduciary relationship, in the name of the Trustee, in the name of a nominee, or in unregistered form;

9. To pay all expenses incurred in the administration of the trust, including reasonable compensation to any Trustee for actual services rendered, and to employ or appoint and pay reasonable compensation to accountants, depositaries, investment counsel, attorneys, attorneys-in-fact, and agents (with or without discretionary powers);

10. To deal with the fiduciary or fiduciaries of any other trust or estate, even though a Trustee is also a fiduciary of the other trust or estate;
11. To compromise or abandon any claim in favor of or against the trust;
12. To lend money to the representative of my estate or my spouse's estate, and to purchase property from the representative of either estate and retain it for any period, without liability for loss or depreciation in value, and notwithstanding any risk, lack of productivity, or lack of diversification;
13. To commingle for investment purposes the trust property with the property of any other trust held hereunder, allocating to each trust an undivided interest in the commingled property;
14. To merge at any time after the division date all the trust property with the property of any other trust created by my spouse or me during the life or by will, and held by the same Trustee for the benefit of the same beneficiaries and upon substantially the same terms and conditions as those set forth herein, and, at the Trustee's discretion, either administer the merged assets as a single trust hereunder or transfer the trust property to that other trust, to be administered under the instrument governing that other trust, and thereafter terminate the trust hereunder as a separate entity; and in order to facilitate the merger of trust, the Trustee may shorten the perpetuities period;
15. To receive additional property from my spouse or me in any event (and, if the Trustee consents in writing, from any other person except a beneficiary of the trust) by lifetime or testamentary transfer or otherwise;
16. To execute instruments of any kind, including instruments containing covenants and warranties binding upon and creating a charge against the trust property and containing provisions excluding personal liability; and
17. To perform all other acts necessary for the proper management, investment, and distribution of the trust property.
  - A. The powers granted in this Article may be exercised even after termination of all trusts hereunder until actual distribution of all trust principal, but not beyond the period permitted by any applicable rule of law relating to perpetuities.
  - B. To the extent that such requirements can legally be waived, no Trustee hereunder shall ever be required to give bond or security as Trustee, or to qualify before, be appointed by, or account to any court, or to obtain the order or approval of any court respecting the exercise of any power or discretion granted in this instrument.
  - C. No person paying money or delivering property to any Trustee hereunder shall be required or privileged to see to its application. The certificate of the Trustee that

the Trustee is acting in compliance with this instrument shall fully protect all persons dealing with the Trustee.

## **ARTICLE VIII**

### **Administrative Powers and Rules**

The provisions of this Article shall apply to each trust held under this instrument:

A. The Trustee, in the Trustee's sole discretion, may expend trust income or principal for the benefit of a beneficiary instead of making distributions directly to that beneficiary. In addition, if a beneficiary eligible to receive income or principal distributions is disabled at the time of distribution, then the Trustee may, without further responsibility, make those distributions to the beneficiary directly, to a lawful guardian of the beneficiary, or to a qualified individual or trust company designated by the Trustee as custodian for that beneficiary under an applicable Uniform Transfers to Minors Act or similar law. Determinations made by the Trustee under this paragraph in good faith shall be conclusive on all persons.

B. Except as otherwise provided in this instrument, all net income accrued or undistributed at the termination of any interest shall be treated as if it had accrued or been received immediately after that termination.

C. In determining whether to make discretionary distributions of net income or principal to a beneficiary, the Trustee may consider such circumstances and factors as the Trustee believes are relevant, including the other income and assets known to the Trustee to be available to that beneficiary and the advisability of supplementing such income or assets, the tax consequences of any such distribution, and, in the case of a descendant of mine, the character and habits of the beneficiary, the diligence, progress and aptitude of the beneficiary in acquiring an education, and the ability of the beneficiary to handle money usefully and prudently and to assume the responsibilities of adult life and self-support.

D. Notwithstanding any other provision of this instrument, I hereby limit the general discretionary powers of the Trustee so that (i) no Trustee (other than me) shall participate in any decision that would cause any portion of the trust to be includable in the estate of the Trustee for federal estate tax purposes, and (ii) no Trustee (other than me) may use trust income or principal to discharge the legal obligation of the Trustee individually to support or educate a beneficiary hereunder. Where a standard for distribution consists of two or more elements, they shall be severable for purposes of determining any Trustee's ability to participate in a decision under this instrument.

E. To the maximum extent permitted by law, (i) no power of appointment shall be subject to anticipation, to claims for alimony, maintenance, or support, to voluntary transfer without the written consent of the Trustee, or to involuntary transfer in any event.

F. The Trustee shall distribute any trust principal or net income as to which a power of appointment is exercised to the designated appointee or appointees (whether living at the time of exercise or thereafter born) upon such conditions and estates, in such manner (in trust or otherwise), with such powers, in such amounts or proportions, and at such time or times (but not beyond the period permitted by any applicable rule of law relating to perpetuities) as the holder of the power may specify in the instrument exercising the power. To be effective, the exercise of any power of appointment granted hereunder shall make specific reference to the provision creating the power. In determining whether a testamentary power of appointment has been exercised, the Trustee, without liability, may rely on a will admitted to probate in any jurisdiction as the will of the holder of the power or may assume the holder left no will in the absence of actual knowledge of one within three months after the holder's death.

G. If at any time after my death the Trustee (other than a beneficiary of the trust or a person who is related or subordinate to any beneficiary of the trust within the meaning of Section 672(c) of the Code) shall determine that the trust no longer has a value that makes it economical to administer, the Trustee, without further responsibility, may (but need not) distribute the remaining trust principal to the beneficiary for whom the trust is named, or, if Settlor is deceased, to the beneficiaries named herein in this Trust.

H. Notwithstanding any other provision of this instrument, if at the end of twenty-one years after the death of the last to die of myself, my spouse, and all descendants of mine who are living at my death, the trust is not indefeasibly vested in interest, then the Trustee, subject to the Holdback Provisions of a previous Article of this instrument, shall distribute the trust principal to the beneficiary for whom the trust is named.

## **ARTICLE IX**

### **Life Insurance Provisions**

A. I reserve to myself all rights now or hereafter vested in me as owner of any life insurance policies made payable to the Trustee, including the rights to change beneficiaries, to borrow money (from the issuing companies, the banking department of any corporate Trustee acting hereunder, or others) using the policies as security, to surrender the policies for cash, to receive dividends and all other payments available to the owner, and to withdraw any policies held by the Trustee (in which event the Trustee shall have no duty to seek their return).

B. With respect to any life insurance policies or employee benefit plans not owned by the trust but made payable to the Trustee on my death, I direct that:

1. The Trustee shall have responsibility for payment of premiums or assessments on the policies, and the companies issuing them shall have no responsibility to see to the fulfillment of any trust hereunder or to the application of any proceeds;

2. The Trustee's receipt and release shall release and discharge any obligor for any payment made and shall bind every trust beneficiary hereunder; and

3. The Trustee shall have no duty to bring suit for payment of any of the policies or plan benefits, unless the Trustee holds funds out of which the Trustee may be indemnified against all expenses of suit, including legal fees.

## **ARTICLE X**

### **Interpretive Rules**

For all purposes of this instrument:

A. In determining who is a descendant of mine or of any other person:

1. Legal adoption before the adopted person reached the age of twenty-one (21) years, but not thereafter, shall be equivalent to blood relationship; and

2. A person born out of lawful wedlock and those claiming through that person shall be considered to be descendants of (i) the natural mother and her ancestors, and (ii) if the natural father acknowledges paternity, the natural father and his ancestors, in each case unless a decree of adoption terminates such natural parent's parental rights.

B. Whenever reference is made to the descendants, "*per stirpes*," of a person, representation shall be calculated from the generation of that person's children, whether or not a child of that person in fact is living at the time of calculation.

C. No anti-lapse statute shall apply to any disposition of property.

D. A person shall be considered "disabled" if a minor, if under legal disability, or if in any condition (whether temporary or permanent) which substantially impairs that person's ability to transact ordinary business.

E. The term "Trustee" and any pronoun referring to that term designate the Trustee or Trustees at any time acting hereunder, regardless of number.

F. The term "lawful guardian" means successively in the order named, ( i ) the court appointed guardian of the estate, (ii) either parent, or (iii) the individual having personal custody (whether or not court- appointed) where no guardian of the estate has been appointed.

G. The term "support" means support in reasonable comfort in the beneficiary's accustomed manner of living.

H. The terms "education" includes, but is not limited to, the expenses of private schooling at the elementary and secondary school level, college, graduate and professional schools, and specialized or vocational training.

I. The term "health" shall be construed liberally to include all forms of mental or physical health care, including, but not limited to, nursing home or other extended care.

J. The term "charitable organization" means any organization which is described in Sections 170 (c), 2055(a) of the Code or the successor or replacement provisions thereof.

K. The term "Code" means the Internal Revenue Code of 1986, as from time to time amended.

L. This instrument and all dispositions hereunder shall be governed by and interpreted in accordance with the laws of the State of Illinois.

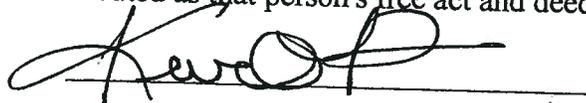
As settlor and initial Trustee, I now sign this declaration of trust on this 26 day of February 2006.

  
ALVA ROBINSON

STATE OF ILLINOIS

COUNTY OF COOK

On 2/26/06, ALVA ROBINSON personally appeared before me and acknowledged that this instrument was executed as that person's free act and deed.



Notary Public



## **SCHEDULE OF PROPERTY**

This schedule is attached to and forms a part of the **ALVA ROBINSON. 2006 DECLARATION OF REVOCABLE TRUST**, executed by **ALVA ROBINSON.**, and identifies the initial property held subject to that trust.

