

Agenda  
Village of Glen Ellyn  
Special Village Board Meeting  
Monday, December 6, 2010  
7:00 p.m. – Galligan Board Room  
Glen Ellyn Civic Center

1. Call to Order
  
2. Acting Finance Director Larry Noller will present information concerning the 2010 proposed property taxes for the Village of Glen Ellyn and the Glen Ellyn Public Library which will be collected in 2011. *(Trustee Cooper)* **(Pages 1-14)**
  - A. Public Hearing to receive comment on the proposed 2010 property taxes for the Village of Glen Ellyn and the Glen Ellyn Public Library.
  
  - B. First reading of Ordinance No. --- , An Ordinance for the Levy and Assessment of Taxes in the Amount of \$10,202,834 for the Fiscal Year Beginning May 1, 2010, and Ending April 30, 2011, of the Village of Glen Ellyn, DuPage County, Illinois.

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 2010. The Village’s total property tax levy is projected to increase by 1.8 percent from last year’s taxes extended, while the Glen Ellyn Public Library’s total property tax levy is projected to increase by 2.6 percent from last year’s taxes extended. The total proposed combined 2010 tax levy for the Village and Library after \$380,192 of abatements is \$9,822,642. This represents an increase of \$203,840 or 2.1 percent from 2009 property taxes extended by DuPage County. Final approval of the proposed 2010 property tax levy is scheduled for Monday, December 13, 2010.

3. Ordinance No. 5905, an Ordinance Granting Approval of Special Use Permits and a Zoning Variation to Allow Nicor to Operate a Temporary Facility on Property Located at 285 Roosevelt Road, Glen Ellyn, Illinois. *(Trustee Thorsell)* **(Pages 15-83)**

Planning and Development Director Staci Hulseberg will present information on the requests of Nicor, lessee of property located at 285 Roosevelt Road, for approval of special use permits and a zoning variation to allow the temporary use of the property at 285 Roosevelt Road while their new Finley Road facility is under construction. The subject property is located on the south side of Roosevelt Road between Lambert Road and Lorraine Street.

4. Public Works Director Joe Caracci will present information on two motions related to the FY11/FY12 Snow Hauling Contract. The Village has not yet executed the contract with Koz Trucking previously approved by the Village Board at the October 25, 2010 Village Board Meeting. The contractor has failed to comply with the contract specifications with respect to providing executed contracts, insurance certificates, and required bonds within the designated time period. It is our recommendation to withdraw the contract with Koz Trucking and award a new contract with Marcott Enterprises, Inc. of Villa Park (the next responsible contractor to submit a proposal) in the amount of \$20,000. Marcott has successfully performed this contract for the Village for the past seven years and 12 of the past 15 years. *(Trustee Hartweg)* **(Pages 84-94)**
  - A. Motion to withdraw the authorization to enter into a contract with Koz Trucking and Sons, Inc. of Medinah, Illinois, for the FY11/FY12 Snow Hauling Program.
  - B. Motion to approve award of a two-year contract to Marcott Enterprises, Inc. of Villa Park, Illinois, for snow hauling in the not-to-exceed amount of \$20,000 annually, to be expensed in the FY11 and FY12 General Fund Budget.
5. Adjourn to Regular Village Board Workshop

*Special Board Meeting*

*12/6/10*

*(2)*



To: Steve Jones, Village Manager

From: Larry Noller, Acting Finance Director

A handwritten signature in black ink, appearing to be "Larry Noller".

Copy: Dawn Bussey, Library Director

Date: November 29, 2010

Re: 2010 Property Tax Levy Ordinance

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### **Background**

The Village Board will continue their consideration of the 2010 property tax levy at their December 6, 2010 special meeting. This meeting will include a public hearing as required by the Truth in Taxation Act and a first reading of the levy ordinance with a non-binding "straw vote" immediately following.

Since the Board last discussed the tax levy, the Village has issued \$6.32 million in bonds to refund previous debt issues in order to take advantage of historically low interest rates. This refunding achieved over \$287,000 in net present value savings for the Village. The refunded series included bonds issued for Village infrastructure improvements, the Village Links golf course renovation and the Library building construction.

As a result of the refunding, the debt service requirements for the 2010 levy for both the Village and Library have decreased. I have attached a revised levy calculation schedule which reflects the new debt service amounts as well as the revised Village Links abatement. Total debt service included in the 2010 levy has decreased by \$45,884 with the Village saving \$31,994 and the Library saving \$13,890. The total levy is now increasing 2.1% versus 2.6% prior to the refunding.

I have also attached the proposed 2010 tax levy ordinance which includes the revised debt service amounts.

### **Action Requested**

Village Board adoption of the 2010 property tax levy ordinance at the December 13, 2010 regular meeting.

### **Attachments**

- A. Revised proposed 2010 property tax levies for the Village and Library
- B. Debt service schedules for 2010 GO Refunding Bonds showing annual savings
- C. Proposed 2010 property tax ordinance

## VILLAGE OF GLEN ELLYN

### ESTIMATED 2010 PROPERTY TAX LEVY

(Collected in 2011)

Revised following refunded debt Nov 30, 2010

	2009 Taxes <u>Extended</u>	2010 Proposed <u>Levy</u>	\$ <u>Inc/(Dec)</u>	% <u>Inc/(Dec)</u>
<b>VILLAGE LEVY:</b>				
Operating - General Fund	\$ 2,746,262	\$ 2,862,000	\$ 115,738	4.2%
Operating - Capital Fund	<u>989,180</u>	<u>1,521,000</u>	<u>531,820</u>	53.8%
Total Operating	3,735,442	4,383,000	647,558	17.3%
Bond Payments	<u>2,191,024</u>	<u>1,649,516</u>	<u>(541,508)</u>	-24.7%
Total	5,926,466	6,032,516	106,050	1.8%
<b>LIBRARY LEVY:</b>				
Operating	\$ 3,203,295	\$ 3,337,830	\$ 134,535	4.2%
Bond Payments	<u>489,041</u>	<u>452,295</u>	<u>(36,746)</u>	-7.5%
Total	3,692,336	3,790,125	97,789	2.6%
<b>TOTAL, VILLAGE AND LIBRARY</b>				
Operating	\$ 5,949,557	\$ 6,199,830	\$ 250,273	4.2%
Operating - Capital	<u>989,180</u>	<u>1,521,000</u>	<u>531,820</u>	53.8%
Total Operating <sup>1</sup>	6,938,737	7,720,830	782,093	11.3%
Bond Payments	<u>2,680,065</u>	<u>2,101,812</u>	<u>(578,253)</u>	-21.6%
Total	<u>\$ 9,618,802</u>	<u>\$ 9,822,642</u>	<u>\$ 203,840</u>	<u>2.1%</u>
<b>Abatements</b>	<b>2003 G.O. Bonds</b>	<b>335,050</b>	(Village Links)	
	<b>2010 G.O. BABs</b>	<b>45,142</b>	(Library)	
 Total Tax Levy Ordinance Amount		 <u>\$ 10,202,834</u>		

<sup>1</sup> Total operating increase is subject to required public hearing under the Truth in Taxation Act if percentage increase, excluding debt, is greater than 5.0% of taxes extended in 2009.

**Village of Glen Ellyn, Illinois**

B

**Refunding of General Obligation Corporate Purpose Bonds, Series 2003 - LINKS**

Dated: November 30, 2010

**Debt Service Comparison**

Date	Total P+I	Const Loan Pmt	Existing D/S	Net New D/S	Old Net D/S	Savings
01/01/2011	-	(338.40)	203,600.00	203,261.60	203,600.00	338.40
01/01/2012	335,049.84	-	-	335,049.84	338,220.00	3,170.16
01/01/2013	337,417.50	-	-	337,417.50	340,635.00	3,217.50
01/01/2014	332,417.50	-	-	332,417.50	337,357.50	4,940.00
01/01/2015	337,417.50	-	-	337,417.50	338,557.50	1,140.00
01/01/2016	336,567.50	-	-	336,567.50	339,242.50	2,675.00
01/01/2017	334,942.50	-	-	334,942.50	339,282.50	4,340.00
01/01/2018	342,517.50	-	-	342,517.50	343,657.50	1,140.00
01/01/2019	338,967.50	-	-	338,967.50	342,130.00	3,162.50
01/01/2020	344,542.50	-	-	344,542.50	345,167.50	625.00
01/01/2021	343,867.50	-	-	343,867.50	347,407.50	3,540.00
01/01/2022	347,055.00	-	-	347,055.00	348,987.50	1,932.50
01/01/2023	124,680.00	-	-	124,680.00	349,907.50	225,227.50
<b>Total</b>	<b>\$3,855,442.34</b>	<b>(338.40)</b>	<b>\$203,600.00</b>	<b>\$4,058,703.94</b>	<b>\$4,314,152.50</b>	<b>\$255,448.56</b>

**PV Analysis Summary (Net to Net)**

Gross PV Debt Service Savings	256,951.46
Effects of Primary Purpose Earnings	337.62
Net PV Cashflow Savings @ 2.690%(Bond Yield)	257,289.08
Transfers from Prior Issue Debt Service Fund	(66,610.00)
Contingency or Rounding Amount	3,037.81
Net Present Value Benefit	\$193,716.89
Net PV Benefit / \$3,150,000 Refunded Principal	6.150%
Net PV Benefit / \$3,175,000 Refunding Principal	6.101%
Average Annual Cash Flow Savings	19,649.89

**Refunding Bond Information**

Refunding Dated Date	11/30/2010
Refunding Delivery Date	11/30/2010

**Village of Glen Ellyn, Illinois**

Refunding of General Obligation Corporate Purpose Bonds, Series 2002BQ - VILLAGE

Dated: November 30, 2010

INFRASTRUCTURE

**Debt Service Comparison**

Date	Total P+I	Const Loan Pmt	Existing D/S	Net New D/S	Old Net D/S	Savings
01/01/2011	-	(221.91)	992,671.88	992,449.97	992,671.88	221.91
01/01/2012	1,064,856.39	-	-	1,064,856.39	1,093,680.00	28,823.61
01/01/2013	1,065,900.00	-	-	1,065,900.00	1,095,617.50	29,717.50
<b>Total</b>	<b>\$2,130,756.39</b>	<b>(221.91)</b>	<b>\$992,671.88</b>	<b>\$3,123,206.36</b>	<b>\$3,181,969.38</b>	<b>\$58,763.02</b>

**PV Analysis Summary (Net to Net)**

Gross PV Debt Service Savings	95,678.01
Effects of Primary Purpose Earnings	221.40
Net PV Cashflow Savings @ 2.690%(Bond Yield)	95,899.41
Transfers from Prior Issue Debt Service Fund	(39,340.00)
Contingency or Rounding Amount	(2,213.31)
Net Present Value Benefit	\$54,346.10
Net PV Benefit / \$2,070,000 Refunded Principal	2.625%
Net PV Benefit / \$2,065,000 Refunding Principal	2.632%
Average Annual Cash Flow Savings	19,587.67

**Refunding Bond Information**

Refunding Dated Date	11/30/2010
Refunding Delivery Date	11/30/2010

**Village of Glen Ellyn, Illinois**

Refunding of General Obligation Refunding Bonds, Series 2002NBQ - LIBRARY CONSTRUCTION

Dated: November 30, 2010

**Debt Service Comparison**

Date	Total P+I	Const Loan Pmt	Existing D/S	Net New D/S	Old Net D/S	Savings
01/01/2011	-	(115.84)	351,253.13	351,137.29	351,253.13	115.84
01/01/2012	368,460.00	-	-	368,460.00	382,350.00	13,890.00
01/01/2013	374,700.00	-	-	374,700.00	389,600.00	14,900.00
01/01/2014	382,500.00	-	-	382,500.00	395,200.00	12,700.00
<b>Total</b>	<b>\$1,125,660.00</b>	<b>(115.84)</b>	<b>\$351,253.13</b>	<b>\$1,476,797.29</b>	<b>\$1,518,403.13</b>	<b>\$41,605.84</b>

**PV Analysis Summary (Net to Net)**

Gross PV Debt Service Savings	60,659.50
Effects of Primary Purpose Earnings	115.57
Net PV Cashflow Savings @ 2.690%(Bond Yield)	60,775.08
Transfers from Prior Issue Debt Service Fund	(21,175.00)
Contingency or Rounding Amount	(465.50)
Net Present Value Benefit	\$39,134.58
Net PV Benefit / \$1,080,000 Refunded Principal	3.624%
Net PV Benefit / \$1,080,000 Refunding Principal	3.624%
Average Annual Cash Flow Savings	10,401.46

**Refunding Bond Information**

Refunding Dated Date	11/30/2010
Refunding Delivery Date	11/30/2010

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

**An Ordinance for the Levy and Assessment of Taxes in the Amount of \$10,202,834 for the Fiscal Year Beginning May 1, 2010 and Ending, April 30, 2011, of the Village of Glen Ellyn, DuPage County, Illinois**

**Whereas**, the Board of Trustees of the Village of Glen Ellyn, County of DuPage and the State of Illinois did on the 26<sup>th</sup> day of April, 2010, pass the Annual Budget for the Village of Glen Ellyn, the amount of which is ascertained to be the aggregate of \$28,803,000 for operational purposes of the Village and \$13,474,249 for capital expenditures, which said Budget was duly considered and heard by public hearing on the 12<sup>th</sup> day of April, 2010, in accordance with the provisions of Chapter 65, 5/8-2-9, Illinois Compiled Statutes; and