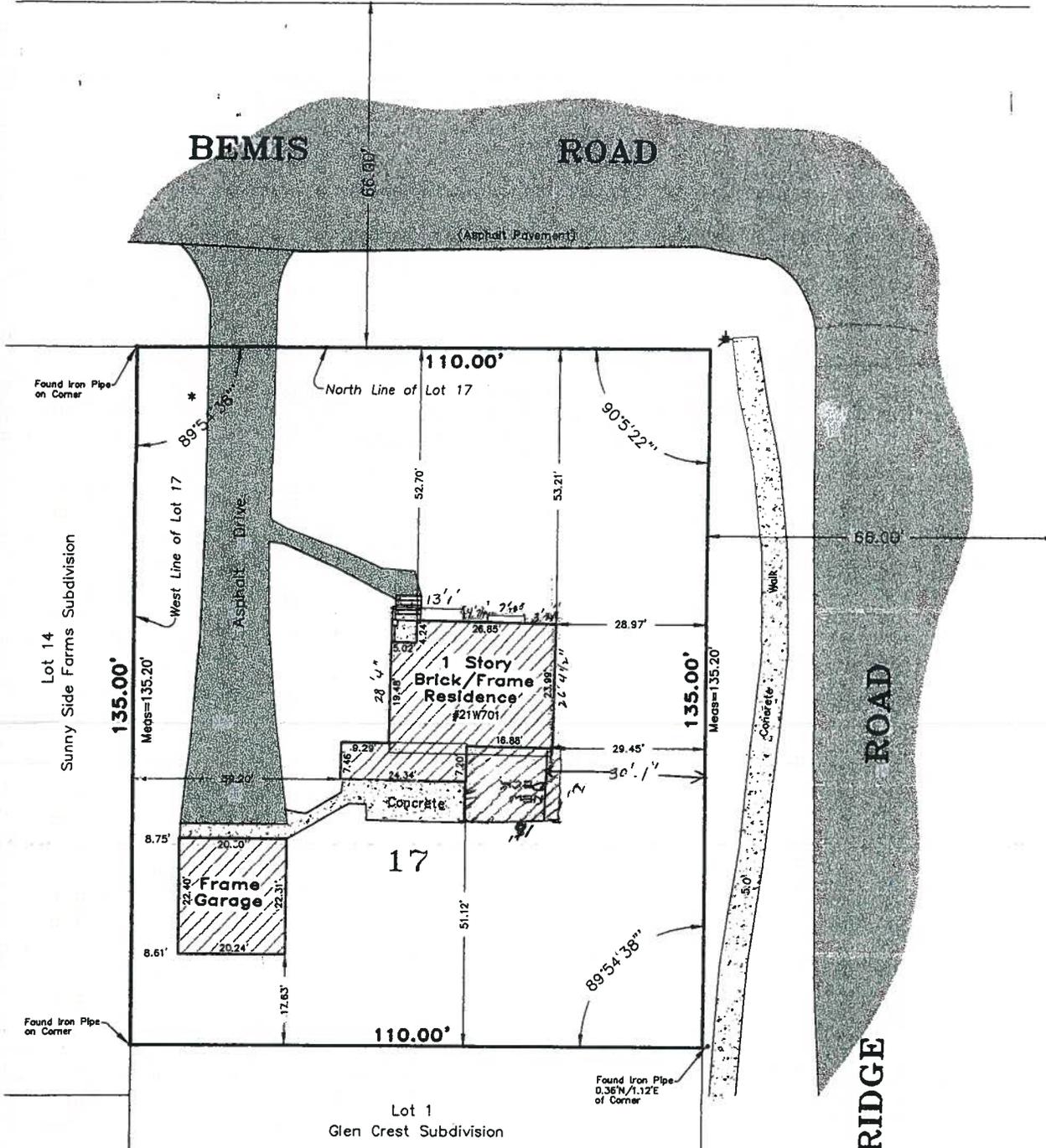
**-Real Estate located at:**

21W701 Bemis Road, Glen Ellyn, Illinois  
PIN: 05-24-301-014

Personal Property contents of real estate located at 21W701 Bemis Road, Glen Ellyn, Illinois

# PLAT OF SURVEY

THE NORTH 135.0 FEET OF THE WEST 110.0 FEET OF LOT 17 IN FRED'K H. BARTLETT'S SUNNYSIDE FARMS, A SUBDIVISION OF PART OF THE WEST 2013.0 FEET OF THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 430032, IN DUPAGE COUNTY, ILLINOIS.



STATE OF ILLINOIS )  
COUNTY OF DUPAGE ) S.S.

THIS PROFESSIONAL SERVICE CONFORMS TO CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY THAT I, MICHAEL L. KRISCH, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE HAD SURVEYED UNDER MY SUPERVISION THE PROPERTY DESCRIBED IN THE ABOVE CAPTION AS SHOWN BY THE ANNEXED PLAT WHICH IS A REPRESENTATION OF SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL AT LOMBARD, ILLINOIS, THIS 11th DAY OF JANUARY A.D. 2009.

*Michael L. Krisch*  
ILLINOIS PROFESSIONAL LAND SURVEYOR  
NO. 35-2501 LICENSE EXPIRES 1/30/2010



GRAPHIC SCALE



( IN FEET )

1 inch = 20 ft.

Prepared For: Marva Boyd



**GLEN D. KRISCH LAND SURVEYOR,**

PROFESSIONAL DESIGN FIRM LICENSE No. 184-004233

1716 South Finley Road • Lombard, IL. 60148 • Phone: 630.627

Fax: 630.627

**SURVEYING - CONSULTING - CONSTRUCTION I/A**

## ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement"), is made and entered into this 3rd day of Dec, 2009, by, between, and among the Alva Robinson 2006 Declaration of Revocable Trust ("Owner"), and the Village of Glen Ellyn ("Village"). The Village and Owner are collectively referred to as ("Parties").

### RECITALS

A. The Owner is the owner of record of a parcel of land commonly known as 21W701 Bemis Road and which is located on the south side of Bemis Road between Illinois Route 53 and Ridge Road and is not currently contiguous to the Village of Glen Ellyn. The subject property is legally described on *Exhibit "A"* attached hereto, is identified for real estate purposes as P.I.N. 05-24-301-014 ("Property"), and is currently improved with one single family home.

B. The Village is an Illinois home rule municipal corporation, having its principal office at 535 Duane Street, Glen Ellyn, Illinois.

C. The Property is not presently connected to the Village water service nor to the Village sanitary sewer service and the Owner desires that the Property be allowed to connect to the Village water main and Village sanitary sewer service.

D. Glen Ellyn is willing to allow connection water and sanitary sewer services to the Property, so long as Owner agrees to petition Glen Ellyn for voluntary annexation upon the Property becoming contiguous to Glen Ellyn, or to cooperate in the filing of a court petition requesting annexation to Glen Ellyn, along with other properties, upon the request of the Village.

E. A public hearing to consider this Agreement was noticed in the *Glen Ellyn News* on \_\_\_\_\_ and was held by the Village President and Board of Trustees on \_\_\_\_\_.

F. The Village has published all notices as required in the Illinois Municipal Code, 65 ILCS 5/11-15.1-3. *et seq.*

G. The Owner has agreed that the Property will be zoned in accordance with the R2B Residential District regulations as set forth in Section 10-4-9 of the Glen Ellyn Zoning Code, as the same may be amended from time to time ("Zoning Code"), when it is annexed to the Village to allow the property to be used for a single-family dwelling unit in accordance with the terms and conditions of this Agreement.

H. All other matters, in addition to those specifically referred to above, which are included by this Agreement, have been considered by the Parties, and the development of the Property for the purposes permitted under the R2B Residential District regulations of the Zoning Code, all in accordance with the terms and conditions of this Agreement, will inure to the benefit and improvement of the Village by increasing the taxable value of the real property within the Village's corporate limits, extending the corporate limits and jurisdiction of the Village to the

limits of the Property, promoting the sound planning and development of the Village, and otherwise enhancing and promoting the general welfare of the Village residents and taxpayers.

NOW THEREFORE, in consideration of the foregoing preambles and mutual covenants and agreements contained herein, the Parties agree as follows:

1. Incorporation of Recitals. The Parties hereby confirm the truth and validity of the representations and recitations set forth in the foregoing recitals. The Parties further acknowledge that the same are material to this Agreement and are hereby incorporated into and made a part of this Agreement and the same shall continue for so long as this Agreement is in full force and effect.

2. Legal Conformance with Law. This Agreement is made pursuant to and in accordance with the provisions of the Glen Ellyn Village Code, and its home rule powers, as established in the Illinois Revised Statutes and the Illinois Constitution.

3. Annexation. Upon notification by the Village that the Property has become, in the opinion of the Village, adjacent and contiguous to the Village, the Owner (if still holding title to any portion of the Property) and each grantee(s) shall within 30 days (a) file a fully executed Annexation Petition in a form approved by the Village Attorney and substantially in accordance with the form of *Exhibit "B"* attached to this agreement, (b) provide Owner's proof of ownership of the Property and, (c) provide a Plat of Annexation acceptable in form and content to the Village Engineer and Village Attorney. Upon, but not before the Village's receipt of the Annexation Petition, the Owner's proof of ownership, and approved Plat of Annexation, the Village's Corporate Authorities shall adopt a valid and binding Annexation Ordinance providing for the annexation of the Property and any adjacent rights-of-way to the Village pursuant to Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8. The Village Clerk shall then promptly cause the Annexation Ordinance, Plat of Annexation, and related documents, including all required notices, to be recorded in the Office of the DuPage County Recorder.

Alternatively, at the option of the Village, within 30 days after notice from the Village to do so, and subject to the provisions of 65 ILCS 5/7-1-2 et. seq., or 65 ILCS 5/7-1-11, as amended, the Owner and/or its successors and assigns shall join in, and properly execute, a Petition to be filed with the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois, and shall cooperate with the prosecution of the Petition before said court, provided, however, that the costs of any such litigation shall not be the responsibility of the Owner.

If all or a portion of the Property is conveyed prior to the annexation of the Property to the Village, whether by the Owner or other subsequent grantor, any contract for sale or other agreement relating to each and every such conveyance shall contain an acknowledgement by the grantee of the existence of this Agreement and the requirement that upon the Property becoming, in the opinion of the Village, adjacent and contiguous to the Village, the Property will be annexed to the Village. In addition, each such contract or other agreement shall contain an agreement by the grantee(s) to do all things necessary or appropriate to cause the Property to be duly and validly annexed to the Village, including, but not limited to, execution of an Annexation Petition.

Should a court of competent jurisdiction determine that annexation of the Property was defective because of the failure of the Parties to follow a procedural requirement constituting a valid precondition to proper annexation of the Property, the Parties, including the successors and assigns of the Owner, agree to promptly cause the Property to be reannexed to the Village in a manner that satisfies all procedural requirements.

Should a court of competent jurisdiction determine that annexation of the Property by the Village was without lawful authority (i.e., lack of contiguity), the Parties agree that this Agreement shall be deemed a Pre-Annexation Agreement authorized pursuant to 65 ILCS 5/11-15.1-1, as amended, and shall remain in full force and effect to the extent permitted by law. Thereafter, should the Property become contiguous to the Village, the Parties, including the successors and assigns of the Owner, agree to promptly take all necessary steps as may then be provided by law to perfect the annexation of the Property to the Village.

4. Zoning. Contemporaneous with, or immediately following, the adoption of a valid and binding Annexation Ordinance, the Planning and Development Director shall, without further hearing automatically zone the Property R2B Residential District in accordance with Section 10-3-3 of the Glen Ellyn Zoning Code. Any existing use of the Property, upon annexation, that does not comply with the requirements of that zoning category, may continue to be used for its existing purpose subject to the Village's zoning provisions regarding nonconformities. Because the zoning category to be granted to the Property is that which automatically will be granted pursuant to Section 10-3-3, the process under which this Agreement was entered into did not include a public hearing before the Glen Ellyn Plan Commission. The zoning category to be granted to this Property will therefore be automatically established and the designation will appear in the next version of the Village's zoning map.

5. Water and Sewer Service. Glen Ellyn agrees to permit the connection to water and connection to sewer services to the Property. In the event that the Owner fails to petition Glen Ellyn for annexation in accordance with Section 3 above or fails to comply with any other provision of this Annexation Agreement, Glen Ellyn may, at its sole option, discontinue water and sewer services to the Property and enforce this agreement in a court of appropriate jurisdiction by specific performance.

6. Fees, Charges, Donations and Contributions.

A. Standard Fees and Charges. The Village shall impose upon and collect from the Owner, and its respective contractors, sub-contractors, and agents the customary permit, license, tap-on, connection, and user fees and charges in such amounts or at such rates as are generally applied throughout the Village. Owners who receive water prior to annexation into the Village will pay the non-resident water rates. Upon and after annexation, property Owners will be charged the resident water rates.

B. Payment of Village Consulting Fees. The Owner shall pay all reasonable professional consulting fees incurred by the Village to process the Owner's requests for annexation and zoning of the Property, which fees may, without limitation, include all engineering, surveying, and legal fees incurred by the Village pertaining to the review of the Owner's plans and specifications for the Property, the negotiation and preparation of

this Agreement, delivery and publication of notices, administrative fees to conduct public meetings and public hearings, recordation fees, and fees related to inspecting development of the Property. Such fees shall be billed on the basis of the regular hourly billing rate normally charged by such professionals and paid by the Village. The Owner has deposited the sum of \$1,000 with the Village to be held in escrow and from time to time drawn on by the Village to pay for all Village consultants, recording fees and any other out-of-pocket fees pertaining to the annexation and development of the Property. The Owner shall replenish the escrow amount to its original deposit amount when the Village provides notice that the balance is at or below \$300. The Village's consultants shall include, without limitation, the Village's consulting engineer, consulting planner, surveyor, attorney, and transcriber.

C. Building Permit Fees. Owner shall pay any and all Village fees and deposits in effect at the time of building permit application, including all water and sanitary sewer main connection and inspection fees, water meter, water valve and all other associated costs, fees and deposits.

7. Village Codes. While the Property remains in unincorporated DuPage County, it shall be developed pursuant to the building and zoning regulations of DuPage County, except as otherwise provided herein. From and after the date of annexation of the Property to the Village, the property shall be used and maintained in accordance with and pursuant to the Village Code of Glen Ellyn, including the building, subdivision, and zoning regulations contained therein.

8. Fire Protection. Even before annexation, the Property shall comply with the Village's Fire Suppression Sprinkler requirements. Any new home constructed on the Property shall have a fire suppression sprinkler system. Before commencing construction, the Owner shall receive approval from the Village of the fire suppression sprinkler system design to be installed in the home. The Owner will permit the Village to inspect the installation of the fire suppression sprinkler system and shall pay an inspection fee of \$300. Any new residence shall not be occupied until the Village Inspector approves the fire suppression sprinkler system installation. If an addition is constructed to any existing residence on the Property, a fire suppression sprinkler system must be installed if required by the Village building code for the class of the addition. If the Village building code requires installation of a fire suppression system for any addition to an existing structure on the Property, the provisions for permit, inspection and occupancy set forth herein above in this Section shall also apply to the construction of the addition.

9. Village Address. Upon annexation to the Village, the Village will assign the appropriate Village address to the Property.

10. Annexation Fee. At the time of annexation, the Owner shall pay an annexation fee to the Village in the amount of \$250.

11. Term. The term of this Agreement will be 20 years from the date of execution hereof, which will be deemed to become effective on the date hereof.

12. Annexation Agreement Extension. At the option of the Village, the Village may

extend this Annexation Agreement, at its conclusion, for an additional period of up to 20 years for a portion or all of the Property. If the Village wishes to exercise this option, it shall do so in writing not earlier than two years before the expiration of the Annexation Agreement, nor later than three months prior to this Agreement's initial termination date. Notice shall be sent in writing to (i) that entity that has paid the real estate property taxes during one of the last two years for the Property or that portion of the Property for which the Village wishes to extend this Agreement or (ii) to the record title holder of the Property or that portion of the Property for which the Village wishes to extend this Agreement. If the Village decides in its sole and absolute opinion to extend the term of this Agreement, the Village may do so whether or not the Property, or any portion of the Property, has been annexed to the Village. The Village may only extend the term of this Agreement once. In the event that the Village has not exercised the option to extend the term of this Agreement pursuant to this Section, and if the property has not been annexed to the Village at this Agreement's initial termination date, the Village and the Owner may enter into a new Annexation Agreement in the manner provided by law. If the Village has been providing utility services to the non-annexed Property or any non-annexed portions of the Property pursuant to this Agreement, it may terminate such utility service at the conclusion of this Agreement; provided, however, that the Village provide not less than one year prior written notice of such termination to (i) that entity that has paid the real estate property taxes during one of the last two years for the Property or that portion of the Property for which the Village desires to terminate any such utility service or (ii) to the record title holder of the Property or any portion of the Property for which the Village desires to terminate any such utility service.

13. General Provisions.

A. Severability. In the event that any portion of this Annexation Agreement will be found to be invalid by any court of competent jurisdiction, such finding of invalidity as to that portion will not affect the validity or enforceability of the balance of this Agreement.

B. Remedies. In addition to all rights and remedies specified in this Agreement, the Village will have the authority to pursue any and all rights and remedies, at law or in equity, to which it is entitled in order to enforce the terms of this Agreement. In the event that the Owner fails to comply, the Village may institute an action for specific performance along with other civil and quasi-criminal actions as permitted by law, and the Village may disconnect the water service. The Owner will be further liable for any attorney fees, court costs and other costs incurred by the Village as a consequence of the Village's enforcement of this provision.

C. Amendment. This Agreement may be amended from time to time with the consent of the parties, pursuant to Statute.

D. Conflict Regulations. The provisions of this Agreement shall supersede the provision of any Village Codes and Ordinances that may be in conflict with the provisions of this Agreement.

E. Enforcement. This agreement shall be enforceable in any court of

competent jurisdiction by either the Owner or the Village, and their respective successors and assigns, by an appropriate action at law or in equity, to secure the performance of the promises, obligations, and covenants in this Agreement, including the specific performance of this Agreement. The laws of the State of Illinois shall govern this Agreement. Any lawsuit enforcement filed against the Village of Glen Ellyn, or its officers, employees or independent contractors, may only seek injunction, mandamus or specific performance for the enforcement of the agreement and may not seek damages.

F. Successors and Assigns and Ownership. This agreement shall inure to the benefit of and be binding upon the Owner and Village and their respective successors and assigns. No conveyance, transfer or assignment of fee title in the Property or of this Agreement shall serve to release the Owner of its duties and obligations already undertaken under this Agreement. Both parties acknowledge by their signature to this Agreement that the statements made in this Annexation Agreement are true and that they have the authority to execute the Agreement and to bind the Village or the Owners.

G. Application of Ordinances. Upon annexation, the Property and its use will be subject to all Village ordinances generally applicable throughout the Village except as herein set forth.

H. Recording. The Village Clerk is hereby directed to cause this Agreement to be recorded with the Recorder of Deeds of DuPage County, following its execution and approval by the Village Board.

I. No Disconnection. Once the Property subject to this Annexation Agreement has been annexed to the Village, the Owner shall not petition the Circuit court to take any other action to cause the Property to be disconnected from the Village during the term of this Annexation Agreement or any extension to that term. In addition, the Owner may not during the term of this Annexation Agreement petition any other municipality or a court to permit annexation to another municipality.

J. Recitals and Exhibits. The recitals set forth in the beginning of this Agreement, and the exhibits attached hereto, are incorporated herein by this reference and shall constitute substantive provisions to this Agreement.

K. Captions and Paragraph Headings. The captions and paragraph headings used herein are for convenience only and shall not be used in construing any term or provision of this Agreement.

14. Notice. Any notice or communication required or permitted to be given under this Agreement shall be in writing and shall be delivered (i) personally, (ii) by a reputable overnight courier, (iii) by certified mail, return receipt requested, and deposited in the U.S. Mail, postage prepaid, (iv) by facsimile, or (v) by electronic internet mail ("*e-mail*"). Facsimile notices shall be deemed valid only to the extent that they are (a) actually received by the individual to whom addressed and (b) followed by delivery of actual notice in the manner described in either (i), (ii), or (iii) above within three business days thereafter at the appropriate address set forth below. E-mail notices shall be deemed valid only to the extent that they are (a) opened by the

recipient on a business day at the address set forth below, and (b) followed by delivery of actual notice in the manner described in either (i), (ii), or (iii) above within three business days thereafter at the appropriate address set forth below. Unless otherwise provided in this Agreement, notices shall be deemed received after the first to occur of (a) the date of actual receipt; or (b) the date that is one business day after deposit with an overnight courier as evidenced by a receipt of deposit; or (c) the date that is three business days after deposit in the U.S. mail, as evidenced by a return receipt. By notice complying with the requirements of this Section each party to this Agreement shall have the right to change the address or the addressee, or both, for all future notices and communications to them, but no notice of a change of addressee or address shall be effective until actually received.

Notices and communications to the Village shall be addressed to, and delivered at, the following address:

Village of Glen Ellyn  
535 Duane Street  
Glen Ellyn, IL 60137  
Attn: Planning and Development Director

Notices and communications to the Owner shall be addressed to, and delivered at, the following address:

ALVA ROBINSON  
21W701 BEMIS RD.  
GLEN ELLYN, IL  
\_\_\_\_\_  
\_\_\_\_\_

IN WITNESS WHEREOF, the parties have caused this Annexation Agreement to be executed by their duly authorized officers or individually, as the case may be, on \_\_\_\_\_, 2009.

VILLAGE OF GLEN ELLYN  
A Municipal Corporation:

Village of Glen Ellyn  
535 Duane Street  
Glen Ellyn, IL 60137

OWNER:

ALVA ROBINSON  
21 W 701 Bemis Rd.  
GLEN ELLYN, IL

BY: \_\_\_\_\_  
Village President

OWNER:  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

BY: \_\_\_\_\_  
Andrea Draths, Village Clerk

BY: Alva Robinson  
ALVA M. ROBINSON

SUBSCRIBED AND SWORN to  
before me this 8th day of  
DECEMBER, 2009.

[Signature]  
Notary Public

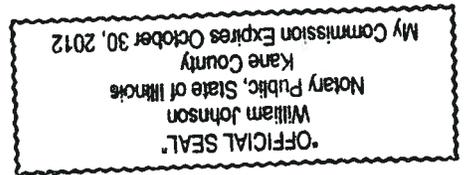


EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Owner:

Address:

P.I.N.:

Legal Description:

EXHIBIT B

ANNEXATION PETITION

TO THE VILLAGE PRESIDENT AND THE BOARD OF TRUSTEES  
OF THE VILLAGE OF GLEN ELLYN  
DUPAGE COUNTY

The undersigned Petitioner(s) ("PETITIONER(S)") being first duly sworn on oath, hereby respectfully represent and petition as follows:

1. This Petition is presented to the Village of Glen Ellyn pursuant to 65 ILCS 5/7- 1-8.
2. The subject of this Petition is a tract of real estate in unincorporated DuPage County, commonly known as \_\_\_\_\_ and legally described on Exhibit "A" attached hereto and incorporated herein (the "SUBJECT REALTY").
3. This Petition is executed by all the owner(s) of record of the SUBJECT REALTY.
4. No part of the SUBJECT REALTY is within the corporate limits of any municipality.
5. The SUBJECT REALTY is contiguous to the Village of Glen Ellyn or will be at the time of annexation
6. No electors reside on the SUBJECT REALTY or, in the alternative, at least fifty-one percent (51%) of the electors residing on the SUBJECT REALTY have executed this Petition.
7. This Petition is made subject to the conditions hereinafter stated.

THE PETITIONER(S) HEREBY STATE AND REQUEST:

- A. That the SUBJECT REALTY be annexed to the Village of Glen Ellyn by Ordinance passed and approved by the Village President and Village Board of the Village pursuant to 65 ILCS 5/7- 1-8.
- B. That the annexation requested herein is contingent upon the Village of Glen Ellyn and PETITIONER(S) entering into a mutually agreeable Annexation Agreement concerning the SUBJECT REALTY to govern the annexation and development of the SUBJECT REALTY in a manner satisfactory to PETITIONER(S) (and subject to the terms and conditions stated therein), all in accordance with Section 11-15.1-1 et seq. of the Illinois Municipal Code.