**Whereas**, the Board of Directors of the Glen Ellyn Public Library determined on September 20, 2010, the financial requirements of the Library for the fiscal year beginning May 1, 2010, and ending April 30, 2011, the amount of which, in the judgement of the Board of Library Directors, would be necessary to levy for Library purposes in this annual Tax Levy Ordinance, in the amount of \$3,337,830 for general operational purposes; and

**Whereas**, the Board of Trustees of the Village of Glen Ellyn at an open meeting held on November 8, 2010, considered the Annual Budget heretofore adopted, the request of the Board of Directors of the Glen Ellyn Public Library, and all sources of revenue available to the Village of Glen Ellyn and determined the amounts of money, exclusive of any cost of conducting an election required by the general election law and any debt service levies, estimated to be necessary to be raised by taxation for operating expenses for the fiscal year ending April 30, 2011, upon the taxable property in the Village of Glen Ellyn to be \$7,720,830

(\$4,383,000 Village, \$3,337,830 Library), which is increased from the amount of property taxes extended upon the levy of the preceding year, exclusive of debt service levies and levies for required election costs, by 782,093 or 11.3%; and

**Whereas**, the Village of Glen Ellyn and the Glen Ellyn Public Library have financed the construction of significant capital projects through the issuance of General Obligation Bonds, debt service payments for which have been determined to be \$2,482,004 (\$1,984,566 Village, and \$497,437 Library) for the fiscal year 2011/12, which includes possible abatements totaling \$380,192 which will be considered by the Village Board prior to the extension of 2010 property taxes by DuPage County next spring; and

**Whereas**, a public hearing on the proposed tax levy was held on December 6, 2010 as required by the Truth in Taxation Law (35 ILCS 200/18-55);

**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:** That the amount of appropriations for all corporate purposes legally made, except debt service expenditures, to be collected from the tax levy of the current fiscal year is hereby ascertained to be \$7,720,830 and the total amount of debt service expenditures to be collected from the tax levy of the current fiscal year is hereby ascertained to be \$2,482,004 thereby resulting in the total amount of all appropriations, including debt service expenditures, to be collected from the tax levy of the current fiscal year to be \$10,202,834.

**Section Two:** That the sum of \$10,202,834, being the total amounts budgeted heretofore in accordance with law and which are to be collected from the tax levy of the current fiscal year of the Village of Glen Ellyn for all corporate purposes of said Village of Glen Ellyn and for purposes of funding the General Corporate Fund, Capital Projects Fund, Bond and Interest Funds, and Public Library Fund, as heretofore legally budgeted for the current fiscal year by an Annual Budget Ordinance of the Village of Glen Ellyn for the 2011 fiscal year, passed and approved by the President and Board of Trustees of said Village at a legally convened meeting of April 26, 2010, and the same is hereby levied upon all the taxable real property in the Village of Glen Ellyn subject to taxation for the current year; the specific amounts as levied for the various funds heretofore named being included herein by being placed in separate columns under the heading "To Be Raised By Tax Levy" which appears over the same, the tax so levied being for the current fiscal year of said Village, and for said amounts budgeted to be collected from said tax levy, the total of which has been ascertained as aforesaid and being as follows:

SPECIAL PURPOSES TAX FUNDS

<u>LEVY</u>	<u>AMOUNT BUDGETED</u>	<u>TO BE RAISED BY TAX LEVY</u>
GENERAL PURPOSE: (Police)	6,940,300	2,862,000
GENERAL PURPOSE: (Capital Projects)	7,094,000	1,521,000
G.O. REFUNDING BONDS, SERIES 2010:		
General Obligation Refunding Bonds, 2010 Principal of \$1,020,000 and Interest of \$44,856 (Per Ordinance No. 5889, passed 10/11/10). (Street / Storm Sewer - \$9 million)	1,064,856	1,064,856

G.O. REFUNDING BONDS, SERIES 2010:

General Obligation Refunding Bonds, 2010 Principal of \$235,000 and Interest of \$100,050 (Per Ordinance No. 5889, passed 10/11/10). . (Village Links Renovation - \$4.58 million, to be abated from golf course revenues by separate Ordinance)

335,050 335,050

G.O. BONDS, SERIES 2003A:

General Obligation Corporate Purpose Bonds, 2003A Principal of \$530,000 and Interest of \$54,660 (Per Ordinance No. 5166, passed 4/28/03). (Street / Storm Sewer - \$5 million)

584,660 584,660

TOTAL VILLAGE, ALL LEVIES

16,018,866 6,367,566

ESTABLISHMENT AND MAINTENANCE OF  
FREE PUBLIC LIBRARY

Library General Purpose Levy 3,270,550 3,043,330

Library Social Security Contribution 125,000 120,000

Library IMRF Contribution 160,000 155,000

Library Audit Fund 5,000 4,000

Library Tort Liability and Insurance Premiums 20,000 15,500

G.O. REFUNDING BONDS, SERIES 2010:

General Obligation Refunding Bonds, 2010 Principal of \$345,000 and Interest of \$23,460 (Per Ordinance No. 5889, passed 10/11/10). . (Library Construction)

368,460 368,460

G.O. BONDS, TAXABLE SERIES 2010:

General Obligation Corporate Purpose Bonds, Taxable  
2010 Principal of \$0 and Interest of \$128,978 (Per  
Ordinance No. 5821, passed 11/23/09). (Library  
Building Repairs)

	128,978	128,978
TOTAL LIBRARY, ALL LEVIES	4,077,988	3,835,268

SUMMARY OF TAX FUND LEVIES

General Purpose Levy (Police)	6,940,300	2,862,000
General Purpose Levy (Capital Projects)	7,094,000	1,521,000
2010 G.O. Refunding Bonds (2000 Storm Sewer)	1,064,856	1,064,856
2010 G.O. Refunding Bonds (Village Links Renovation)	335,050	335,050
2003A G.O. Bonds (2000 Storm Sewer)	584,660	584,660
Library General Purpose Levy	3,270,550	3,043,330
Library Social Security Contribution	125,000	120,000
Library IMRF Contribution	160,000	155,000
Library Audit Fund	5,000	4,000
Library Tort Liability and Insurance Premiums	20,000	15,500
2010 G.O. Refunding Bonds, (1994 Library Construction)	368,460	368,460
2010 Taxable G.O. Bonds (Library Repairs)	128,978	128,978
TOTAL	\$ 20,096,854	\$ 10,202,834

RECAP OF TAX LEVIES

Village of Glen Ellyn General Levy	4,383,000
Village of Glen Ellyn Debt Service Levy	1,984,566
Glen Ellyn Public Library General Levy	3,043,330
Glen Ellyn Public Library Special Funds and Levies	294,500
Glen Ellyn Public Library Debt Service Levy	497,438
TOTAL	<u>10,202,834</u>

**Section Three:** That the amounts budgeted and not expressly itemized and carried forward in this Tax Levy Ordinance will be paid out of monies from sources other than the tax levy.

**Section Four:** That the total amount of \$10,202,834 ascertained as aforesaid, be hereby levied and assessed on all property subject to taxation within the Village of Glen Ellyn according to the value of said property as the same is assessed and equalized for state and county purposes for the current year.

**Section Five:** That it is hereby certified to the County Clerk of DuPage County, Illinois, the total amount of \$10,202,834 which the Village of Glen Ellyn requires to be raised by taxation for the current fiscal year of the Village, and the Village Clerk of the Village is hereby ordered and directed to file with the County Clerk of said county on or before the time required by law a certified copy of this ordinance.

**Section Six:** That it is hereby certified to the County Clerk of DuPage County, Illinois, that the President and Board of Trustees, acting as the corporate authorities of the Village of Glen Ellyn, DuPage County, Illinois, have complied and conformed with all the requirements of the Truth in Taxation Act, (Illinois Compiled Statues, Chapter 35, Sections 200/18-55 et seq.), where

required, and the President of said Village is hereby ordered and directed to file with the County Clerk of said county, together with the certified copy of this ordinance as provided hereinabove, a certification that said Village complied with all requirements of the Truth in Taxation Act, if required by law or by the said County Clerk.

**Section Seven:** This ordinance shall take effect and be in full force and effect from and after its passage and approval, as provided by law.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2010, on second reading, with first reading having occurred on December 6, 2010.

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the 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 \_\_\_\_\_, 2010.)



STATE OF ILLINOIS)

COUNTY OF DU PAGE)

I, Mark Pfefferman, do hereby certify that I am the duly qualified and acting Village President of the Village of Glen Ellyn, DuPage County, Illinois.

I do further certify that the Village of Glen Ellyn, DuPage County, Illinois, has complied and conformed with all the requirements of the Truth in Taxation Act, (Illinois Compiled Statutes, Chapter 35, Sections 200/18-55 et seq.), in connection with its 2010 Tax Levy Ordinance (Ordinance No. \_\_\_\_\_).

IN WITNESS WHEREOF, I hereunto affix my official signature at Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

(SEAL)



CERTIFICATION

I, Suzanne Connors, duly elected Village Clerk of the Village of Glen Ellyn, Illinois, do hereby certify that the attached is the true original copy of Ordinance No. \_\_\_\_\_, passed by the Board of Trustees of the Village of Glen Ellyn, Illinois, at the \_\_\_\_\_ Meeting of said Board held on the \_\_\_\_\_ day of \_\_\_\_\_, and that the same was signed and approved by the President of said Village on the \_\_\_\_\_ day of \_\_\_\_\_.

I do further certify that the original is entrusted to me as Village Clerk of said Village for safekeeping and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_.

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

CORPORATE SEAL

12/6/10

(3)

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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 *MFS* *SHW*

**DATE:** November 29, 2010

**FOR:** December 6, 2010 Special Village Board Meeting

**SUBJECT:** Nicor, 285 Roosevelt Road

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**Background.** Nicor, lessee of property located at 285 Roosevelt Road is requesting approval of Special Use Permits and a Zoning Variation to allow the temporary use of the former Webb Dodge dealership at 285 Roosevelt Road for approximately 18 months while their new Finley Road facility is under construction. The subject property is located on the south side of Roosevelt Road between Lambert Road and Lorraine Street in the C3 Service Commercial zoning district. The Village limits are located directly west of the site. To accommodate the project, the petitioner is specifically requesting approval of the following.

1. A Special Use Permit in accordance with Section 10-4-15(B)22 of the Glen Ellyn Zoning Code to allow a Vehicle Storage Lot on the property.
2. A Special Use Permit in accordance with Section 10-4-15(B)23 of the Glen Ellyn Zoning Code to allow Storage Warehousing on the property.
3. A Variation from Section 10-5-5(B)4(38) of the Zoning Code to allow the proposed trash enclosures to be made of chain link rather than the same pre-cast material used on the walls of the principal structure.

**Plan Commission Recommendation.** The Plan Commission considered the petitioner's requests for approval of the requested Special Use Permits and Zoning Variation at a public hearing on November 18, 2010. No one spoke at the hearing either in favor of or in opposition to the requests. By a vote of 7-0, the Plan Commission recommended approval of the requests subject to the following conditions:

1. The use shall be operated and maintained in substantial conformance with the plans as submitted and the testimony presented at the November 18, 2010 Plan Commission public hearing.
2. The Special Use Permits and Zoning Variation shall be valid for 24 months and shall automatically terminate thereafter unless an extension of no more than 6 months is granted by the Planning and Development Director.

**Action Requested.** The Village Board may approve, approve with conditions or deny the petitioner's requests for approval of the requested Special Use Permits and Zoning Variation. The planning team has prepared an Ordinance to approve the requests for consideration at the December 6, 2010 Special Village Board meeting.

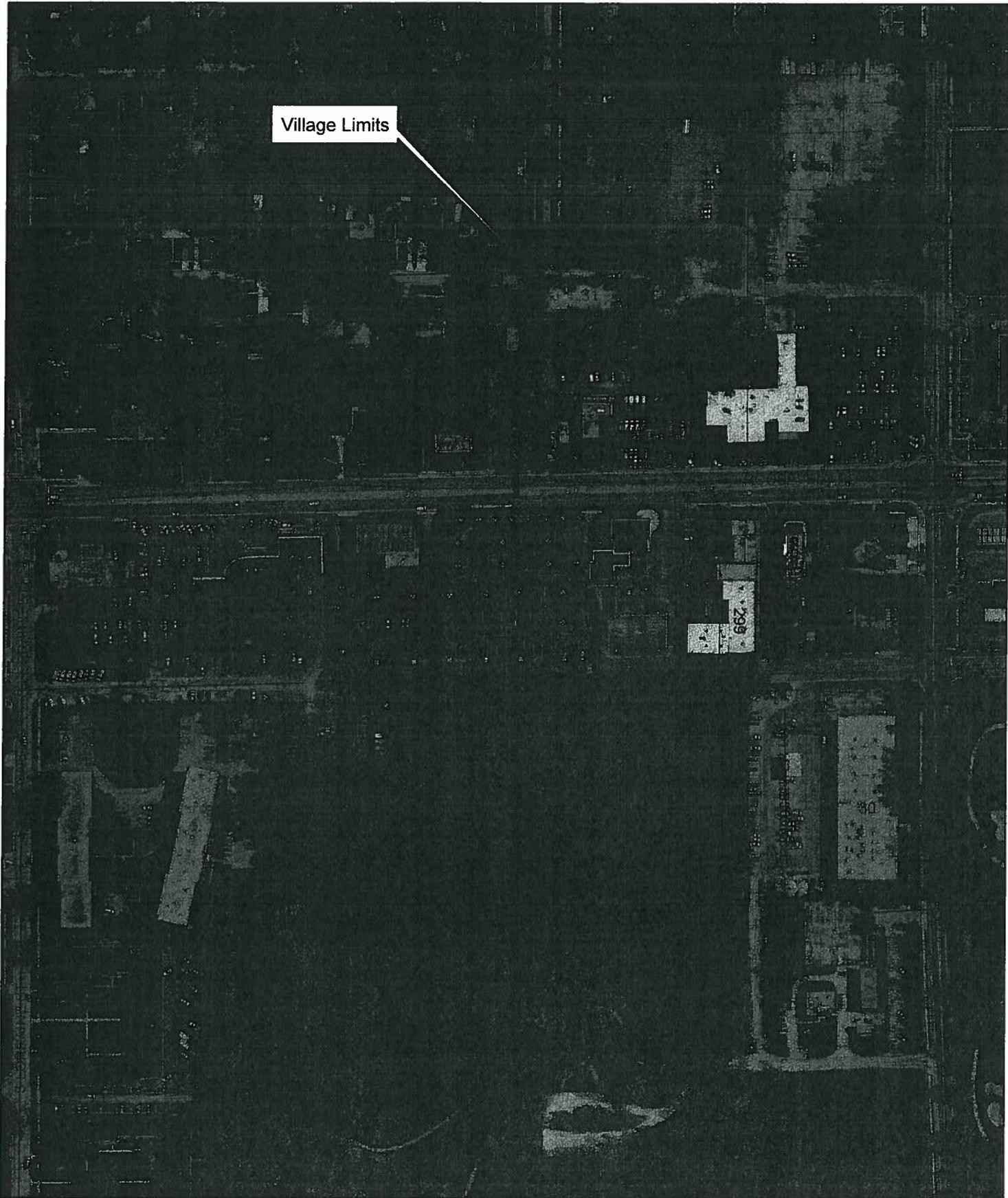
**Attachments:**

- Aerial Photo of Property
- Location Map for Public Hearing Notice
- Public Hearing Notice
- Mailing Labels for Public Hearing Notice
- Draft Minutes from November 18, 2010 Plan Commission Meeting
- Ordinance
- Petitioner's Application Packet

cc: Dave Behrens, Nicor Real Estate Manager

X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Roosevelt\Roosevelt 285, Nicor\VB Agenda Memo  
112910.doc

# 285 Roosevelt Road

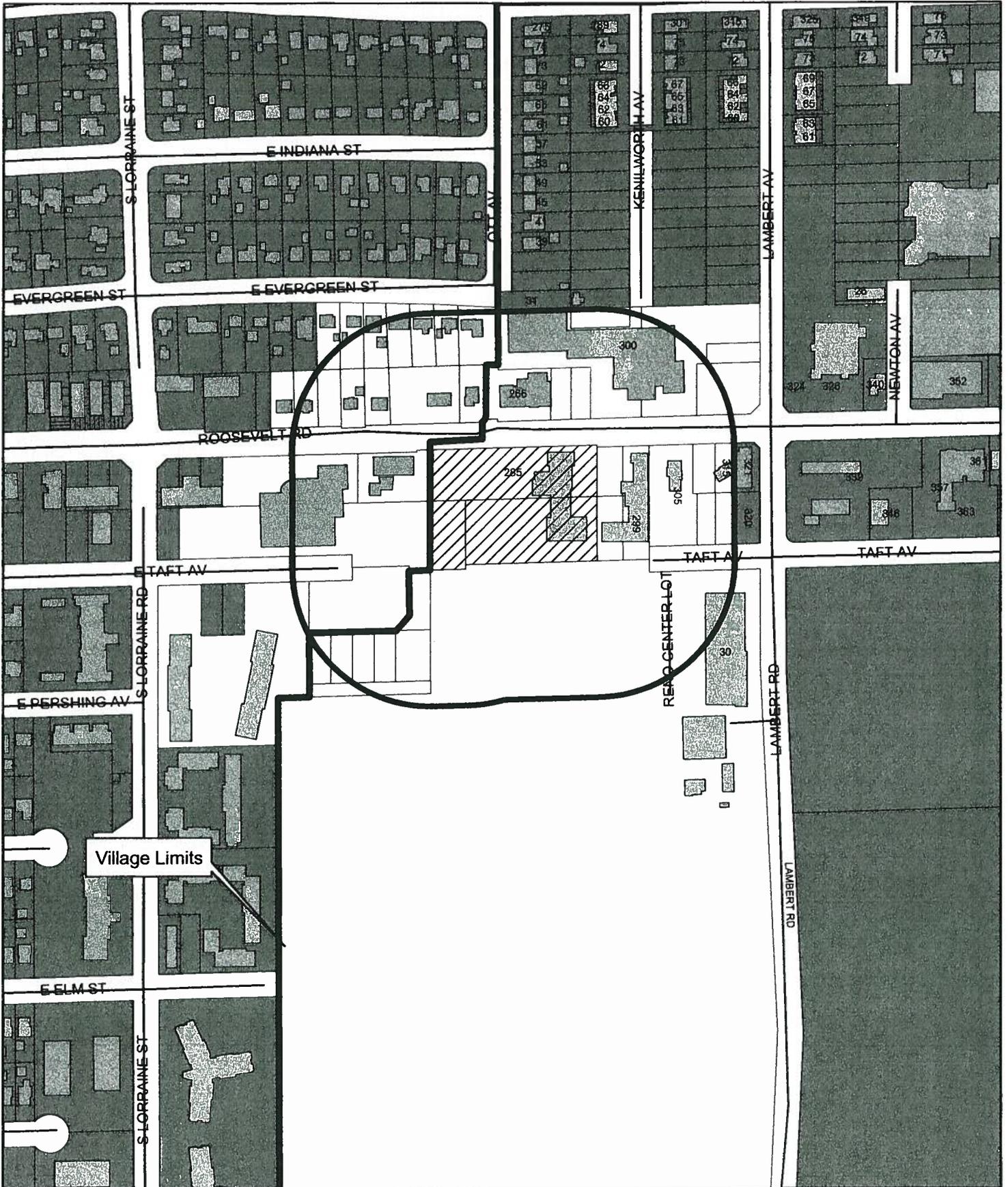


Prepared By: Village of Glen Ellyn Planning and Development Department  
Prepared: November 10, 2010

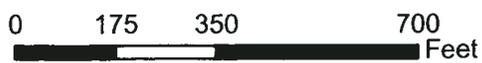
0 175 350 700 Feet



# 285 Roosevelt Road



Prepared By: Village of Glen Ellyn Planning and Development Department  
Prepared: November 1, 2010



## NOTICE OF PUBLIC HEARING

Nicor Gas, lessee of property located at 285 Roosevelt Road is requesting approval of Special Use Permits and Zoning Variations to allow the temporary use of the property at 285 Roosevelt Road for approximately 18 months while their new facility on Finley Road is under construction. The subject property for which the requested Special Use Permits and Zoning Variations are being requested is located on the south side of Roosevelt Road between Lambert Road and Lorraine Street in the C3 Service Commercial zoning district.

Before the Glen Ellyn Village Board can consider the requests, the Plan Commission must conduct a public hearing. The Plan Commission will consider the requested Special Use Permits and Zoning Variations at a public hearing on **Thursday, November 18, 2010 at 7:30 p.m.** in a meeting room on the third floor of the Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois. At this hearing, the Glen Ellyn Plan Commission will specifically consider the petitioner's requests for approval of the following:

1. A Special Use Permit in accordance with Section 10-4-15(B)22 of the Glen Ellyn Zoning Code to allow a Vehicle Storage Lot on the property.
2. A Special Use Permit in accordance with Section 10-4-15(B)23 of the Glen Ellyn Zoning Code to allow Storage Warehousing on the property.
3. The following variations from the Glen Ellyn Zoning Code:
  - a. A variation from Section 10-5-8(I) to allow a parking lot aisle width of 18 feet in lieu of the minimum aisle width of 25 feet required.
  - b. A variation from Section 10-4-15(G) to allow 51 parking spaces on the site in lieu of the minimum number of 82 parking spaces required.
  - c. A variation from Section 10-5-8(H) to allow the absence of landscape islands in the parking lot.
  - d. A variation from Section 10-5-5(B)4(38) to allow the proposed trash enclosures to be made of a material other than the material used on the walls on principal structure.

The subject property is legally described as follows:

LOTS 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20 AND 21 AND THE NORTH HALF OF THAT PART OF VACATED TAFT AVENUE LYING SOUTH OF AND ADJOINING SAID LOTS 16, 17, 18, 19, 20 AND 21, ALL IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS; AND

THE EAST HALF OF VACATED OTT AVENUE LYING WEST OF AND ADJOINING SAID LOT 14 IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN,

ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS; AND

LOT 15 AND THAT PART OF VACATED OTT AVENUE LYING WEST OF AND ADJOINING SAID LOT 15 AND THAT PORTION OF THE NORTH ½ AND THE NORTH 12 FEET OF THE SOUTH 33 FEET OF VACATED TAFT AVENUE BOUNDED ON THE WEST BY THE CENTERLINE OF OTT AVENUE AND BOUNDED ON THE EAST BY THE EAST LINE EXTENDED SOUTH OF LOT 15, ALL IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 05-22-201-001, 05-22-201-034 and 05-22-201-024

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 request 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 Daily Herald on Wednesday, November 3, 2010)

X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Roosevelt\Roosevelt 285, Nicor\Public Notice.docx