**Village of Glen Ellyn**

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**Ordinance No. \_\_\_\_\_**

**An Ordinance Approving an Annexation Agreement  
for Property Located at 21W701 Bemis Road  
Glen Ellyn, IL 60137**

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**Adopted by the  
President and Board of Trustees of the  
Village of Glen Ellyn,  
DuPage County, Illinois  
This \_\_\_\_ Day of \_\_\_\_\_, 2010**

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Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this \_\_\_\_  
day of \_\_\_\_\_, 2009

**Ordinance No. \_\_\_\_\_**

**An Ordinance Approving an Annexation Agreement  
for Property Located at 21W701 Bemis Road**

**Whereas**, Alva Robinson, record titleholder of property commonly known as 21W701 Bemis Road has petitioned the Village President and Board of Trustees of the Village of Glen Ellyn for approval of an annexation agreement for the subject property; and

**Whereas**, the property at 21W701 Bemis Road is not located within the corporate limits of any municipality and is not currently contiguous to the corporate limits of the Village of Glen Ellyn; and

**Whereas**, the subject property is legally described as follows:

THE NORTH 135.0 FEET OF THE WEST 110.0 FEET OF LOT 17 IN FREDERICK H. BARTLETT'S SUNNYSIDE FARMS, BEING A SUBDIVISION IN SECTION 24, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 15, 1941 AS DOCUMENT 430032, IN DUPAGE COUNTY, ILLINOIS.

P.I.N: 05-24-301-014 (Address upon annexation: 846 Bemis Road); and

**Whereas**, the record titleholder of the property at 21W701 Bemis Road has indicated that she is ready, willing, and able to enter into the Annexation Agreement, attached hereto as Exhibit "A," and to bind herself and her successors in interest to the terms of said Annexation Agreement; and

**Whereas**, the Village has issued, delivered and published all statutorily required notices regarding the consideration of the proposed annexation agreement; and

**Whereas**, in accordance with all statutorily required notices, on January 11, 2010, the Village Board conducted a public hearing on the proposed Annexation Agreement; and

**Whereas**, after due investigation and consideration and pursuant to the aforesaid public hearing, the President and Board of Trustees deem it in the best interest of the Village of Glen Ellyn

to enter into the Annexation Agreement, attached hereto as Exhibit "A".

**Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois,** in the exercise of its home rule powers, as follows:

**Section One:** The foregoing recitals and the preambles in the Annexation Agreement attached hereto as Exhibit "A" shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

**Section Two:** The Village President and Village Clerk are hereby authorized and directed to execute and attest the Annexation Agreement for 21W701 Bemis Road, attached hereto as Exhibit "A," on behalf of the Village of Glen Ellyn.

**Section Three:** The Village Clerk is hereby authorized and directed to cause said Annexation Agreement to be recorded with the Recorder of Deeds of DuPage County, upon the proper execution of the same on behalf of all of the parties, together with a certified copy of this Ordinance approving the execution of the Annexation Agreement on behalf of the Village of Glen Ellyn.

**Section Four:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Ayes:**

**Nays:**

**Absent:**

**Abstentions:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this \_\_\_\_ day of

\_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Village President of the  
Village of Glen Ellyn, Illinois

**Attest:**

\_\_\_\_\_  
Village Clerk of the  
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_\_ day of \_\_\_\_\_)

X:\Plandev\PLANNING\ANNEXATIONS\Marston Ave. Annexation Renewals\Ordinance Approving AA for  
21W701 Bemis Road.doc

A-8

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MEMORANDUM

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**TO:** Steve Jones, Village Manager

**FROM:** Staci Hulseberg, Planning and Development Director  
Michele Stegall, Village Planner *MJS* *SW*

**DATE:** January 5, 2010

**FOR:** January 11, 2010 Village Board Meeting

**SUBJECT:** 455 Roosevelt Road - Giordano's  
Exterior Appearance, Sign Variation Amendments and Right-of-Way Vacation

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**Background:** Peter Skiouris, trustee of property located at 455 Roosevelt Road, is requesting approval of the Exterior Appearance and amended Sign Variations associated with plans to remodel the exterior of Giordano's Restaurant & Pizzeria and reconfigure and expand the existing parking lot into the Sunset Avenue right-of-way. As part of the project, the petitioner is also requesting the vacation of the Sunset Avenue right-of-way and that the sale price of the right-of-way be reduced from the amount agreed upon in 2007.

The subject property is located on the south side of Roosevelt Road between Main Street and Lambert Road in the C3 Service Commercial zoning district. In order to accommodate the project, the petitioner is specifically requesting approval of the following:

1. Exterior Appearance approval in accordance with the Appearance Review Guidelines adopted on October 6, 2006 by Ordinance 5508.
2. Amendments to the Sign Variations previously approved on November 13, 1995 by the adoption of Ordinance 4310 to allow alterations to the existing freestanding sign on the property and the installation of 3 new primary wall signs which are to replace 5 existing awning signs. The total square footage of the proposed primary signage will remain at 147 square feet.
3. Repeal of Ordinance 5597 which previously approved the vacation of the adjacent Sunset Avenue right-of-way to the petitioner and adoption of a new Ordinance vacating the right-of-way for a reduced amount.

The Architectural Review Commission considered the proposed exterior appearance and requested sign variations at a public hearing and meeting on October 10, 2007. No members of the public spoke at the meeting. By a vote of 9-0, the ARC recommended approval of the requests with the condition that the petitioner may, at his discretion, choose an alternate exterior wall sconce for the building.

**Issues:**

1. **Time Delay.** The requests have been on hold since the October 10, 2007 ARC meeting for the following reasons: 1.) The petitioner had not yet submitted the required payment for the Sunset Avenue right-of-way vacation originally approved on August 13, 2007 by Ordinance 5597. Therefore, the vacation was never executed. Since the project includes the expansion of the

parking lot into the vacated right-of-way, the plans were awaiting Village Board review until such time as the required payment was received and the vacation was finalized; and 2.) The petitioner was exploring alternate methods for providing the required stormwater detention for the project which could have either affected the site plan or required the approval of a stormwater variation. The petitioner has since been able to work with their immediate neighbor to the west (McDonalds) and plans to make modifications to McDonalds' detention basin which will allow the petitioner to store the required stormwater detention for the project on McDonald's property. With this approach, the Village's engineering consultant has indicated that a stormwater variation will not be needed.

2. **Vacation.** Ordinance 5597 which originally approved the vacation of the Sunset Avenue right-of-way to Giordano's required the petitioner to pay \$183,385 to the Village for the right-of-way. Given the recent downturn in the economy the petitioner requested that the price be reduced. After commissioning an updated appraisal and discussing the topic in executive session, the Village Board authorized staff to offer the right-of-way to Giordano's for \$135,000. The petitioner has since submitted the required payment in full to the Village.

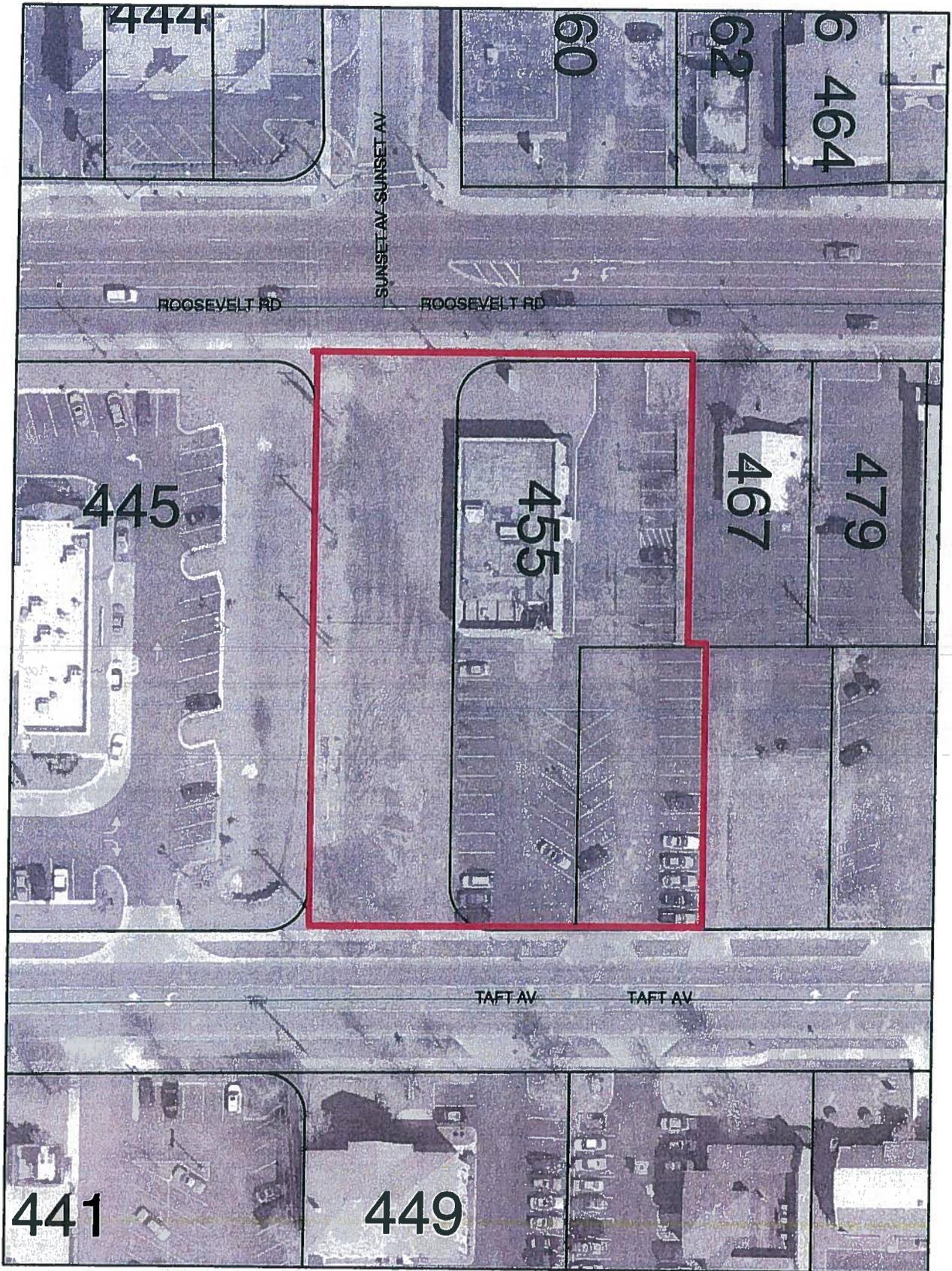
**Requested Action:** The Village Board may approve, approve with conditions or deny the petitioner's requests for approval of amended Sign Variations, the proposed Exterior Appearance and the vacation of the Sunset Avenue right-of-way. Village Staff has prepared Ordinances approving the requests for consideration at the January 11, 2010 Village Board meeting.

**Attachments:**

- Location Map/Aerial Photo
- Picture of Property from GIS
- Public Hearing Notice
- Minutes from October 10, 2007 ARC Meeting
- Ordinance Vacating the Sunset Avenue Right-of-Way
- Ordinance Approving Exterior Appearance and Amended Sign Variations
- Ordinance 5597 Previously Approving the Vacation of the Sunset Avenue Right-of-Way
- Ordinance 4310 Approving Previous Sign Variations
- Petitioner's Application Packet Stamped Received October 1, 2008

cc: Peter Skiouris, Petitioner  
Lloyd Christoph, Project Architect

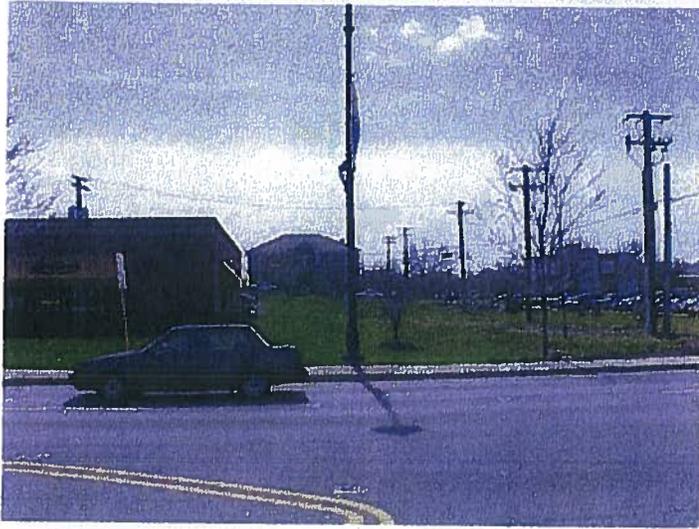
Giordano's  
455 Roosevelt Road



Prepared By: Michele Stegall  
Date Printed: September 28, 2007  
Aerial Photo Circa 2002

0 50 100 200 Feet





**455 ROOSEVELT ROAD**

## NOTICE OF PUBLIC HEARING

Peter Skiouris, Trustee under Trust Agreement 25-6814 for property located at 455 Roosevelt Road is requesting approval of amended sign variations for Giordanos Restaurant and Pizzeria currently located on the site. The owner previously received approval of sign variations for the property on November 13, 1995 by the adoption of Ordinance 4310. The requested amendments to Ordinance 4310 would allow 264 square feet of primary signage on the property, in lieu of the 147 square feet of primary signage permitted by the sign variations approved by Ordinance 4310. No greater variation is proposed to the number or setback of primary signage than previously granted. The subject property is located on the south side of Roosevelt Road between Main Street and Lambert Road in the C3 Service Commercial District.