MC AULIFFE, JOHN W  
OR CURRENT OWNER  
1916 E EVERGREEN  
WHEATON, IL 60187

HILL, LYLE R  
OR CURRENT OWNER  
54 WINDSOR DR  
OAK BROOK, IL 60523

BAIRD, RONALD R  
OR CURRENT OWNER  
5763 CAMINITO EMPRESA  
LAJOLLA, CA 92037

TOWER SERVICES INC  
OR CURRENT OWNER  
8855 S HIGHWAY A1A  
MELBOURNE BEACH, FL 32951-40

VILLAGE OF GLEN ELLYN  
OR CURRENT OWNER  
535 DUANE ST  
GLEN ELLYN, IL 60137

OLSEN, KENNETH P  
OR CURRENT OWNER  
1792 SJOGREN CT  
WHEATON, IL 60187

VILLAGE OF GLEN ELLYN  
OR CURRENT OWNER  
535 DUANE ST  
GLEN ELLYN, IL 60137

GC REAL ESTATE LLC  
OR CURRENT OWNER  
100 TRISTATE INTNATL  
LINCOLNSHIRE, IL 60069

JERRY HAGGERTY CHEVROLET  
OR CURRENT OWNER  
300 W ROOSEVELT RD  
GLEN ELLYN, IL 60137

ANDERSON, J STUART  
OR CURRENT OWNER  
1907 E ROSSEVELT RD  
WHEATON, IL 60187

BAIRD, RONALD R  
OR CURRENT OWNER  
5763 CAMINITO EMPRESA  
LAJOLLA, CA 92037

GLEN ELLYN VILLAGE OF  
OR CURRENT OWNER  
535 DUANE ST  
GLEN ELLYN, IL 60137

ALLEN, DREW  
OR CURRENT OWNER  
1920 E EVERGREEN ST  
WHEATON, IL 60187

WEBB, J BRADLEY  
OR CURRENT OWNER  
1830 E ROOSEVELT RD  
WHEATON, IL 60187

HANSEN, AMY  
OR CURRENT OWNER  
1933 E ROOSEVELT RD  
WHEATON, IL 60187

VILLAGE OF GLEN ELLYN  
OR CURRENT OWNER  
535 DUANE ST  
GLEN ELLYN, IL 60137

WEBB, J BRADLEY  
OR CURRENT OWNER  
1830 E ROOSEVELT RD  
WHEATON, IL 60187

BAUM SUN DEVEL LLC  
OR CURRENT OWNER  
710 WESTERN AVE  
LOMBARD, IL 60148

TESTA, JOHN SAM & C  
OR CURRENT OWNER  
1924 E EVERGREEN ST  
WHEATON, IL 60187

GLEN ELLYN VILLAGE OF  
OR CURRENT OWNER  
535 DUANE ST  
GLEN ELLYN, IL 60137

ANDERSON, TED J  
OR CURRENT OWNER  
1831 E ROOSEVELT RD  
WHEATON, IL 60187

CHICAGO TITLE LAND TRUST  
OR CURRENT OWNER  
171 N CLARK ST LL  
CHICAGO, IL 60601

SHANEL, JAMES E  
OR CURRENT OWNER  
299 ROOSEVELT RD  
GLEN ELLYN, IL 60137

JERRY HAGGERTY CHEVROLET  
OR CURRENT OWNER  
300 W ROOSEVELT RD  
GLEN ELLYN, IL 60137

VILLAGE OF GLEN ELLYN  
OR CURRENT OWNER  
535 DUANE ST  
GLEN ELLYN, IL 60137

LAND TRUST 1688  
OR CURRENT OWNER  
299 ROOSEVELT RD  
GLEN ELLYN, IL 60137

JERRY HAGGERTY CHEVROLET  
OR CURRENT OWNER  
300 W ROOSEVELT RD  
GLEN ELLYN, IL 60137

VILLAGE OF GLEN ELLYN  
OR CURRENT OWNER  
535 DUANE ST  
GLEN ELLYN, IL 60137

NOVAK ENTERPRISES INC  
OR CURRENT OWNER  
324 ILLINOIS ST  
GLEN ELLYN, IL 60137

JERRY HAGGERTY CHEVROLET  
OR CURRENT OWNER  
300 W ROOSEVELT RD  
GLEN ELLYN, IL 60137

JERRY HAGGERTY CHEVROLET  
OR CURRENT OWNER  
300 W ROOSEVELT RD  
GLEN ELLYN, IL 60137

KOPROWSKI, QUIN  
OR CURRENT OWNER  
1910 EVERGREEN  
WHEATON, IL 60187

BRAD WEBB PACKEY WEBB  
OR CURRENT OWNER  
1830 E ROOSEVELT RD  
WHEATON, IL 60187

STRABBING, DANIEL & M  
OR CURRENT OWNER  
1902 E EVERGREEN ST  
WHEATON, IL 60187

LAND TRUST 1688  
OR CURRENT OWNER  
299 ROOSEVELT RD  
GLEN ELLYN, IL 60137

WEBB, J BRADLEY  
OR CURRENT OWNER  
1830 E ROOSEVELT RD  
WHEATON, IL 60187

LAND TRUST 1688  
OR CURRENT OWNER  
299 ROOSEVELT RD  
GLEN ELLYN, IL 60137

LAND TRUST 1688  
OR CURRENT OWNER  
299 ROOSEVELT RD  
GLEN ELLYN, IL 60137

SLADEK, KURT J  
OR CURRENT OWNER  
1906 E EVERGREEN ST  
WHEATON, IL 60187

JERRY HAGGERTY CHEVROLET  
OR CURRENT OWNER  
300 W ROOSEVELT RD  
GLEN ELLYN, IL 60137

DOLGI, WILLIAM V  
OR CURRENT OWNER  
1911 E ROOSEVELT RD  
WHEATON, IL 60187

OAK PARK TR & SAV  
OR CURRENT OWNER  
153 DICKENSON  
WHEATON, IL 60187

MINOR, GREGORY & MAUREEN  
OR CURRENT OWNER  
1825 E ROOSEVELT RD  
WHEATON, IL 60187

CHICAGO TITLE LAND TRUST  
OR CURRENT OWNER  
1830 E ROOSEVELT RD  
WHEATON, IL 60187

WHEATON ANIMAL HOSPITAL  
OR CURRENT OWNER  
266 ROOSEVELT RD  
GLEN ELLYN, IL 60137

ANDERSON, TED J  
OR CURRENT OWNER  
1831 E ROOSEVELT RD  
WHEATON, IL 60187

DRAFT  
PLAN COMMISSION  
MINUTES  
NOVEMBER 18, 2010

The meeting was called to order by Chairman Julie Fullerton at 7:31 p.m. Plan Commissioners Craig Bromann, Linda Dykstra, Heidi Lannen, Jay Strayer, Len Swanson and Ray Whalen were present. Plan Commissioners Todd Buckton, Robert Friedberg, Jeff Girling and Julie McCormick were excused. Also present were Trustee Liaison Jim Comerford (substituting for Trustee Michelle Thorsell), Village Planner Michele Stegall, Village Traffic Consultant Dan Schoenberg of James J. Benes and Recording Secretary Barbara Utterback.

Commissioner Whalen moved, seconded by Commissioner Swanson, to approve the minutes of the October 28, 2010 Plan Commission meeting. The motion carried unanimously by voice vote.

Chairman Fullerton described the Plan Commission procedure. On the agenda was a public hearing for two Special Use Permits and a Zoning Variation to allow the temporary use of the property at 285 Roosevelt Road by Nicor while their new facility is being constructed.

PUBLIC HEARING – NICOR, 285 ROOSEVELT ROAD

DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING A REQUEST FOR APPROVAL OF TWO SPECIAL USE PERMITS AND A ZONING VARIATION TO ALLOW THE TEMPORARY USE OF THE PROPERTY AT 285 ROOSEVELT ROAD BY NICOR FOR APPROXIMATELY 18 MONTHS WHILE THEIR NEW FACILITY ON FINLEY ROAD IS UNDER CONSTRUCTION. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF ROOSEVELT ROAD BETWEEN LAMBERT ROAD AND LORRAINE STREET IN THE C3 SERVICE COMMERCIAL ZONING DISTRICT.

*(Nicor, petitioner)*

Staff Introduction

Village Planner Michele Stegall stated that Nicor recently received approval to construct a new facility at 90 N. Finley Road and is requesting approval of two (2) special use permits and a zoning variation to allow the temporary use of the former Webb Dodge property at 285 Roosevelt Road for approximately 18 months while the new facility is under construction. Ms. Stegall displayed a map and described the location of the subject site which is in the C3 Service Commercial Zoning District. She also described the surrounding land uses and zoning. The two special use permits are to allow a vehicle storage lot and storage warehousing on the site. The requested variation is to allow two trash areas to be enclosed with a chain link fence in lieu of being constructed of pre-cast concrete to match the building as required per code. Ms. Stegall stated that staff has no objection to the variation request because of the temporary nature of the use. Ms. Stegall stated that the petitioner's plan is to exit the site via Taft Avenue located in Wheaton to obtain access to the traffic light at Lorraine Street. Taft Avenue is not a publicly improved right-of-way but rather contains a private improvement. Ms. Stegall explained that the City of Wheaton has requested that the

owner of the property enter into an indemnification agreement with the City of Wheaton for the use of the right-of-way. Ms. Stegall stated that Village traffic consultant Dan Schoenberg of James J. Benes has determined that there are significant gaps in traffic along Roosevelt Road to accommodate left turning movements out of the site if the petitioner is unable to use the right-of-way to exit from Taft Avenue onto Lorraine Street.

#### Petitioner's Presentation

David Behrens, Real Estate Manager, Nicor Gas, 1844 Ferry Road, Naperville, Illinois, responded to questions from the Plan Commission. Mr. Behrens stated that the owners of 285 Roosevelt Road have stated they will pursue the indemnification agreement for the right-of-way with the City of Wheaton. Mr. Behrens stated that some office staff have moved into the site which is a permitted use. Mr. Behrens added that Nicor will be occupying the first floor, only, of the facility and that Nicor vehicles will remain at the Finley Road site until approval is granted for the special use permits and the zoning variation. Mr. Behrens did not object to a sunset clause as a condition of approval but requested the option to extend the time frame if necessary to complete the project.

#### Responses to Questions from the Plan Commission

Ms. Stegall clarified for Commissioner Strayer that Taft Avenue is a dedicated right-of-way with private improvements for which it is believed approvals were never received. Ms. Stegall responded to Commissioner Dystra that staff has no concerns regarding granting a special use permit on a temporary basis and suggested that the Plan Commission could consider adding a sunset clause as a condition of approval. Ms. Stegall responded to Commissioner Swanson that an administrative process could be used to extend the time frame of the ordinance. In response to Chairman Fullerton, Ms. Stegall stated she could contact the Village Attorney regarding whether or not the special uses could terminate at the end of the petitioner's lease. Mr. Behrens responded to Commissioner Whalen that he would prefer the time frame of the ordinance to be on a month-to-month basis until the construction project is complete rather than being limited to a set period of time and then requesting extensions. Mr. Behrens added that Nicor has the option to extend their lease at 285 Roosevelt Road on a month-to-month basis.

#### Persons in Favor of or in Opposition to the Petition

No persons spoke in favor of or in opposition to the proposed project.

#### Comments from the Plan Commission

All of the Plan Commissioners were in favor of the proposed requests with a sunset condition included in the ordinance that the special use permits expire in 24 months from the date of approval with a maximum 6-month extension, if required, to be administratively approved by the Planning and Development Director. Chairman Fullerton commented that these special use permits are unique due to the temporary nature of the requests.

Motion

Commissioner Swanson moved, seconded by Commissioner Bromann, to recommend that the Village Board approve a special use permit in accordance with Section 10-4-15(B)22 of the Glen Ellyn Zoning Code to allow a vehicle storage lot to be temporarily located on the property at 285 Roosevelt Road, a special use permit in accordance with Section 10-4-15(B)23 of the Glen Ellyn Zoning Code to allow storage warehousing to be temporarily located on the property at 285 Roosevelt Road and a variation from Section 10-5-5(B)4(38) of the Zoning Code to allow the proposed trash enclosures to be made of a material other than the material used on the walls of the principal structure while Nicor constructs a new facility on Finley Road.

The recommendation for approval of the special use permits was based on the following findings of fact: 1. The proposed uses will be harmonious and in accordance with the general objectives, or within a specific objective, of the Comprehensive Plan because the vehicle storage and storage warehousing uses will be temporary, will not substantially differ from the former use of the property and will make an interim positive use of this now vacant property. 2. The proposed uses will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and the proposed uses will not change the essential character of the area because no construction is planned and the proposed uses are temporary and will not substantially differ from the former use of the property. 3. The proposed uses will not be hazardous or disturbing to existing or future neighborhood uses because the proposed uses are temporary and will not substantially differ from the former use of the property. 4. The proposed uses will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed uses shall be able to provide adequately any such services because the site is currently, and will continue to be, served by all necessary facilities. 5. The proposed uses will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village because no additional requirements at the cost of the public are proposed. 6. The proposed uses will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors because the proposed uses will not substantially differ from the former use of the property. 7. The proposed uses will have vehicular approaches to the property which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads because existing curb cuts will be utilized to provide vehicular approaches to the property, creating no undue interference with traffic on surrounding public streets and roads. 8. The proposed uses will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief because no physical changes are proposed to the existing building or parking lot. 9. The proposed uses will not result in the destruction, loss or damage to natural, scenic or historic features of major importance to the community because the site contains no such natural, scenic or historic features.

The recommendation for approval of the zoning variation was based on the following findings of fact: 1. The requested variation will not alter the essential character of the

locality because the trash enclosures will be located so that they are not readily visible to surrounding properties. 2. The petitioner has demonstrated a practical difficulty and particular hardship as a result of adhering to the strict letter of the regulations of the Zoning Code because the requirement for trash enclosures to be made of a precast concrete material that matches the building would add considerable additional cost to the project with little benefit as the enclosures would not be readily visible from the surrounding properties and the use of the property is temporary. 3. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located because the property will be used by the petitioner for a period not likely to exceed 18 months under a short-term lease agreement and there is no indication that the required changes would fit into any long-term plans for the property. 4. The plight of the owner is due to unique circumstances because the use of the property by the petitioner is temporary.

The Plan Commission hereby further adopts the supplemental findings of fact in the petitioner's zoning variation application dated November 11, 2010.

The recommendation for approval is subject to the following conditions: A. The project shall be constructed and maintained in substantial conformance with the plans as submitted and the testimony presented at this meeting. B. The special uses granted to Nicor, Inc. herein shall be valid for a period of 24 months and shall terminate at the expiration of 24 months unless thereafter the Director of Planning and Development of the Village of Glen Ellyn shall grant a further extension of no more than six months. The motion carried unanimously with seven (7) "yes" votes as follows: Commissioners Swanson, Bromann, Dykstra, Lannen, Strayer, Whalen and Chairman Fullerton voted yes.

Commissioner Whalen requested that staff process Nicor's requests as quickly as possible for forwarding to the Village Board. Trustee Comerford responded that the petition could possibly be presented to the Village Board at a special meeting on December 6, 2010.

#### Trustee Report

Trustee Comerford reported that the Village Board is in the process of discussing the tax levy and that negotiations continue with the College of DuPage. Trustee Comerford responded to Chairman Fullerton that the ethics policy will be on next Monday's Village Board workshop agenda. At the request of Commissioner Strayer, Trustee Comerford also provided an update on the status of the Finance Director position.

#### Chairman's Report

Chairman Fullerton announced that Commissioner Len Swanson will not continue to serve on the Plan Commission after his term expires in December.

#### Staff Report

Ms. Stegall was not sure whether or not there would be a Plan Commission meeting in December.

There being no further business before the Plan Commission, the meeting was adjourned at 8:06 p.m.

Submitted by:

Barbara Utterback  
Recording Secretary

Reviewed by:

Michele Stegall  
Village Planner

**Village Of Glen Ellyn**

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

**An Ordinance Granting Approval of  
Special Use Permits and a Zoning Variation  
to allow Nicor to Operate a Temporary Facility  
on Property Located at 285 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 Granting Approval of  
Special Use Permits and a Zoning Variation  
to allow Nicor to Operate a Temporary Facility  
on Property Located at 285 Roosevelt Road  
Glen Ellyn, IL 60137**

**Whereas**, Nicor, lessee of property located at 285 Roosevelt Road, has petitioned the Village

President and Board of Trustees for approval of the following:

- A. A Special Use Permit in accordance with Section 10-4-15(B)22 of the Glen Ellyn Zoning Code to allow a Vehicle Storage Lot on the property.
- B. A Special Use Permit in accordance with Section 10-4-15(B)23 of the Glen Ellyn Zoning Code to allow Storage Warehousing on the property.
- C. A Variation from Section 10-5-5(B)4(38) of the Zoning Code to allow the proposed trash enclosures to be made of chain link rather than the same pre-cast material used on the walls of the principal structure.

all to allow the temporary use of the subject site by Nicor while their new Finley Road facility is under construction; and

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

LOTS 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20 AND 21 AND THE NORTH HALF OF THAT PART OF VACATED TAFT AVENUE LYING SOUTH OF AND ADJOINING SAID LOTS 16, 17, 18, 19, 20 AND 21, ALL IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS; AND

THE EAST HALF OF VACATED OTT AVENUE LYING WEST OF AND ADJOINING SAID LOT 14 IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN,

ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS; AND

LOT 15 AND THAT PART OF VACATED OTT AVENUE LYING WEST OF AND ADJOINING SAID LOT 15 AND THAT PORTION OF THE NORTH ½ AND THE NORTH 12 FEET OF THE SOUTH 33 FEET OF VACATED TAFT AVENUE BOUNDED ON THE WEST BY THE CENTERLINE OF OTT AVENUE AND BOUNDED ON THE EAST BY THE EAST LINE EXTENDED SOUTH OF LOT 15, ALL IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 05-22-201-001, 05-22-201-034 and 05-22-201-024; and

**Whereas**, following due and proper publication of notice in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 250 feet, and the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Plan Commission of the Village of Glen Ellyn conducted a public hearing on November 18, 2010, at which hearing the Plan Commission considered the petitioner's requests for approval of the requested Special Use Permits and Zoning Variation; and

**Whereas**, at the November 18, 2010 Plan Commission public hearing, the petitioner presented evidence and testimony in support of the requests and no persons spoke either in favor of or in opposition to the requests; and

**Whereas**, after having considered the evidence presented, including the exhibits and materials submitted, the Plan Commission made its findings of fact and recommendations as set forth in the minutes from the November 18, 2010 Plan Commission meeting, a draft of which is attached hereto as Exhibit "A", and by a vote of seven (7) "yes" and zero (0) "no", the Plan Commission recommended approval of the requested Special Use Permits and Zoning Variation; and

**Whereas**, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the November 18, 2010 Plan Commission public hearing and have considered the findings of fact and recommendations of the Plan Commission; and

**Whereas**, the President and Board of Trustees have determined that granting approval of the requested Special Use Permits and Zoning Variation is consistent with the goals of the Glen Ellyn Zoning Code.

**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 from the November 18, 2010 Plan Commission public hearing, a draft of which is attached hereto as Exhibit “A”, 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 November 18, 2010 public hearing before the Plan Commission.

**Section Two:** Based upon the findings of fact and recommendations of the Plan 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 Special Use Permits and Zoning Variation to allow the temporary use of the property at 285 Roosevelt Road by Nicor while their new Finley Road facility is under construction.

**Section Three:** This grant of approval of the requested Special Use Permits and Zoning Variation is subject to the following conditions:

- A. The project shall be constructed and maintained in substantial conformance with the plans submitted and the testimony presented at the November 18, 2010 public hearing before the Plan Commission and with the petitioner’s application packet stamped received November 29, 2010 including the following plans and documents referenced below, as though they were attached to this Ordinance:

1. Letter from David Behrens dated November 11, 2010
2. Land Title Survey/Exhibit A to Lease Agreement (no date)
3. Narrative Statement (no date)
4. Special Use Permit Application for Vehicle Storage signed November 29, 2010
5. Special Use Permit Application for Storage Warehousing signed November 29, 2010
6. Application for Variation dated November 11, 2010
7. Application for Zoning Variance Responses dated November 11, 2010
8. Quantitative Summary dated October 29, 2010
9. ALTA/ACSM Land Title Survey dated April 30, 2009
10. Site Plan dated November 3, 2010
11. Vehicle Movement Plan (no date)
12. Exterior Trash Enclosure Fence Photo dated October 29, 2010
13. Exterior Fence Photo dated October 29, 2010
14. Exterior Sliding Gate Photo dated October 29, 2010
15. Site Traffic Evaluation dated September 7, 2010

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 Special Use Permits and Zoning Variation approved herein shall be valid for 24 months and shall automatically terminate thereafter unless an extension of no more than 6 months is granted by the Planning and Development Director.

**Section Four:** The Building and Zoning Official is hereby authorized to issue all necessary building and occupancy permits pursuant to the Special Use Permits and Zoning Variation 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.

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

**Section Seven:** 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.

**Section Eight.** The Village Clerk is hereby authorized to record this Ordinance with the DuPage County Recorder.

**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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NOVEMBER 29, 2010 SUBMITTAL LIST  
NICOR GAS COMPANY  
APPLICATIONS FOR SPECIAL USE AND ZONING VARIANCE  
FOR THE TEMPORARY USE OF  
285 ROOSEVELT ROAD, GLEN ELLYN ILLINOIS

13 COPIES EACH

Response to Village Planner's November 1 letter;  
Narrative statement (Exhibit "A");  
Application for Special Use Permit for Vehicle Storage;  
Application for Special Use Permit for Storage Warehousing;  
Application for Zoning Variance Form and Response Attachment;  
Affidavit of Authorization;  
Proof of Ownership;  
Disclosure of Interest – Ownership by Land Trust (2);  
Reimbursement of Fees Agreement;  
Quantitative summary;  
Legal Description & Plat;  
Existing Conditions;  
Site Plan;  
Vehicle Movement Plan;  
Trash Enclosure/Fencing/Screening Photo Sheet;  
Fence and gate photo sheet;  
Traffic Impact Study;



**Nicor Gas**  
1844 Ferry Road  
Naperville, IL 60563-9600

Mailing Address:  
P.O. Box 190  
Aurora, IL 60507-0190

Phone 630 983-8676  
Internet [www.nicor.com](http://www.nicor.com)

November 11, 2010

Ms. Michele Stegall, Village Planner  
Planning and Development Department  
Village of Glen Ellyn  
535 Duane Street  
Glen Ellyn, IL 60137

**Re: Special Use Permit and Zoning Variance Applications for Temporary Nicor Gas Company Reporting Center, 285 Roosevelt Road, Glen Ellyn, IL**

Dear Ms. Stegall:

Please find below our responses to comments contained in your letter of November 1, 2010, and our subsequent communications, all relating to the proposed temporary Nicor Gas Company facility at 285 Roosevelt Road,

**1. Narrative Statement:**

We have revised the Narrative Statement to address your questions relating to (a) vehicular repair and outdoor storage; (b) types of materials for warehouse storage, and (c) number of employees and details of the restriping of the parking lot.

**2. Ownership information:**

The authorized representative of the second land trust has also signed the Reimbursement of Fee Agreement.

The Affidavit of Authorization has been signed by an authorized agent for the holders of the beneficial interest of both of the Chicago Land Trusts involved in this matter.

**3. Zoning Variations :**

- (a) and (b) Per our recent communications, we have amended our plans to eliminate the need for both of these variations;
- (c) You have indicated that this variance is not required; and
- (d) We are including a zoning variation request to allow the absence of landscape islands in the parking lot (Section 10-5-8(H)) and to allow the proposed trash enclosures to be made of a material other than the material of the walls of the principal structure (Section 10-5-5-(B)4(38)).

**4. Truck Traffic Route:**

Please be advised that the lease that we have negotiated with ownership of the property (which ownership extends from the subject property west to Lorraine Avenue) includes the following language:

**Additional Access:** *Lessee shall have unobstructed and continuous access over and through a paved access road along vacated Taft to Lorraine Street, as shown by the designation "ACCESS ROAD" on Exhibit A.*

This portion of vacated Taft connects to dedicated Taft. (attached is a copy of the referenced "Exhibit A").

**5. Comments from Village Traffic Consultant:**

It appears that Mr. Schoenberg's November 2, 2010 review does not require any additional response from Nicor Gas.

**6. Comments from Police Chief:**

No comments have been received. We will promptly respond as necessary.

We believe that we have addressed the comments and question posed to us in this matter. If additional information is required, please do not hesitate to e-mail or call me. Thank you.

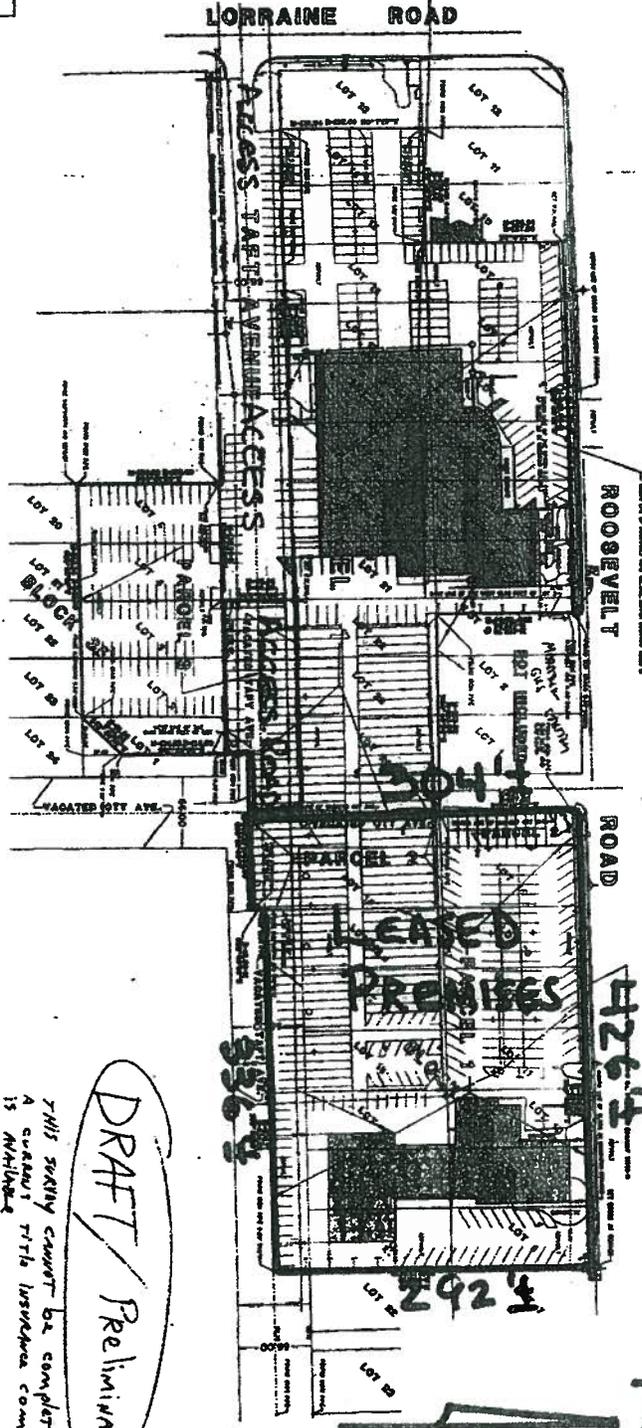
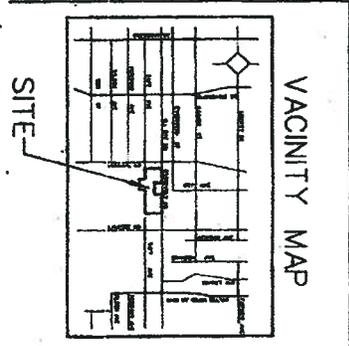
Very truly yours,

A handwritten signature in cursive script that reads "David C Behrens".

David Behrens, Manager  
Real Estate

EXHIBIT "A" SHEET 2 OF 2

PROPOSED LEASE TO NICOR GAS COMPANY  
 FORMER WEBB DODGE BUILDING AT 285 ROOSEVELT ROAD,  
 GLEN ELLYN, ON APPROXIMATELY 2.9 ACRES OF LAND  
 AND A PORTION OF VACATED TAFT AVENUE,  
 PROVIDING ACCESS TO DEDICATED TAFT AVENUE,  
 ALL IN SECTION 22 TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD  
 PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILL.



*DRAFT Preliminary*

THIS SURVEY CANNOT BE COMPLETED UNTIL A CURRENT TITLE INSURANCE COMMITMENT IS AVAILABLE

DATE	BY	REVISION



**EXHIBIT "A"**  
**NARRATIVE STATEMENT**

**Address and Legal Description of Property:** 285 Roosevelt Road, Glen Ellyn, IL 60137

**Permanent Index No. (PINS):** 05-22-201-001, 05-22-201-034, and 05-22-201-024

**Zoning:** C-3

Under separate applications, Petitioner has submitted to the Village of Glen Ellyn for the redevelopment of the 26.7 acre parcel Petitioner owns at 90 North Finley Road in the Village of Glen Ellyn, which is currently utilized and operated, and will continue to be utilized and operated by the Petitioner in its capacity as a regulated public utility of the State of Illinois. In order to facilitate the proposed redevelopment of the Finley Road parcel, Petitioner has relocated some of its personnel and fleet to other Company locations, but requires a presence in the immediate area in order to continue to provide efficient and reliable natural gas service to our west suburban service territory during the redevelopment. The subject property provides an excellent opportunity to serve this interim use, expected not to exceed 18 months, under a lease agreement with current ownership. The subject property has for years been used by Webb Dodge as a new and used automobile sales office and service and repair facility, and storage warehousing of equipment, parts and materials, but is now and had been vacant for some time. The proposed temporary use by Petitioner does not significantly differ from the former use of the property, as it relates to office, parking and storage of vehicles and storage warehousing of equipment and materials.

**Present Use:** 20,278 sq.ft. commercial building located on approximately 2.9 acres of land together with additional paved parking, formerly used by Webb Dodge as a new and used automobile sales office and service and repair facility, and storage warehousing of parts and materials. This property is now vacant.

**Proposed Use:** Petitioner is making Applications for Special Use Permits for Vehicle Storage and for Storage Warehousing for Petitioner's temporary use.