Before the Glen Ellyn Village Board can consider the request, the Architectural Review Commission must conduct a public hearing. The Architectural Review Commission will consider the request at a public hearing on **Wednesday, October 10, 2007 at 7:30 p.m.** in a meeting room on the third floor of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois.

The subject property is legally described as follows:

**PARCEL 1:**

LOTS 11, 12 AND 13 IN BLOCK 82 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTIONS 22 AND 23, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 2007, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 2:**

LOT 14 IN BLOCK 82 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTIONS 22 AND 23 TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

AND

THAT PART OF THE SUNSET AVENUE RIGHT OF WAY ADJACENT TO BLOCKS 81 AND 82 LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF ROOSEVELT ROAD (ALSO KNOWN AS ILLINOIS ROUTE 38) AND NORTH OF THE NORTH RIGHT OF WAY LINE OF TAFT AVENUE IN WHEATON ESTATES, BEING A SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID WHEATON ESTATES RECORDED AUGUST 7, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.S. 05-23-101-022 and 05-23-101-011

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. Information related to the requests is available for public review in the Planning

and Development Department of the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Questions related to the requests should be directed to Michele Stegall, Village Planner, 630-547-5249.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village 24 hours in advance of the meeting.

Michele Stegall,  
Village Planner

(Published in The Glen Ellyn News on Thursday, September 20, 2007)

X:\Plandev\PLANNING\ARC\Roos445Giordanos\PublicNotice.doc



Planner Stegall provided a brief overview of the matter, stating that the sign along the east property line would be removed and replaced with a corner sign repositioned to a better location on the southwest corner of Glenwood Street and Roosevelt Road, entirely on private property, and outside of the right-of-way. Additionally, the petitioner is requesting that the corner unit have two primary signs in lieu of one.

Robert Strahan addressed the Commission on behalf of owner Peter Savenok, stating that the reason for repositioning the freestanding sign was that it was lacking visibility on the southeast corner. Additionally, a new tenant of the renovated building has requested to have two signs situated on the angled brick sides of the building under the canopy, instead of one.

Chairman Peterson recalled that petitioner Savenok demonstrated sufficient hardship at his first appearance before the Commission.

**B. Motion**

Commissioner Weisman moved, seconded by Commissioner Cleaver, that having considered the application of Roosevelt Road Property LLC for approval of variations from the Glen Ellyn Sign Code for property located at 430-440 Roosevelt Road, the Architectural Review Commission hereby finds that granting the requested variation to allow a freestanding shopping center identification sign with a setback of 41.5 feet from the centerline of Roosevelt Road in lieu of the minimum setback of 55 feet required:

1. Will not alter the essential character of the locality because Roosevelt Road is a commercial corridor with a variety of signage;
2. The petitioner has demonstrated a practical difficulty in adhering to the strict regulations of the Sign Code because the property is currently improved with a building and parking lot and there is only a small area at the corner on Roosevelt Road and Greenwood Street where a freestanding shopping center identification sign can be placed; and
3. The plight of the owner is due to unique circumstances because the property is already improved and the existing parking lot is located adjacent to the front property line leaving only a small area to locate a freestanding sign.

The motion carried unanimously.

**C. Motion**

Commissioner Weisman moved, seconded by Commissioner Stratton that granting the requested variation to allow the western corner unit in the Shopping Center to have two primary signs in lieu of the maximum number of one primary sign permitted:

1. Will not alter the essential character of the locality because Roosevelt Road is a commercial corridor with a variety of signage and other businesses along this corridor have been granted similar variations;
2. The petitioner has demonstrated a practical difficulty in adhering to the strict regulations of the Sign Code because the subject tenant space has frontage on two streets and signage on the west building wall is need to identify the location of the business to east bound Roosevelt Road traffic; and
3. The plight of the owner is due to unique circumstances because the subject tenant space will face both Roosevelt Road and Greenwood Street.

The motion carried unanimously.

**IV. 455 Roosevelt Road, Giordano's Restaurant & Pizzeria – Exterior Appearance and Amended Sign Variations**

Public hearing and meeting with discussion, consideration and recommendation regarding a request for approval of the Exterior Appearance and Amended Sign Variations to accommodate the exterior remodeling, together with the expansion and reconfiguration of the parking lot of Giordano's Restaurant & Pizzeria.

Recording Secretary Lupo duly swore in Planner Stegall and Susan Robaczewski of Elmhurst, Illinois.

**A. Motion**

Commissioner Renfro moved, seconded by Commissioner Burdett, to open the public hearing. The motion carried unanimously.

Planner Stegall provided a brief overview of the matter, stating that the petitioner will be putting a new brick and plaster façade on the building, with green metal awnings, and black metal canopies over two entryways. Window and doorframes will be done in black. The petitioner purchased the Sunset Avenue right-of-way to expand its parking lot with an additional 19 spaces. New landscaping will be installed.

Ms. Stegall continued, recalling that in 1995 the owner of the property received approval for sign variations. These are now being amended with this petition, which will reduce primary signs to four, three of which would be wall signs on the east, north and west building elevations. The existing freestanding sign will remain where it is currently situated, but will be renovated.

Susan Robaczewski addressed the Commission, exhibiting a material board to show the proposed various building materials, including stone for the base, Amarillo white EIFS for a portion of the upper elevation, coping to match the EIFS, hunter green metal awnings, and black entry doors. Glass would not be tinted. Awnings would be raised to allow additional

light into the room. An EIFS covered masonry parapet wall will screen mechanicals on the roof.

Commissioner Stratton commented that it appeared odd for the awnings to shade brick walls without windows, and preferred that they be removed, as the new design appears more animated than the former. Ms. Robaczewski responded that the awnings were added upon Consultant Pete Pointner's suggestion. Planner Stegall clarified that Consultant Pointner did not necessarily suggest awnings, but rather suggested some type of fenestration for the blank walls. Commissioner Stratton wished she could have seen a depiction of the building without its additional awnings over blank brick walls. Ms. Robaczewski offered to remove the extra awnings and simply place a stone sill at the top of the brick where the EIFS begins, if the Commission preferred.

Commissioner Stratton also questioned the need for the EIFS application over brick, and Ms. Robaczewski replied that it would accomplish the goal of using a nice variety of materials.

Commissioner Weisman commented that she was partial to the additional awnings, and the manner in which they continued the same line all around the building. Commissioners Cleaver and Loftus agreed.

Commissioner Maude preferred that the awnings be black in color, particularly if they are situated solely over windows. She had no preference as to whether or not the additional awnings should be removed. She also felt that the brick should be darker in color, as it would provide more character to the building's appearance.

Commissioners Faganel, Burdett, and Renfro thought the awnings should be placed solely over the window openings. Commissioner Burdett praised the design as an improvement over what exists, and that it is consistent with the Design Guidelines.

Chairman Peterson complimented the petitioner on the improved appearance of the building, and was in favor of the project as submitted. He inquired whether any other Commissioners had problems with the brick color, and aside from Commissioner Maude, they did not.

Ms. Robaczewski was in agreement that the additional awnings should remain, as they aid in accentuating the piers. She stated that black was done in entryways upon suggestion of a Staff Report to call attention to them by utilizing a different color. However, she noted that green is one of Giordano's corporate colors, and would prefer that it remain as the color of the awnings, although she did not think the owner would be opposed to installing all black awnings. She also commented that the brick appears darker in color in natural light.

Ms. Robaczewski stated that the existing gooseneck lighting would be removed and replaced with simple down lit fixtures measuring 4-1/2" x 9" in natural bronze, located at all of the piers. The trash enclosure would be situated at the entrance off of Taft Avenue, and in accordance with the Appearance Guidelines, would be done in brick to match the building, and have solid black gates. Disease-resistant crabapple trees would surround existing telephone poles.

Chairman Peterson complimented the petitioner on its diverse selection of landscaping, requested that the arborvitae be single-stemmed, and expressed his desire that the petitioner were not using as much land for parking.

Commissioner Stratton suggested that although the lighting style is acceptable, a larger fixture would be more in scale with the building. Commissioners Loftus, Cleaver, Burdett, Maude and Chairman Peterson agreed, and the Chairman suggested that petitioner consider a fixture from Brasslight Gallery. Ms. Robaczewski replied that since the fixtures were located on every pier, she felt they should be unadorned in nature.

**B. Motion**

On behalf of the Architectural Review Commission, Commissioner Faganel moved, seconded by Commissioner Renfro, that the Village Board approve the proposed exterior appearance for Giordano's Restaurant & Pizzeria, with the condition that it is up to the petitioner's discretion to find a suitable light fixture. The motion carried unanimously.

As to signage, Ms. Robaczewski noted that the base of the free-standing sign would be lowered, and the sign would be reduced in size and covered with brick to match the building. Although all signs would be illuminated, the changing message board would be removed.

**C. Motion**

Commissioner Cleaver moved, seconded by Commissioner Weisman, that having considered the application of Peter Skiouris for approval of the exterior appearance and amended sign variations associated with plans to remodel the exterior of Giordano's Restaurant & Pizzeria located at 455 Roosevelt Road and expand and reconfigure the existing parking lot, the Architectural Review Commission hereby finds that:

The petitioner has demonstrated a particular hardship as a result of adhering to the strict letter of the regulations of the Sign Code in that the Sign Code would restrict the subject property to a single freestanding sign and a small incidental sign on the building, which is insufficient identification for the restaurant;

The essential character of the neighborhood will not be changed because the subject property is located along Roosevelt Road, along which are located a large number and variety of commercial signage; and

The plight of the owner is due to unique circumstances because the petitioner previously received approval to have 6 primary signs on the property and the proposed signage will reduce the number of primary signs to 4 while maintaining the same total square footage of signage previously approved by Ordinance 4310.

The motion carried unanimously.

**D. Motion**

Commissioner Cleaver moved, seconded by Commissioner Weisman, to close the public hearing. The motion carried unanimously.

**V. Trustee's Report**

Trustee Liaison Comerford reported the following:

- A new Graffiti Ordinance was enacted that assists the Police Dept. in enforcement and places more responsibility on the private property owner. Under such Ordinance, graffiti must be removed within 10 days.
- The Board continues to hear a series of EDC presentations on resident surveys, strategic planning, and new initiatives. The EDC is formulating its reallocation of their levy.

**VI. Staff Report**

Planner Stegall thanked the Commission for its flexibility in dealing with an incomplete packet for tonight's meeting.