Petitioner plans to utilize the property as an office, maintenance and service center site in the course of its public utility business, under a short term lease anticipated to not exceed 18 months. Other than the possible relocation of some of the interior fencing, no exterior construction is planned. Petitioner is specifically requesting the ability to utilize the building to store vehicles, equipment, materials, and parts, such as meters, tools, pipes, fittings, etc. all as necessary to facilitate Petitioner's provision of efficient and reliable natural gas service to its service territory.

Petitioner is also requesting the continuation of the ability for the outdoor parking of vehicles, including autos, trucks, trailers and similar vehicles as utilized and necessary in the normal course of Petitioner's utility business. The fleet of vehicles reporting to this interim reporting site will approximate 40 passenger cars, light duty trucks, pick-ups, and SUV's, 3 service trucks, 5 trucks and trailers, 3 dump trucks, and various back-up pieces of equipment. The majority of these vehicles will generally be out of the yard

during the day and returning to the yard in the evening, on a day by day basis, with a limited number of crews whose hours may extend into the later evening hours, as necessary.

Most of these vehicles will therefore be parked in the yard overnight, and picked up by employees who will be driving their own vehicles to the site. While some vehicles may, out of necessity, spend some consecutive time in the yard, it is intended that most or all of the vehicles will be utilized on a regular basis in the normal course of Petitioner's public utility business, and long term storage of vehicles is not intended at this location.

No vehicular repair or outdoor storage of materials is planned for this location.

Petitioner plans limited fencing and gate relocation and installation to accommodate the proposed vehicles and flow. Existing striping will be eliminated and new striping of the lot with white paint will provide appropriate aisle widths, as well as a total of 115 parking spaces, including space for 14 trailers, 19 trucks and 82 autos, meeting the minimum number of 82 spaces required by the village.

**Please see the specific applications relating to the compatibility with and effects on adjoining properties, effect of traffic and relationship to the Comprehensive Plan, and how the proposed special uses fulfill the requirements of paragraph (E) of section 10-10-14 of the zoning code.**

APPLICATION FOR SPECIAL USE PERMIT

The undersigned petitions the President and Village Board of Trustees of the Village of Glen Ellyn, Illinois, to consider the Special Use described in this application.

**Date Filed:**

**Application No:**

**Name of Applicant:** Northern Illinois Gas Company dba Nicor Gas Company

**Contact Information:** David C. Behrens, Manager Real Estate

**Address of Applicant:** P.O. Box 190 1844 Ferry Road  
Aurora, IL 60507 Naperville, IL 60563

**Business Phone:** 630-388-2971 **Fax:** 630-983-8725

**Cell Phone:** 630-514-6355 **Email:** dbehren@nicor.com

**Property Interest of Applicant:** **Proposed Lessee under Option to Lease**

**Name of Owner:** Chicago Title Land Trust Co., as successor to First Chicago Trust Co., as trustee u/t/n 10-388 and Chicago Title Land Trust Co as successor to Gary Wheaton Bank, as trustee u/t/n #1997

**Contact Information:** J. Bradley Webb

**Address of Owner:** 1830 E. Roosevelt Rd., Wheaton, IL 60187

**Business Phone:** 630-681-7023 **Fax:** 630-588-7051

**Address and Legal Description of Property:** 285 Roosevelt Road, Glen Ellyn, IL 60137

LOTS 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20 AND 21 AND THE NORTH HALF OF THAT PART OF VACATED TAFT AVENUE LYING SOUTH OF AND ADJOINING SAID LOTS 16, 17, 18, 19, 20 AND 21 ALL IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS, AND

THE EAST HALF OF VACATED OTT AVENUE LYING WEST OF AND ADJOINING SAID LOT 14 IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAY THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS, AND

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**Permanent Index No. (PIN):** 05-22-201-001, 05-22-201-034, and 05-22-201-024

**Zoning:** C-3

**Lot Dimensions:** Approximately 297' x 425'

**Lot Area:** 2.9 acres +/-

**Present Use:** 20,278 sq.ft. commercial building located on approximately 2.9 acres of land together with additional paved parking, formerly used by Webb Dodge as a new and used automobile sales office and service and repair facility, and storage warehousing of parts and materials. This property is now vacant.

**Requested Use/Construction: Vehicle Storage** Petitioner plans to utilize the property as an office, maintenance and service center site in the course of its public utility business, under a short term lease anticipated to not exceed 18 months. Other than the possible relocation of a limited portion of the interior fencing, no exterior construction is planned. Petitioner is specifically requesting the continuation of the ability for the outdoor parking of vehicles, including autos, trucks, trailers and similar vehicles as utilized and necessary in the normal course of Petitioner's utility business. The fleet of vehicles reporting to this interim reporting site will approximate 40 passenger cars, light duty trucks, pick-ups, and SUV's, 3 service trucks, 5 trucks and trailers, 3 dump trucks, and various back-up pieces of equipment. The majority of these vehicles will generally be out of the yard during the day and returning to the yard in the evening, on a day by day basis, with a limited number of crews whose hours may extend into the later evening hours, as necessary.

Most of these vehicles will therefore be parked in the yard overnight, and picked up by employees who will be driving their own vehicles to the site. While some vehicles may, out of necessity, spend some consecutive time in the yard, it is intended that most or all of the vehicles will be utilized on a regular basis in the normal course of Petitioner's public utility business, and long term storage of vehicles is not intended at this location.

**Estimated Date to Begin New Use/Construction:** Upon final receipt of Village approval of special uses;

**Name(s), Address(es) and Phone No(s). of Experts (architects, engineers, etc.):**

Daniel C. Stevens, P.E.  
Senior Project Manager

SPACECO, Inc.  
9575 W. Higgins Road, Suite 700,  
Rosemont, IL. 60018  
Tel: 847-696-4060

Under separate applications, Petitioner has submitted to the Village of Glen Ellyn for the redevelopment of the 26.7 acre parcel Petitioner owns at 90 North Finley Road in the Village of Glen Ellyn, which is currently utilized and operated, and will continue to be utilized and operated by the Petitioner in its capacity as a regulated public utility of the State of Illinois. In order to facilitate the proposed redevelopment of the Finley Road parcel, Petitioner has relocated some of its personnel and fleet to other Company locations, but requires a presence in the immediate area in order to continue to provide efficient and reliable natural gas service to our west suburban service territory during the redevelopment. The subject property provides an excellent opportunity to serve this interim use, expected not to exceed 18 months, under a lease agreement with current ownership. The subject property has for years been used by Webb Dodge as a new and used automobile sales office and service and repair facility, and storage warehousing of equipment, parts and materials, but is now and had been vacant for some time. The proposed use by Petitioner does not significantly differ from the former use of the property, as it relates to office, parking and storage of vehicles and storage warehousing of equipment and materials.

**Please also see the Narrative Statement attached as Exhibit "A" hereto, describing the overall project and the general compatibility with the adjacent and other properties in the district.**

Describe How the Special Use:

1. The proposed use will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and or this Zoning Code because the vehicle storage use is temporary, will not substantially differ from the former use of the property, and will make an interim positive use of this now vacant property.
2. The proposed use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same, because no construction is planned, and the proposed use is temporary and will not substantially differ from the former use of the property.
3. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses because the proposed use is temporary and will not substantially differ from the former use of the property.
4. The proposed use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately

any such services because the site is currently and will continue to be served by all necessary public facilities.

5. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village because no additional requirements at the cost of the public are proposed.
6. The proposed use will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors from the granting of this special use because the use will not substantially differ from the former use of the property.
7. The proposed use will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with traffic on surrounding public streets or roads because existing curb cuts will be utilized to provide vehicular approaches to the property, creating no undue interference with traffic on surrounding public streets or roads.
8. The proposed use will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief because no changes are planned to any structures or parking areas.
9. The proposed use will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community because the site contains no such natural, scenic or historic features.

**I certify that all of the statements and documents submitted as part of this application are true to the best of my knowledge and belief.**

**I consent to the entry in or upon the premises described in this application by any authorized official of the Village of Glen Ellyn for the purpose of inspection.**

**I consent to pay the Village of Glen Ellyn all costs incurred for transcribing the public hearing on this application.**

**I understand that no final action shall be taken by the Village Board subsequent to the public hearing until and upon payment of transcribing fees.**

11-29-10  
Date

David C Behner  
Signature of Applicant

This application is subject to applicant's reservation of rights in regards to the need for special use approval for the uses proposed in this application.

APPLICATION FOR SPECIAL USE PERMIT

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ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS,

**Permanent Index No. (PIN):** 05-22-201-001, 05-22-201-034, and 05-22-201-024

**Zoning:** C-3

**Lot Dimensions:** Approximately 297' x 425'

**Lot Area:** 2.9 acres +/-

**Present Use:** 20,278 sq.ft. commercial building located on approximately 2.9 acres of land together with additional paved parking, formerly used by Webb Dodge as a new and used automobile sales office and service and repair facility, and storage warehousing of parts and materials. This property is now vacant.

**Requested Use/Construction: Storage Warehousing** Petitioner plans to utilize the property as an office, maintenance and service center site in the course of its public utility business, under a short term lease anticipated to not exceed 18 months. Other than the possible relocation of some of the interior fencing, no exterior construction is planned. Petitioner is specifically requesting the ability to utilize the building to store equipment, materials, parts, etc., as necessary to facilitate Petitioner's provision of efficient and reliable natural gas service to its service territory.

**Estimated Date to Begin New Use/Construction:** Upon final receipt of Village approval of special uses.

**Name(s), Address(es) and Phone No(s). of Experts (architects, engineers, etc.):**

Daniel C. Stevens, P.E.  
Senior Project Manager  
SPACECO, Inc.  
9575 W. Higgins Road, Suite 700,  
Rosemont, IL. 60018  
Tel: 847-696-4060

Under separate applications, Petitioner has submitted to the Village of Glen Ellyn for the redevelopment of the 26.7 acre parcel Petitioner owns at 90 North Finley Road in the Village of Glen Ellyn, which is currently utilized and operated, and will continue to be utilized and operated by the Petitioner in its capacity as a regulated public utility of the State of Illinois. In order to facilitate the proposed redevelopment of the Finley Road parcel, Petitioner has relocated some of its personnel and fleet to other Company locations, but requires a presence in the immediate area in order to continue to provide efficient and reliable natural gas service to our west suburban service territory during the redevelopment. The subject property provides an excellent opportunity to serve this interim use, expected not to exceed 18 months, under a lease agreement with current ownership. The subject property has for years been used by Webb Dodge as a new and used automobile sales office and service and repair facility, and storage warehousing of equipment, parts and materials, but is now and had been vacant for some time. The

proposed temporary use by Petitioner does not significantly differ from the former use of the property, as it relates to office, parking and storage of vehicles and storage warehousing of equipment and materials.

**Please also see the Narrative Statement attached as Exhibit "A" hereto, describing the overall project and the general compatibility with the adjacent and other properties in the district.**

Describe How the Special Use:

1. The proposed use will be harmonious with and in accordance with the general objectives, or within a specific objective of the Comprehensive Plan and or this Zoning Code because the storage warehouse use is temporary, will not substantially differ from the former use of the property, and will make an interim positive use of this now vacant property.
2. The proposed use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same, because no construction is planned, and the proposed use is temporary and will not substantially differ from the former use of the property.
3. The proposed use will not be hazardous or disturbing to existing or future neighborhood uses because the proposed use is temporary and will not substantially differ from the former use of the property.
4. The proposed use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services because the site is currently and will continue to be served by all necessary public facilities.
5. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village because no additional requirements at the cost of the public are proposed.
6. The proposed use will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors from the granting of this special use because the will not substantially differ from the former use of the property.
7. The proposed use will have vehicular approaches to the property, which shall be so designed as not to create an undue interference with

traffic on surrounding public streets or roads because existing curbs cuts will be utilized to provide vehicular approaches to the redeveloped property, creating no undue interference with traffic on surrounding public streets or roads.

8. The proposed use will not increase the potential for flood damage to adjacent property or require additional public expense for flood protection, rescue or relief because no changes are planned to any structures or parking areas.
9. The proposed use will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community because the site contains no such natural, scenic or historic features.

**I certify that all of the statements and documents submitted as part of this application are true to the best of my knowledge and belief.**

**I consent to the entry in or upon the premises described in this application by any authorized official of the Village of Glen Ellyn for the purpose of inspection.**

**I consent to pay the Village of Glen Ellyn all costs incurred for transcribing the public hearing on this application.**

**I understand that no final action shall be taken by the Village Board subsequent to the public hearing until and upon payment of transcribing fees.**

11-29-10  
Date

David C. Behrens  
Signature of Applicant

This application is subject to applicant's reservation of rights in regards to the need for special use approval for the uses proposed in this application.

VILLAGE OF GLEN ELLYN  
535 Duane Street  
Glen Ellyn, Illinois 60137  
(630) 547-5250

APPLICATION FOR VARIATION

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Note to the Applicant: This application should be filed with, and any questions regarding it, should be directed to the Director of the Village Planning and Development Department.

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The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Zoning Code (Ordinance No. 3617-Z, as amended), as described in this application.

I. APPLICANT INFORMATION:

(Note: The applicant must comply with Section 10-10-10(B) of the Zoning Code).