**VII. Adjournment**

Acting Chairman Burdett moved, seconded by Commissioner Weisman, to adjourn the meeting at 8:40 p.m. The motion carried unanimously.

Respectfully submitted,

Marie Lupo, Recording Secretary  
Architectural Review Commission

**Village of Glen Ellyn**

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**Ordinance No. \_\_\_\_\_**

**An Ordinance Repealing and Replacing Ordinance 5597  
and Vacating the Sunset Avenue Right-of-Way  
Located Between Roosevelt Road and Taft Avenue  
to Property Commonly Known as 455 Roosevelt Road  
Glen Ellyn, Illinois 60137**

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**Adopted by the  
President and the Board of Trustees  
of the Village of Glen Ellyn  
Dupage County, Illinois  
This \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_\_.**

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Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this  
day of \_\_\_\_\_, 20 \_\_\_\_\_.

Ordinance No. \_\_\_\_\_

**An Ordinance Repealing and Replacing Ordinance 5597  
and Vacating the Sunset Avenue Right-of-Way  
Located Between Roosevelt Road and Taft Avenue  
to Property Commonly Known as 455 Roosevelt Road  
Glen Ellyn, Illinois 60137**

**Whereas**, Peter Skiouris, trustee of property located at 455 Roosevelt Road, has requested that the Village vacate 17,903.60 square feet of the 66-foot wide unimproved Sunset Avenue right-of-way located between Roosevelt Road and Taft Avenue to the property directly to the east known as 455 Roosevelt Road; and

**Whereas**, the subject portion of the Sunset Avenue right-of-way requested to be vacated is shown on the Plat of Vacation attached hereto as Exhibit "A" and is legally described as follows:

That part of the Sunset Avenue Right of Way adjacent to Blocks 81 and 82 lying south of south right of way line of Roosevelt Road (Also known as Illinois Route 38) and north of the north right of way line of Taft Avenue in Wheaton Estates, being a subdivision of the northwest quarter of Section 33, Township 39 North, Range 10 East of the Third Principal Meridian, according to the Plat of said Wheaton Estates recorded August 7, 1925 as Document 197514, in DuPage County, Illinois; and

**Whereas**, the requested vacation will accommodate the expansion of an existing parking lot for Giordano's Restaurant and Pizzeria located at 455 Roosevelt Road; and

**Whereas**, on August 13, 2007 by the adoption of Ordinance 5597, the Village previously approved the vacation of the subject right-of-way to 455 Roosevelt Road in exchange for \$183,385; and

**Whereas**, payment for the right-of-way was not received and the vacation was therefore never executed; and

**Whereas**, given a recent downturn in the economy a new appraisal of the right-of-way was

conducted in the fall of 2009 and in accordance with said appraisal the Village Board has indicated that they are now willing to vacate the right-of-way to the petitioner in exchange for \$135,000; and

**Whereas**, the recipient of said right-of-way has submitted an Indemnification Agreement agreeing to hold the Village harmless against any future claim, demand or suit brought by any third party related to the transfer of said right-of-way, attached hereto as Exhibit “B”; and

**Whereas**, it is the opinion of the corporate authorities of the Village of Glen Ellyn that it is in the best interest of the Village to vacate the entire 66 feet of the Sunset Avenue right-of-way located between Roosevelt Road and Taft Avenue legally described hereinabove and depicted on Exhibit “A” attached hereto in exchange for \$135,000; and

**Whereas**, pursuant to Chapter 65, Section 5/11-91-1 of the Illinois Municipal Code, at least three-quarters of the corporate authorities of the Village of Glen Ellyn are of the opinion that the public interest will best be served by vacating the subject portion of the Sunset Avenue right-of-way described herein.

**Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois**, in the exercise of its home rule powers, as follows:

**Section One:** Ordinance 5477 which previously approved the vacation of the Sunset Avenue right-of-way for \$183,385 is hereby repealed in its entirety.

**Section Two:** The findings of fact and conclusions as set forth hereinabove are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

**Section Three:** Pursuant to the powers granted in Chapter 65, Section 5/11-91-1 of the Illinois Municipal Code, the Village of Glen Ellyn hereby vacates the 66-foot wide Sunset Avenue

right-of-way located between Roosevelt Road and Taft Avenue to the adjacent property to the east known as 455 Roosevelt Road as shown on the Plat of Vacation dated June 20, 2007, a copy of which is attached hereto as Exhibit "A" in exchange for \$135,000.

**Section Four:** The Village President and Village Clerk are hereby authorized to execute the Plat of Vacation certifying that it has been approved by the affirmative vote of at least three-quarters of the corporate authorities of the Village now holding office and that the vacation has been approved by the Village President.

**Section Five:** This Ordinance and the aforementioned Plat of Vacation shall be recorded with the Recorder of Deeds of DuPage County, Illinois.

**Section Six:** This Ordinance shall be published in pamphlet form within thirty (30) days after its passage and approval, in the manner provided by law, and shall be in full force and effect ten (10) days after completion of such publication.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Village President of the Village  
of Glen Ellyn, Illinois

**Attest:**

\_\_\_\_\_  
Village Clerk of the Village of  
Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_\_ day of \_\_\_\_\_.)

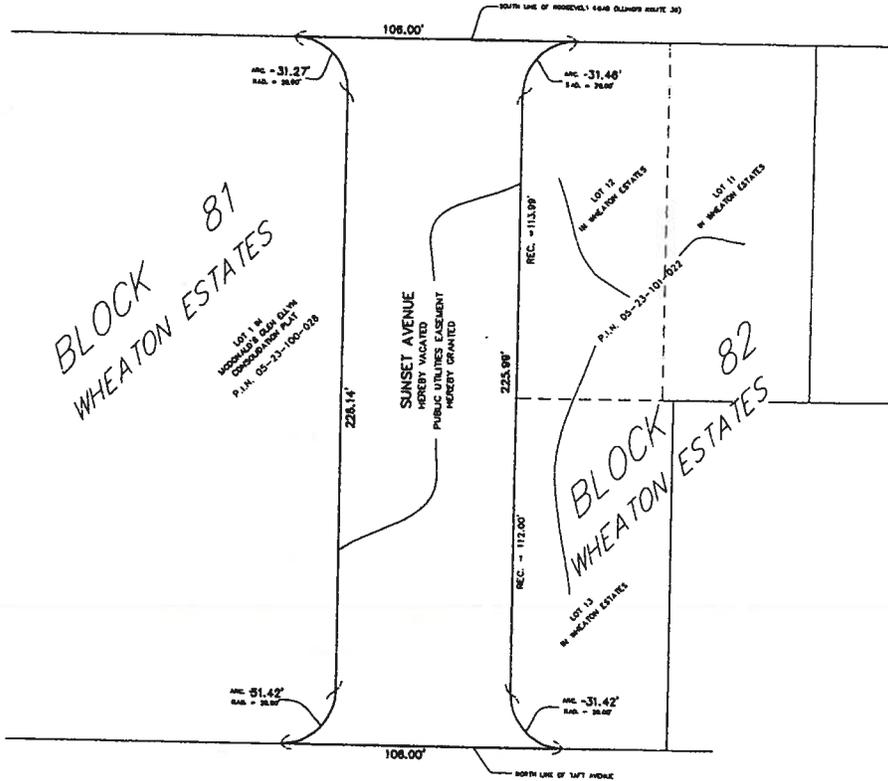
X:\Plandev\PLANNING\ROW Vacations\Sunset\Ordinance 122109.doc

PLAT OF VACATION

PLAT OF VACATION  
 STATE OF ILLINOIS  
 COUNTY OF DUPAGE  
 RECORDS DEPARTMENT  
 100 N. LAKE STREET  
 CHICAGO, ILLINOIS 60602  
 TEL: 312.541.2000  
 FAX: 312.541.2001

THAT PART OF THE SUNSET AVENUE RIGHT OF WAY ADJACENT TO BLOCKS 81 AND 82 LYING SOUTH OF SOUTH RIGHT OF WAY LINE OF ROOSEVELT ROAD (ALSO KNOWN AS ILLINOIS ROUTE 30) AND NORTH OF THE NORTH RIGHT OF WAY LINE OF TART AVENUE IN WHEATON ESTATES, BEING A SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 28 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID WHEATON ESTATES RECORDED AUGUST 7, 1923 AS DOCUMENT 187814, IN DUPAGE COUNTY, ILLINOIS.

CONTAINING 17,903.80 SQ. FT. (0.41 ACRES)



BLOCK 81  
 WHEATON ESTATES  
 LOT 12  
 WHEATON ESTATES  
 P.L.M. 02-23-10-023

BLOCK 82  
 WHEATON ESTATES  
 LOT 13  
 WHEATON ESTATES  
 P.L.M. 02-23-10-023

STATE OF ILLINOIS ) S.S.  
 COUNTY OF DUPAGE )

THIS IS TO CERTIFY THAT THE PLAT OF VACATION WAS PRESENTED TO AND BY ORDINANCE DULY APPROVED BY THE GLEN ELLYN VILLAGE BOARD AT THE MEETING HELD ON \_\_\_\_\_ A.D. 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.

VILLAGE CLERK \_\_\_\_\_

EASEMENTS PROVIDED:

EASEMENTS ARE RESERVED WITHIN THE RIGHTS OF WAY SHOWN HEREON AS "HEREBY VACATED" FOR THE VILLAGE OF GLEN ELLYN, CLERK OF WATER AND SEWERAGE AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE VILLAGE OF GLEN ELLYN, INCLUDING, BUT NOT LIMITED TO, SBC AMERITECH TELEPHONE COMPANY, INCO GAS COMPANY, COMMONWEALTH Edison COMPANY AND THEIR SUCCESSORS AND ASSIGNS, FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, MAINTAIN AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEM INCLUDING STORM AND/OR SANITARY SEWERS, WATER MAINS, VALVE VALVES AND HYDRANTS TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPURTENANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE OF GLEN ELLYN, OR, UPON, ALONG, UNDER AND THROUGH SAID INDICATED EASEMENT TOGETHER WITH RIGHT OF ACCESS TO THE PROPERTY FOR NECESSARY HIGH AND EQUIPMENT TO DO ANY OF THE ABOVE WORK, THE RIGHT IS ALSO GRANTED TO CUT DOWN, TOP OR REMOVE, TRIM, SHEDS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE PLANTS OR OTHER UTILITIES. NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, DRIVE HOLES AND PARKING AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE AFORESAID USES OR PURPOSES. WHERE AN ENCUMBRANCE IS USED FOR BOTH SEWER AND/OR WATER MAINS AND OTHER UTILITIES, THE OTHER UTILITY INSTALLATION ARE SUBJECT TO THE VILLAGE OF GLEN ELLYN WILL ALSO BE ALLOWED TO UTILIZE ALL RETAINED EASEMENTS ARE HEREBY RESERVED TO THE VILLAGE OF GLEN ELLYN AND OTHER GOVERNMENTAL BODIES HAVING JURISDICTION OF THE LAND INDICATED ON THIS PLAT OF VACATION OVER THE ENTIRE RESERVED EASEMENT FOR HIGHWAY, EGRESS, AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES.

STATE OF ILLINOIS ) S.S.  
 COUNTY OF DUPAGE )

THIS INSTRUMENT NUMBER \_\_\_\_\_ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, AFORESAID, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.

DUPAGE COUNTY RECORDER OF DEEDS \_\_\_\_\_

STATE OF ILLINOIS ) S.S.  
 COUNTY OF DUPAGE )

APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

SHOWED: VILLAGE PRESIDENT \_\_\_\_\_

ATTEST: VILLAGE CLERK \_\_\_\_\_

STATE OF ILLINOIS ) S.S.  
 COUNTY OF DUPAGE )

THIS IS TO CERTIFY THAT I, \_\_\_\_\_ AN ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER \_\_\_\_\_ HAVE PLATTED FOR VACATION PURPOSES THE ABOVE PROPERTY DESCRIBED IN THE ABOVE CAPTION AND AS SHOWN ON THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF THE PROPERTY SO DESCRIBED, THE AREA TO BE VACATED IS THAT SHOWN WITHIN THE HEAVY LINES ON THIS PLAT.

ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF, GIVEN UNDER MY HAND AND SEAL THIS 20TH DAY OF JUNE, A.D. 2007.

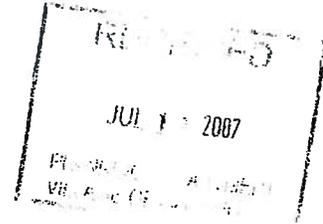
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 22225  
 MY LICENSE EXPIRES NOVEMBER 30, 2008.

NOTE: PROPERTY IS BEING VACATED IN ITS ENTIRETY FOR THE SOLE BENEFIT OF THE PROPERTY ADJACENT AND TO THE EAST P.L.M. 02-23-10-023

**G** GENTILE & ASSOCIATES, INC.  
 PROFESSIONAL LAND SURVEYORS  
 300 S. EL DORADO PLACE  
 LOMBARD, ILLINOIS 60148  
 PHONE (630) 948-3243  
 FAX (630) 948-3244  
 PREPARED FOR: VILLAGE OF GLEN ELLYN  
 BUILDING & ZONING DIVISION  
 DRAWN BY: LMS  
 SHEET NO. 07-1102

## EXHIBIT B

General Hold Harmless and  
Indemnification Agreement  
for Street Vacation



WHEREAS, the Village of Glen Ellyn ("Village"), is the owner of the right-of-way of Sunset Avenue , between Roosevelt Road and Taft Avenue , and is willing to vacate that portion of the right-of-way to Peter Skiouris ("Transferee"); and

WHEREAS, the Village, as a part of that transfer, wishes to require the Transferee to agree to hold harmless and defend the Village; and

WHEREAS, the Village would not vacate the portion of land to be transferred ("Vacated Right-Of-Way") without the Transferee assuming these obligations;

NOW, THEREFORE, IN CONSIDERATION OF THE TRANSFERENCE OF THE VACATED RIGHT-OF-WAY, the Transferee does hereby agree, as follows:

1. The Transferee certifies that it has an ownership interest in land adjacent to the Vacated Right-Of-Way.
2. The Transferee agrees that, upon the passage of an ordinance transferring title of the Vacated Right-Of-Way to the Transferee, by operation of law, or such other method of land transfer, the Transferee shall hold harmless and defend the Village of Glen Ellyn, its officers, employees and independent contractors ("Benefited Parties"), from any claim, demand or suit brought by any third party claiming that the vacation by the Village was improper or not performed in accordance with law or any other claim, demand, or suit arising out of the transference of the Vacated Right-Of-Way. The Benefited Parties shall notify as promptly as possible the Transferee of learning of such a claim, demand or suit, but a failure to notify shall not diminish the obligation unless the failure to notify should prejudice the Transferee. No notice is required if the Transferee learns of the claim, demand or suit in some other manner. The Benefited Parties may choose their own attorney to defend them against such a claim, demand or suit of any kind, but the attorney chosen shall be experienced with the defense of municipal officials. The Transferee shall promptly pay the reasonable costs of such defense along with any judgment or settlement to which it agrees.
3. In the event that the Transferee fails to carry out its obligations as provided for in this Agreement, the Village may consent to any court order without any obligation of defending its right to transfer the Vacated Right-Of-Way or the transfer itself. The Transferee if in breach of its duty to defend shall also pay any judgment or settlement.

**Village Of Glen Ellyn**

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**Ordinance No. \_\_\_\_\_**

**An Ordinance Amending Sign Variations Previously Granted by Ordinance 4310 and  
Granting Exterior Appearance Approval Associated with the Remodeling of  
Giordano's Restaurant and Pizzeria Located at 455 Roosevelt Road  
Glen Ellyn, IL 60137**

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**Adopted by the  
President and the Board of Trustees  
of the Village of Glen Ellyn  
DuPage County, Illinois  
This \_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_.**

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Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this \_\_\_\_  
day of \_\_\_\_\_, 20 \_\_\_\_.

Ordinance No. \_\_\_\_\_

**An Ordinance Amending Sign Variations Previously Granted by Ordinance 4310 and Granting Exterior Appearance Approval Associated with the Remodeling of Giordano's Restaurant and Pizzeria Located at 455 Roosevelt Road Glen Ellyn, IL 60137**

Whereas, Peter Skiouris, Trustee of property located at 455 Roosevelt Road, has petitioned the Village President and Board of Trustees for approval of the following:

1. Exterior Appearance approval in accordance with the Appearance Review Guidelines adopted on October 6, 2006 by Ordinance 5508.
2. Amendments to Sign Variations previously approved on November 13, 1995 by the adoption of Ordinance 4310 to allow alterations to the existing freestanding sign on the property and the installation of 3 new primary wall signs which are to replace 5 existing awning signs.

all associated with plans to remodel the exterior of Giordano's Restaurant and Pizzeria located on the subject property and to reconfigure and expand the existing parking lot; and

Whereas, the subject site is located on the south side of Roosevelt Road between Main Street and Lambert Road in the C3 Service Commercial zoning district and is legally described as follows:

PARCEL 1:

LOTS 11, 12 AND 13 IN BLOCK 82 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTIONS 22 AND 23, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 2007, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOT 14 IN BLOCK 82 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTIONS 22 AND 23 TOWNSHIP, 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

AND

THAT PART OF THE SUNSET AVENUE RIGHT OF WAY ADJACENT TO BLOCKS 81 AND 82 LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF ROOSEVELT ROAD (ALSO KNOWN AS ILLINOIS ROUTE 38) AND NORTH OF THE NORTH RIGHT OF WAY LINE OF TAFT AVENUE IN WHEATON ESTATES, BEING A

SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID WHEATON ESTATES RECORDED AUGUST 7, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.S. 05-23-101-022 and 05-23-101-011; and

**Whereas**, following due and proper publication of notice in the Glen Ellyn News not less than fifteen (15) days nor more than thirty (30) days prior, the Glen Ellyn Architectural Review Commission conducted a public hearing on October 10, 2007, at which hearing the petitioner presented evidence, testimony, and exhibits relative to the request for amendments to the Sign Variations granted by Ordinance 4310 and at which hearing no persons spoke either in favor of or in opposition to the request; and

**Whereas**, at the October 10, 2007 public meeting before the Architectural Review Commission, the petitioner also presented evidence, testimony, and exhibits relative to the request for Exterior Appearance approval and no persons spoke either in favor of or in opposition to the petitioner's request for exterior appearance approval; and

**Whereas**, after having considered the evidence presented, including the exhibits and materials submitted, the Architectural Review Commission made its findings of fact and recommendations for the amended Sign Variations and proposed Exterior Appearance as set forth in the October 10, 2007 minutes of the Architectural Review Commission, a copy of which is attached hereto as Exhibit "A", and by a vote of nine (9) "yes" and zero (0) "no," recommended approval of the requests; and

**Whereas**, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the October 10, 2007 public hearing and meeting of the Architectural

Review Commission and have considered the findings of fact and recommendations of the Architectural Review Commission; and

**Whereas**, the President and Board of Trustees have determined that approving the Exterior Appearance of the project is consistent with the recommendations of the Glen Ellyn Appearance Review Guidelines and that approving the requested amendments to the Sign Variations previously approved by Ordinance 4310 is consistent with the goals of the Sign Code Ordinance.

**Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois**, in the exercise of its home rule powers, as follows:

**Section One:** The minutes of the October 10, 2007 Architectural Review Commission meeting, Exhibit "A" attached hereto, and the findings of fact set forth therein and in the preambles above are hereby adopted as the findings of fact of the Village President and Board of Trustees based upon their review of the evidence, exhibits, and materials presented at the October 10, 2007 public hearing and meeting of the Architectural Review Commission.

**Section Two:** Based upon the findings of fact and recommendations of the Architectural Review Commission as adopted herein and the findings of fact and conclusions set forth in the preambles above, the Village President and Board of Trustees hereby grant approval of the requested amendments to the Sign Variations granted by Ordinance 4310 and the proposed Exterior Appearance for Giordano's Restaurant and Pizzeria located at 455 Roosevelt Road.

**Section Three:** Section Two of Ordinance 4310 is hereby amended to read as follows:  
(~~strikethrough~~ indicates deleted text, **bold** indicated new text)

*SECTION TWO: Based on the above findings of fact, the President and Board of Trustees*

hereby grant Variations from the strict application of the following sections of the Glen Ellyn Sign Code: ~~Section 4-5-5(A)2 to approve five (5) awning signs to be illuminated for advertising purposes; from Section 4-5-12(B)1 to allow primary signage with an area of 147 square feet in lieu of the maximum permitted area of 110 square feet; from Section 4-5-12(E)1 to allow six (6) four (4) primary signs in lieu of the maximum permitted number of one (1); and from Section 4-5-12(D) to allow a free-standing sign to be located 48 feet off the center line of Roosevelt Road in lieu of the required setback of 55 feet, all on property commonly known as Giordano's Restaurant, 455 Roosevelt Road, Glen Ellyn, Illinois.~~

**Section Four:** Section Three, Subsection One in Ordinance 4310 which lists the plans that the signage is to be constructed and maintained in accordance with is hereby repealed in its entirety.

**Section Five:** This grant of approval of the Exterior Appearance and amended Sign Variations shall be subject to the following conditions:

- A. The project shall be constructed and maintained in substantial conformance with the testimony presented at the October 10, 2007 Architectural Review Commission public hearing and meeting and with the following plans and documents in the petitioner's application packet stamped received October 1, 2008, as though they were attached to this Ordinance:
  1. Exterior Appearance and Sign Variation Application dated July 30, 2007
  2. Narrative Statement (no date)
  3. Plat of Survey revised June 28, 2007
  4. Existing Conditions Plan dated September 7, 2007
  5. Preliminary Site Plan and Location Map revised September 24, 2007
  6. Landscape Plan dated September 7, 2007 attached hereto as Exhibit "B"
  7. Color Rendering (no date)
  8. North and East Building Elevation (no date) attached hereto as Exhibit "C"
  9. West and South Building Elevation and Trash Enclosure Elevation (no date) attached hereto as Exhibit "D"
  10. Floor Plan (no date)
  11. Roof Plan (no date)
  12. Photometric and Lighting Plan dated September 6, 2007
  13. Cut Sheets of Square Dome Forward Throw Type IV and Type III Light Fixtures by RUUD Lighting (6 pages)
  14. Cut Sheet of Wall Sconce 685-WP Series

15. Monument Sign Elevation (no date) attached hereto as Exhibit "E"
16. North and West Building Elevations Showing Walls Signs (no date) attached hereto as Exhibit "F"
17. East Building Elevation Showing Wall Sign dated September 24, 2007 attached hereto as Exhibit "G"

and these plans and documents shall be filed with and made part of the permanent records of the Glen Ellyn Planning and Development Department.

- B. The petitioner may choose a different exterior wall sconce of his choice to place on the exterior of the building.

**Section Six:** The Building and Zoning Official is hereby authorized to issue all necessary building, sign and occupancy permits pursuant to the Exterior Appearance and amended Sign Variations approved herein, provided that all the conditions set forth hereinabove have been met and that the applicant complies with all other applicable laws and ordinances of the Village of Glen Ellyn. This grant of approval of the Exterior Appearance and amended Sign Variations shall expire and become null and void within 18 months of the date of this Ordinance unless the requisite permits are applied for within said time period provided, however, the Village Board, by motion, may extend the period during which a permit must be applied for. Further, the Village Board may, for good cause shown, waive or modify any conditions set forth in this Ordinance without requiring that the matter return for a public hearing or meeting.