Name: NICOR GAS COMPANY  
DAVID C. BEHRENS, MANAGER REAL ESTATE

Address: P.O. Box 190, AURORA, IL 60507; 1844 FERRY RD, NAPERVILLE  
IL 60563

Phone No.: 630-388-2971

Fax No.: 630-983-8725

E-mail: DBEHREN@NICOR.COM

Ownership Interest in the Property in Question: \_\_\_\_\_

COMMERCIAL LEASE

II. INFORMATION REQUIRED BY SECTION 10-10-10(B) OF THE ZONING CODE, IF APPLICABLE:

NOTE: All parties, whether petitioner, agent, attorney, representative and or organization et al. must be fully disclosed by true name and address in compliance with Section 10-10-10(B) of the Zoning Code. Disclosure forms are attached for your convenience.

Name and address of the legal owner of the property (if other than the applicant):

CHICAGO TITLE LAND TRUST CO., AS TRUSTEE UNDER TRUST 10-388  
AND TRUST #1997 c/o J. BRADLEY WEBB, 1830 E. ROOSEVELT RD.  
WHEATON, IL 60187

Name and address of the person or entity for whom the applicant is acting (if the applicant is acting in a representative capacity):

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Is the property in question subject to a contract or other arrangement for sale with the fee owner? (Circle "Yes" or "No")

COMMERCIAL LEASE TO APPLICANT  
YES NO

If YES, the contract purchaser must provide a copy of the contract to the Village and must either be a co-petitioner to this application or submit the attached Affidavit of Authorization with the application packet.

Is the property in question the subject of a land trust agreement? (Circle "Yes" or "No")

YES NO

If YES, (1) either the trustee must be a co-petitioner or submit the attached Affidavit of Authorization from the trustee to represent the holders of the beneficial interests in the trust and (2) the applicant must provide a trust disclosure in compliance with "An Act to Require Disclosure of All Beneficial Interests", Chapter 148, Section 71 et seq., Illinois Revised Statutes, signed by the trustee.

III. PROPERTY INFORMATION:

Common address: 285 ROOSEVELT RD, GLENELYN, IL 60137

Permanent tax index number: 05-22-201-001, 05-22-201-034  
& 05-22-201-024

Legal description: PLEASE SEE ATTACHED SHEET

Zoning classification: C-3

Lot size: 297 ft. x 425 ft. Area: 126,225 sq. ft. ±

Present use: 20270 SQ. FT COMMERCIAL BUILDING ON 2.9 ACRES  
FORMERLY USED ~~AS~~ WEBB DODGE AS NEW & USED AUTO SALES  
AND SERVICE REPAIR FACILITY, NOW VACANT.

IV. INFORMATION REGARDING THE VARIATION(S) REQUESTED:

Description of the variation(s) requested (including identification of the Zoning Code provisions from which variation is sought) and proposed use(s):

(SEE ATTACHED SHEET)

Estimated date to begin construction: (SEE ATTACHED SHEET)

Names and addresses of any experts (e.g., planner, architect, engineer, attorney, etc.):

(SEE ATTACHED SHEET)

V. EVIDENCE RELATING TO ZONING CODE STANDARDS FOR A VARIATION:

The following items are intended to elicit information to support conclusions by the ZBA or PC and the Village Board that the required findings/standards for a variation under the Zoning Code have been established and met. Therefore, please complete these items carefully.

A. Standards Applicable to All Variations Requested:

1. Provide evidence that due to the characteristics of the property in question, there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Zoning Code:

(SEE ATTACHED SHEET)

2. a. Provide evidence that the property in question cannot yield a reasonable return if permitted to be used under the conditions allowed by the Zoning Code (i.e., without one or more variations):

(SEE ATTACHED SHEET)

OR

- b. Provide evidence that the plight of the applicant/owner is due to unique circumstances relating to the property in question:

(SEE ATTACHED SHEET)

3. Provide evidence that the requested variation(s), if granted, will not alter the essential character of the locality of the property in question:

(SEE ATTACHED SHEET)

B. For the purpose of supplementing the above standards, the ZBA or PC, in making its recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes or fails to establish the following facts favorably to the applicant:

1. Provide evidence that the particular physical surroundings, shape or topographical condition of the property in question would bring particular hardship upon the applicant/owner as distinguished from a mere inconvenience if the strict letter of the Zoning Code were to be carried out:

(SEE ATTACHED SHEET)

2. Provide evidence that the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning district:

(SEE ATTACHED SHEET)

3. Provide evidence that the purpose of the variation is not based exclusively upon a desire to make more money out of the property in question:

(SEE ATTACHED SHEET)

4. Provide evidence that the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property in question or by the applicant.

(SEE ATTACHED SHEET)

5. Provide evidence that the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property in question is located

(SEE ATTACHED SHEET)

6. Provide evidence that the proposed variation will not:

- a. Impair an adequate supply of light and air to adjacent property;

(SEE ATTACHED SHEET)

- b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property;

(SEE ATTACHED SHEET)

- c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;

(SEE ATTACHED SHEET)

- d. Diminish or impair property values within the neighborhood;  
(SEE ATTACHED SHEET)
- e. Unduly increase traffic congestion in the public streets and highway;  
(SEE ATTACHED SHEET)
- f. Create a nuisance; or  
(SEE ATTACHED SHEET)
- g. Results in an increase in public expenditures.  
(SEE ATTACHED SHEET)

7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.  
(SEE ATTACHED SHEET)

8. Please add any comments which may assist the Zoning Board of Appeals of Appeals in reviewing this application.  
(SEE ATTACHED SHEET)

VI. EVIDENCE RELATING TO FLOOD HAZARD VARIATION REQUESTS

The following items must be completed only if the requested variation is from Chapter 6 of the Zoning Code (relating to Flood Hazard Land Use Regulations.) If no such variation is being requested, the applicant should skip this section and complete Section VII below.

- A. Items applicable only to variation requested from the requirements of Chapter 6 of the Zoning Code (relating to Flood Hazard Land Use Regulations) that, if granted, would result in a structure not being protected to the elevation of the base flood.

VII. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

I (We) certify that all of the statements and documents submitted as part of this application are true and complete to the best of my (our) knowledge and belief.

I (We) consent to the entry in or upon the premises described in the application by any authorized official of the Village of Glen Ellyn.

I (We) certify that I (we) have carefully reviewed the Glen Ellyn Zoning Variation Request Package and applicable provisions of the Glen Ellyn Zoning Code.

I (We) consent to accept and pay the cost to publish a notice of Public Hearing as submitted on an invoice from the publishing newspaper. I (we) understand that our request will not be scheduled for a Village Board agenda until and unless this invoice is paid.

David C Behrens

Signature of Applicant(s) DAVID C. BEHRENS  
MANAGER REAL ESTATE  
NITOR GAS CO.

Nov. 11, 2010

Date filed



Nicor Gas  
1844 Ferry Road  
Naperville, IL 60563-9600

Mailing Address:  
P.O. Box 190  
Aurora, IL 60507-0190

Phone 630 983-8676  
Internet www.nicor.com

November 11, 2010

Village of Glen Ellyn  
Planning and Development Department  
535 Duane Street  
Glen Ellyn, IL 60137

## APPLICATION FOR ZONING VARIANCE RESPONSES

### IV. Information Regarding the Variation(s) Requested

We are requesting a variation for the following section:

- 1 Section 10-5-5(B)(4)(38) to allow the proposed trash enclosures to be made of a material other than the material of the walls of the principal structure. The proposed use of the property is intended to be temporary, expected not to exceed 18 months. The principal structure is precast concrete. Due to the temporary use, and location of the proposed trash enclosure being a considerable distance from any adjoining owner or public view (minimum 280 feet from Roosevelt, partially obscured by the building, etc.) we are requesting enclosures be made of 6' tall standard cyclone fence, with black privacy slats.
- 2 Estimated date to begin construction: December 2010.
- 3 Names and addresses of any experts:

Spaceco Inc., 9575 W. Higgins Road, Suite 700, Rosemont, IL 60018

### V. Evidence Relating to Zoning Code Standards for a Variation

#### A. Standards Applicable to All Variations Requested

- 1 1. Section 10-5-5(B)(4)(38) The requirement for trash enclosures to be made of precast concrete would add considerable additional cost to the project not required since they are essentially not visible from the surrounding properties, and because the proposed use of the property by applicant is temporary.
2. See comments below:
  - 2a and 2b. 10-5-5(B)(4)(38) The property will be used by Petitioner for a period not likely to exceed 18 months under a short term lease agreement, and there is no indication that the required changes would fit into ownership's long-terms plans for the property.
3. Section 10-5-5(B)(4)(38) The trash enclosures are located so that they are

not readily visible to surrounding properties, and will fit in with the character of the surrounding uses.

## **B. Supplemental Standards**

1. Section 10-5-5(B)(4)(38) Due to the location of the enclosures in relation to the building and surrounding landscaping, the enclosures will not be easily visible to surrounding properties.
2. Section 10-5-5(B)(4)(38) The enclosures will only be utilized by applicant for a temporary period, likely not to exceed 18 months.
3. Section 10-5-5(B)(4)(38) Variance in enclosure material is desired due to the temporary, short term nature of applicant's proposed use.
4. Section 10-5-5(B)(4)(38) Variance in enclosure material is desired due to the temporary, short term nature of applicant's proposed use.
5. Section 10-5-5(B)(4)(38) Variance in enclosure material is desired due to the temporary, short term nature of applicant's proposed use and would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
6. See comments below:
  - 6a. Section 10-5-5(B)(4)(38) The variance in enclosure material will not impact the supply of light and air to the adjacent properties and is temporary.
  - 6b. Section 10-5-5(B)(4)(38) The variance in enclosure material screening will not increase the hazard from fire to the adjacent properties due to the non-combustibility of the materials.
  - 6c. Section 10-5-5(B)(4)(38) The variance in enclosure material will not impair the public health, safety, comfort or morals or general welfare of the Village due to its general lack of visibility from surrounding properties and its temporary utilization.
  - 6d. Section 10-5-5(B)(4)(38) The variance in enclosure material will not diminish or impair property values due to its general lack of visibility from surrounding properties and its temporary utilization.
  - 6e. Section 10-5-5(B)(4)(38) The trash enclosures are unrelated to traffic congestion.
  - 6f. Section 10-5-5(B)(4)(38) The variance in enclosure material would not create a nuisance due to its general lack of visibility from surrounding properties and its temporary utilization.

- 6g. Section 10-5-5(B)(4)(38) The variance in enclosure material would save money and would not result in any increase in public expenditure.
7. Section 10-5-5(B)(4)(38) The variance in enclosure material is intended to address the temporary, short term nature of the applicants use of the premise.
8. Section 10-5-5(B)(4)(38) Our use is intended to accommodate the temporary relocation of a portion of our personnel, vehicles and equipment from our existing site at 90 North Finley Road to facilitate that redevelopment. We believe that the variance in enclosure material is consistent with this temporary nature. Further, there is no evidence that precast concrete trash enclosures are in line with ownership's possible future use of the property, and would likely impose a hardship in requiring the removal of these "improvements" in the relatively near future. Accordingly, we respectfully request that this minor variance be granted.

AFFIDAVIT OF AUTHORIZATION

Legal title to the following property is held in two land trusts - Chicago Title Land Trust Co., as successor to First Chicago Trust Co., as trustee u/t/n 10-388 and Chicago Title Land Trust Co as successor to Gary Wheaton Bank, as trustee u/t/n #1997. There have been no conveyances of said properties since the deeds in trust attached hereto. The beneficial interest in Trust No. 1997 is held by J. Bradley Webb, as trustee of the Patrick Webb Trust, Gregory Webb Trust, J. Bradley Webb Trust, Thomas Webb Trust and John Webb Trust. The beneficial interest in Trust 10-388 is held by Eileen C. Webb, as trustee of the Family Trust created by the Patrick M. Webb, Sr. Trust dated August 4, 1989.

I, J. BRADLEY WEBB, as authorized representative of the holders of the beneficial interest of both said trusts, as owners of the property described as:

Permanent Index Nos. (PINS): 05-22-201-001, 05-22-201-034, and 05-22-201-024, commonly known as 285 Roosevelt Road, Glen Ellyn, IL 60137 and legally described as follows:

LOTS 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20 AND 21 AND THE NORTH HALF OF THAT PART OF VACATED TAFT AVENUE LYING SOUTH OF SAID LOTS 16, 17, 18, 19, 20 AND 21, ALL IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAY THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS, AND

THE EAST HALF OF VACATED OTT AVENUE LYING WEST OF AND ADJOINING SAID LOT 14 IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAY THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS, AND

LOT 15 AND THAT PART OF VACATED OTT AVENUE LYING WEST OF AND ADJOINING SAID LOT 15 AND THAT PORTION OF THE NORTH 1/2 AND THE NORTH 12 FEET OF THE SOUTH 33 FEET OF VACATED TAFT AVENUE BOUNDED ON THE WEST BY THE CENTERLINE OF OTT AVENUE AND BOUNDED ON THE EAST BY THE EAST LINE EXTENDED SOUTH OF LOT 15, ALL IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS,

hereby verify that David Behrens of Nicor Gas Company, applicant (as Lessee under an option to Lease) and Daniel Stevens of Spaceco, Inc., are duly authorized to apply and represent our interests before the Glen Ellyn Plan Commission, Zoning Board of Appeals, Architectural Review Commission, and/or Village Board of Trustees. Owner acknowledges that any notice given applicant is actual notice to owner

*J. Bradley Webb*

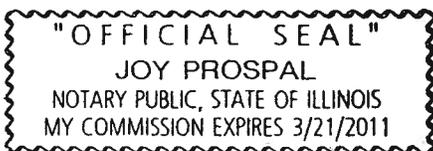
J. Bradley Webb, as authorized agent for the holders of the beneficial interest in Chicago Land Trust Co. Trust No. 10-388 and Chicago Land Trust Co. Trust No. 1997

State of Illinois, County of DuPage

Signed before me on Oct. 6, 2010 by J. Bradley Webb.