**Section Seven:** The Village Clerk is hereby authorized to record this Ordinance with the DuPage County Recorder of Deeds.

**Section Eight:** This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form.

**Section Nine:** Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 10-10-18 (A) and (B) of the

Village of Glen Ellyn Zoning Code.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Village President of the  
Village of Glen Ellyn, Illinois

**Attest:**

\_\_\_\_\_  
Village Clerk of the  
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_ day of \_\_\_\_\_.)

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& EA 122109.doc

Village of Glen Ellyn

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Ordinance No. 5597

An Ordinance Vacating  
The Sunset Avenue Right-of-Way  
Located Between Roosevelt Road and Taft Avenue  
to Property Located at 455 Roosevelt Road

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Adopted by the  
President and the Board of Trustees  
of the Village of Glen Ellyn  
Dupage County, Illinois  
This 13 Day of August, 20 07.

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Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this 14  
day of Aug., 20 07.

Ordinance No. 5597

**An Ordinance Vacating  
The Sunset Avenue Right-of-Way  
Located Between Roosevelt Road and Taft Avenue  
to Property Located at 455 Roosevelt Road**

**Whereas**, Peter Skiouris, owner of property located at 455 Roosevelt Road, has requested that the Village vacate 17,903.60 square feet of the 66-foot wide unimproved Sunset Avenue right-of-way located between Roosevelt Road and Taft Avenue to the adjacent property to the east; and

**Whereas**, the subject portion of the Sunset Avenue right-of-way requested to be vacated is shown on the Plat of Vacation attached hereto as Exhibit "A" and is legally described as follows:

That part of the Sunset Avenue Right of Way adjacent to Blocks 81 and 82 lying south of south right of way line of Roosevelt Road (Also known as Illinois Route 38) and north of the north right of way line of Taft Avenue in Wheaton Estates, being a subdivision of the northwest quarter of Section 33, Township 39 North, Range 10 East of the Third Principal Meridian, according to the Plat of said Wheaton Estates recorded August 7, 1925 as Document 197514, in DuPage County, Illinois; and

**Whereas**, the requested vacation will accommodate an expansion of an existing parking lot of an existing business; and

**Whereas**, in exchange for the vacation of the aforementioned right-of-way, Mr. Peter Skiouris will pay the Village \$183,385 for the value of that portion of the Sunset Avenue right-of-way vacated herein; and

**Whereas**, the recipient of said right-of-way has submitted an Indemnification Agreement agreeing to hold the Village harmless against any future claim, demand or suit brought by any third party related to the transfer of said right-of-way, attached hereto as Exhibit "B"; and

**Whereas**, it is the opinion of the corporate authorities of the Village of Glen Ellyn that it is in the best interest of the Village to vacate the entire 66 feet of the Sunset Avenue right-of-way located

between Roosevelt Road and Taft Avenue legally described hereinabove and depicted on Exhibit "A" attached hereto and to accept the payment of \$183,385; and

**Whereas**, pursuant to Chapter 65, Section 5/11-91-1 of the Illinois Municipal Code, at least three-quarters of the corporate authorities of the Village of Glen Ellyn are of the opinion that the public interest will best be served by vacating the subject portion of the Sunset Avenue right-of-way described herein.

**Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois**, in the exercise of its home rule powers, as follows:

**Section One:** The findings of fact and conclusions as set forth hereinabove are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

**Section Two:** Pursuant to the powers granted in Chapter 65, Section 5/11-91-1 of the Illinois Municipal Code, the Village of Glen Ellyn hereby vacates the 66-foot wide Sunset Avenue right-of-way located between Roosevelt Road and Taft Avenue to the adjacent property to the east at 455 Roosevelt Road as shown on the Plat of Vacation dated June 20, 2007, a copy of which is attached hereto as Exhibit "A".

**Section Three:** The Village President and Village Clerk are hereby authorized to execute the Plat of Vacation certifying that it has been approved by the affirmative vote of at least three-quarters of the corporate authorities of the Village now holding office and that the vacation has been approved by the Village President.

**Section Four:** Peter Skiouris shall pay the Village \$183,385 for the value of that portion of the Sunset Avenue right-of-way vacated herein within 10 days of ordinance approval.

**Section Five:** This Ordinance and the aforementioned Plat of Vacation shall be recorded with the Recorder of Deeds of DuPage County, Illinois.

**Section Six:** This Ordinance shall be published in pamphlet form within thirty (30) days after its passage and approval, in the manner provided by law, and shall be in full force and effect ten (10) days after completion of such publication.

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 13 day of August, 2007.

Ayes: Lee, Noutan, Armstrong, Comerford,  
Thawell

Nays: - 0 -

Absent: Ladisia

Approved by the Village President of the Village of Glen Ellyn, Illinois, this 13 day of August, 2007.

Vicky Hase  
Village President of the Village  
of Glen Ellyn, Illinois

Attest:

Andrea Anschutz  
Village Clerk of the Village of  
Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 14 day of August 2007)

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VILLAGE OF GLEN ELLYN

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ORDINANCE NO. 4310

**AN ORDINANCE GRANTING VARIATIONS FROM  
REQUIREMENTS OF THE SIGN CODE REGARDING  
NUMBER, AREA, SETBACK AND ILLUMINATION  
OF PRIMARY SIGNS  
FOR PROPERTY COMMONLY KNOWN AS GIORDANO'S RESTAURANT**

---

ADOPTED BY THE  
PRESIDENT AND THE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF GLEN ELLYN  
DUPAGE COUNTY, ILLINOIS  
THIS 13TH DAY OF NOVEMBER, 1995.

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Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this 14TH  
day of NOVEMBER, 1995.

VILLAGE OF GLEN ELLYN

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ORDINANCE NO. 4310

**AN ORDINANCE GRANTING VARIATIONS FROM  
REQUIREMENTS OF THE SIGN CODE REGARDING  
NUMBER, AREA, SETBACK AND ILLUMINATION  
OF PRIMARY SIGNS  
FOR PROPERTY COMMONLY KNOWN AS GIORDANO'S RESTAURANT**

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ADOPTED BY THE  
PRESIDENT AND THE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF GLEN ELLYN  
DUPAGE COUNTY, ILLINOIS  
THIS 13TH DAY OF NOVEMBER, 1995.

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Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this 14TH  
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ORDINANCE NO. 4310

**AN ORDINANCE GRANTING VARIATIONS FROM  
REQUIREMENTS OF THE SIGN CODE REGARDING  
NUMBER, AREA, SETBACK AND ILLUMINATION  
OF PRIMARY SIGNS  
FOR PROPERTY COMMONLY KNOWN AS GIORDANO'S RESTAURANT**

WHEREAS, Peter Skiouris, representing Giordano's Restaurant, owner of the property commonly known as 455 Roosevelt Road, has petitioned the President and Board of Trustees of the Village of Glen Ellyn for Variations from the strict application of the following sections of the Glen Ellyn Sign Code: Section 4-5-5(A)2 to approve five (5) awning signs to be illuminated for advertising purposes; Section 4-5-12(B)1 to allow primary signage with an area of 147 square feet in lieu of the maximum permitted area of 110 square feet; Section 4-5-12(E)1 to allow six (6) primary signs in lieu of the maximum permitted number of one (1); and Section 4-5-12(D) to allow a free-standing sign to be located 48 feet off the center line of Roosevelt Road in lieu of the required setback of 55 feet; and

WHEREAS, the petitioner is seeking to remodel the exterior of the restaurant building, and said remodeling includes the relocation of an existing free-standing sign and the installation of five awning signs on the building; and

WHEREAS, following due and proper notice by publication in The Glen Ellyn News not less than fifteen (15) nor more than thirty (30) days prior thereto, the Glen Ellyn Village Board conducted a public hearing on November 13, 1995 for the purpose of hearing testimony concerning the requested Variations;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, in the exercise of its home rule powers, as follows:

SECTION ONE: Based on the evidence presented at the public hearing on November 13, 1995, the President and Board of Trustees make the following findings of fact:

1. The petitioner has demonstrated a particular hardship as a result of adhering to the strict letter of the regulations of the Sign Code in that the Sign Code would restrict the subject property to a single free-standing sign and a small incidental sign on the building, which is insufficient identification for the restaurant;
2. The plight of the petitioner is due to unique circumstances in that the existing restaurant building does not have the appearance of a restaurant and the remodeling project, including the awning signs, is intended to give the building and site the appearance of a restaurant; and
3. The essential character of the neighborhood will not be changed because the subject property is located along Roosevelt Road, along which are located a large number and variety of commercial signage.

SECTION TWO: Based on the above findings of fact, the President and Board of Trustees hereby grant Variations from the strict application of the following sections of the Glen Ellyn Sign Code: Section 4-5-5(A)2 to approve five (5) awning signs to be illuminated for advertising purposes; Section 4-5-12(B)1 to allow primary signage with an area of 147 square feet in lieu of the maximum permitted area of 110 square feet; Section 4-5-12(E)1 to allow six (6) primary signs in lieu of the maximum permitted number of one (1); and Section 4-5-12(D) to allow a free-standing sign to be located 48 feet off the center line of Roosevelt Road in lieu of the required setback of 55 feet, all on property commonly known as Giordano's Restaurant, 455 Roosevelt Road, Glen Ellyn, Illinois.

SECTION THREE: The grants of Variation are conditioned upon the following:

1. Construction and maintenance of the proposed signage being in substantial conformance with the following plans:
  - a). Site Plan and Elevation Drawings, revised September 21, 1995, by Barnes Architects, Ltd.; and
  - b). Sign Preliminary Design, dated September 21, 1995, by Barnes Architects, Ltd.; referenced herein as though they were attached hereto, and these documents shall be filed with and made a permanent part of the records of the Glen Ellyn Planning and Development Department; and
2. The height of the free-standing sign shall be reduced to a maximum height of 12 feet 6 inches.

SECTION FOUR: The Building and Zoning Official is hereby authorized and directed to issue sign permits for the subject property, consistent with the Variations granted herein, provided that all conditions set forth hereinabove have been met and all other applicable laws and ordinances are complied with. These grants of Variation shall expire and become null and void eighteen (18) months from the date of passage of this Ordinance unless a sign permit to begin construction in reliance on these Variations is applied for within said eighteen (18) month time period and construction is continuously and vigorously pursued. Further, the Village Board may, for good cause shown, waive or modify any conditions set forth in this Ordinance without requiring that the matter return for a public hearing.

SECTION FIVE: This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form as provided by law.

SECTION SIX: Failure of the owner or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 10-10-18 "A" and "B" of the Village of Glen Ellyn Zoning Code.

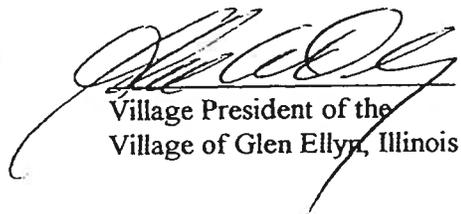
PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 13<sup>TH</sup> day of NOVEMBER, 1995, on first reading, second reading not being requested.

AYES: MATHEWS, FASULES, HASE, POEPPER, RENTRO, RENNARD

NAYS: - 0 -

ABSENT: - 0 -

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this 13<sup>TH</sup> day of NOVEMBER, 1995.

  
Village President of the  
Village of Glen Ellyn, Illinois

ATTEST:

  
Village Clerk of the  
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the 14<sup>TH</sup> day of NOVEMBER, 1995.)