Seal

*Joy Prospal*  
Signature of Notary Public





State of Illinois ss. I, ALICE C. SCHNEIDER, Notary Public in and for said County, in  
County of DuPage the state aforesaid, do hereby certify that EILEEN C. WEBB, Independent  
Executor of the Estate of Patrick M. Webb, Sr., Deceased.

personally known to me to be the same person whose name is subscribed to  
the foregoing instrument, appeared before me this day in person and acknowledged that she  
signed, sealed and delivered the said instrument as her 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 notarial seal this 26th day of July 19 93.

Alice C. Schneider  
Notary Public



R93-162601

R93-141191

93 JUL -2 PM 3:45

2/9/92

RECORDER DU PAGE

This Instrument Was Prepared By: Robert J. Ley 3436 N. Kennicott, #150 Arlington Heights, IL 60004

The Address of the Grantee of This Deed is GARY WHEATON BANK, Not Individually But As Trustee of the Trust described in the body of the Deed 218 East Wesley, Wheaton, Illinois 60187.

*Wheaton*

DEED IN TRUST

For Use By The Recorder

GRANTOR, EILEEN C. WEBB, a widow,

of the County of DuPage and State of Illinois, Conveys and Warrants unto the Gary Wheaton Bank, a National Association chartered under the laws of the United States of America, having its principal office in WHEATON, ILLINOIS, as Trustee under the provisions of a Trust Agreement dated the 17 day of June 1974, known as Trust No. 1997, the following described real estate lying the County of DuPage and State of Illinois, to-wit: SEE RIDER ATTACHED HERETO FOR LEGAL DESCRIPTIONS AND PINS

SUBJECT TO: MORTGAGE DATED FEBRUARY 14, 1986 AND RECORDED FEBRUARY 27, 1986 AS DOCUMENT R86-18681. MADE BY PATRICK M. WEBB, SR. AND EILEEN C. WEBB TO NEW LENOX STATE BANK IN THE SUM OF \$900,000.00.

ASSIGNMENT OF RENTS DATED FEBRUARY 14, 1986 AND RECORDED FEBRUARY 27, 1986 AS DOCUMENT R86-18682, MADE BY PATRICK M. WEBB, SR. AND EILEEN C. WEBB TO NEW LENOX STATE BANK.

MORTGAGE DATED JULY 31, 1992 AND RECORDED AUGUST 14, 1992 AS DOCUMENT R92-155592 MADE BY EILEEN C. WEBB, EXECUTOR OF THE ESTATE OF PATRICK WEBB, TO NLSB, A CORPORATION OF ILLINOIS, TO SECURE A NOTE FOR \$800,000.00.

ASSIGNMENT OF RENTS RECORDED AUGUST 14, 1992 AS DOCUMENT NO. R92-155593 MADE BY EILEEN C. WEBB, EXECUTOR OF THE ESTATE OF PATRICK WEBB TO NLSB. (AFFECTS MORTGAGE DOCUMENT R92-155592).

TAXES FOR THE YEAR 1992 AND SUBSEQUENT YEARS.

PROPERTY ADDRESS: 1830 E. Roosevelt Road, Wheaton, IL 60187.

TO HAVE AND TO HOLD that real estate, with the appurtenances upon the trusts and for the uses and purposes herein and in such Trust Agreement set forth.

Full power and authority is hereby granted to said Trustee to deal with all or any part of the property and the title thereto in any fashion or form whatsoever, without restriction or qualification of any kind.

In no case shall any party dealing with the Trustee in relation to said premises, or to whom the premises or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by the Trustee, be obliged to see to the application of any purchase money, rent or money lent or advanced on said premises, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of said Trustee, or be obliged or privileged to inquire into any of the terms of said Trust Agreement.

Every deed, trust deed, mortgage, lease or other document (collectively "document") executed by said Trustee in relation to said real estate shall be conclusive evidence in favor of every person relying thereon that (a) at the time of the delivery thereof the trust created by this Deed in Trust and by said Trust Agreement was in full force and effect, (b) such document was executed in accordance with the trusts, conditions and limitations contained herein and in said Trust Agreement or in some amendment thereof and binding upon all beneficiaries thereunder, (c) the Trustee was duly authorized and empowered to execute and deliver such document and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties and obligations of any predecessor in trust.

The interest of any beneficiary from time to time hereunder shall be only in the earnings, avails or proceeds of sale of the real estate. Such interest is hereby declared to be personal property. No beneficiary hereunder shall have any title or interest, legal or equitable, in or to said real estate as such but only an interest in the earnings, avails and proceeds thereof as aforesaid.

The consideration for this conveyance is TEN (\$10.00) DOLLARS and other good and valuable consideration.

The Grantor release and waive all rights in said real estate which she may have under the homestead exemption laws of Illinois.

Date: 30 June 1993

*Eileen C. Webb* Print Name

EILEEN C. WEBB Print Name

Print Name

*STC*

*Charge CTC 9216666 UL Solis*

1721



STATE OF ILLINOIS REAL ESTATE TRANSFER TAX DEPT. OF REVENUE JUN 30 '93 450.00



STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DU PAGE )

The foregoing instrument was acknowledged before me this 30 day of  
June 19 93 by EILEEN C. WEBB a widow,  
and \_\_\_\_\_ his wife.

(SEAL)

Alice C. Schneider Notary Public

My Commission Expires:

OFFICIAL SEAL  
ALICE C. SCHNEIDER  
NOTARY PUBLIC STATE OF ILLINOIS  
MY COMMISSION EXP. SEPT. 3, 1993

Send subsequent tax bills to:  
J. BRADLEY WEBB  
& Packey Webb Ford  
1830 E. Roosevelt Rd.  
Wheaton, IL 60187

Mall Recorded Deed to:  
Gary-Wheaton Bank  
Trust Department  
218 E. Westley Street  
Wheaton, Illinois 60187

R93 141191

OWNERSHIP BY LAND TRUST

Address: 285 Roosevelt Road, Glen Ellyn, IL

Permanent Index No. (PIN): 05-22-201-024

Legal Description:

LOT 15 AND THAT PART OF VACATED OTT AVENUE LYING WEST OF AND ADJOINING SAID LOT 15, AND THAT PORTION OF THE NORTH ½ AND THE NORTH 12 FEET OF THE SOUTH 33 FEET OF VACATED TAFT AVENUE BOUNDED ON THE WEST BY THE CENTERLINE OF OTT AVENUE AND BOUNDED ON THE EAST BY THE EAST LINE EXTENDED SOUTH OF LOT 15, ALL IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS,

Trustee: Chicago Title Land Trust, as successor trustee to Gary Wheaton Bank, as Trustee u/t/n #1997.

Address: 171 North Clark Street, Chicago, IL 60601

LIST ALL BENEFICIARIES:

Name: J. Bradley Webb Address: 1830 E. Roosevelt Road, Wheaton, IL 60187  
J. Bradley Webb as trustee of  
Patrick Webb Trust

Name: J. Bradley Webb Address: 1830 E. Roosevelt Road, Wheaton, IL 60187  
J. Bradley Webb as trustee of  
Gregory Webb Trust

Name: J. Bradley Webb Address: 1830 E. Roosevelt Road, Wheaton, IL 60187  
J. Bradley Webb as trustee of  
J. Bradley Webb Trust

Name: J. Bradley Webb Address: 1830 E. Roosevelt Road, Wheaton, IL 60187  
J. Bradley Webb as trustee of  
Thomas Webb Trust

Name: J. Bradley Webb Address: 1830 E. Roosevelt Road, Wheaton, IL 60187  
J. Bradley Webb as trustee of  
John Webb Trust

OWNERSHIP BY LAND TRUST

Address: 285 Roosevelt Road, Glen Ellyn, IL

Permanent Index No. (PIN): 05-22-201-001 and 05-22-201-034

Legal Description:

LOTS 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20 AND 21 AND THE NORTH HALF OF THAT PART OF VACATED TAFT AVENUE LYING SOUTH OF SAID LOTS 16, 17, 18, 19, 20 AND 21, ALL IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS, AND THE EAST HALF OF VACATED OTT AVENUE LYING WEST OF AND ADJOINING SAID LOT 14 IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS

Trustee: Chicago Title Land Trust, as successor trustee to First Chicago Trust Co., as Trustee u/t/n 10-388.

Address: 171 North Clark Street, Chicago, IL 60601

LIST ALL BENEFICIARIES:

Name: <u>Eileen C. Webb</u>	Address:
Eileen C. Webb as Trustee of the Patrick M. Webb Sr. Family Trust created under the Patrick M. Webb Sr. Trust Agreement dated August 4, 1989	c/o J. Bradley Webb, 1830 E. Roosevelt Road Wheaton, Illinois 60187

# REIMBURSEMENT OF FEES AGREEMENT

Village of Glen Ellyn Acct: # \_\_\_\_\_  
Initial Deposit Amount: \_\_\_\_\_

I. DESCRIPTION OF PROJECT: 285 ROOSEVELT ROAD - NICOR GAS SPECIAL USE REQUEST - STORAGE WAREHOUSING, UNDER OPTION TO LEASE

II. OWNER:

- A. Owner of Property: CHICAGO TITLE LAND TRUST CO, AS TRUSTEE U/T/W 10-388 § 1997
- B. Owner's Address: c/o J. BRADLEY WEBB 1830 E. ROOSEVELT RD, WHEATON, IL
- C. Owner's Home Phone Number: \_\_\_\_\_ Fax: 630-588-7051
- D. Owner's Work Phone Number: 630-681-7023
- E. Owner's E-mail: \_\_\_\_\_
- F. If Owner is a Land Trust or Corporation, the attached disclosures of interest should be filled out.

III. PERSON MAKING REQUEST (Petitioner): DAVID C. BEHRENS, MANAGER REAL ESTATE, FOR

- A. Name of Petitioner: NORTHERN ILLINOIS GAS CO. d/b/a NICOR GAS CO.
- B. Petitioner's Address: 1844 FERRY ROAD, NAPERVILLE, IL 60563
- C. Petitioner's Home Phone Number: \_\_\_\_\_
- D. Petitioner's Work Number: 630-388-2971
- E. Petitioner's E-mail: DBEHREN@NICOR.COM

IV. LOCATION OF PROPERTY:

- A. General Location of Property: 285 ROOSEVELT RD, GLEN ELLYN, IL
- B. Acreage of Parcel: 2.9 ±
- C. Permanent Index Number(s): 05-22-201-001, 05-22-201-034
- D. Legal Description (Please attach) & 05-22-201-024

V. REIMBURSEMENT OF FEES:

The Ordinances of the Village require the owners of property, or individuals seeking to utilize property, to receive approval by ordinance or the issuance of a permit to undertake various uses or improvements of property in the Village. These uses can include requests for textual or map changes in the Zoning Ordinance, applications for building permits, requests for zoning relief and other similar requests. The Village has established a fee schedule for the anticipated use of staff time in processing such petitions or applications. In many cases, however the Village cannot reasonably evaluate the validity or compliance of the petition or application with the Ordinances of the Village without the use of reports from various consultants. In some cases, the application or petition requires among other things, public hearings and associated public notice costs, preparation of minutes or transcripts from the public hearing or meeting, recording costs of Ordinances and the preparation of reports by consultants whose services require the payment of out-of-pocket expenses by the Village. These expenses would not have been incurred but for the petition or application. The Village does not intend to seek to make a profit on its utilization of such consultants, but requires that the applicant, or the person receiving benefit, shall be obligated to reimburse the out-of-pocket expenses incurred by the Village. The Village shall seek to employ consultants who shall charge rates consistent with those paid by private parties who seek similar consulting services. The Village intends, through this Agreement, to cause the payment of out-of-pocket expenses and to require the creation of an escrow fund to guarantee that the petition or application will not result in the citizens of the Village being required to pay for costs incurred at the request of the owner or applicant.

This document shall constitute a contract when an application is made for a license, permit, request for zoning relief or other approval involving the use of real property. Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordations, in connection with any application or petition filed by the petitioner then the petitioner and owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the Village. The Planning and Development Director is hereby authorized to assign the above described services to the Village staff or to consultants, as the Director deems appropriate and without prior notification to the petitioner.

Any application or petition to be reviewed by the Planning and Development Department or by the Plan Commission or Architectural Review Commission shall require the petitioner to establish an escrow account with the Village in an amount determined by the Planning and Development Director to reimburse the Village for all out of pocket costs associated with the request. These out of pocket costs will cover such things as services provided by the Village's consulting engineer, consulting attorney, consulting planner, traffic consultant, wetland consultant, landscape consultant, architectural consultant, appraiser and transcriber, among others, as well as reproduction costs, public hearing notice costs, recording costs, etc. Along with the application the petitioner shall also submit a signed copy of this agreement thereby acknowledging and agreeing to reimburse the Village for all out of pocket costs associated with the application or petition.

This agreement shall be accompanied by an initial deposit in an amount to be determined by the Director of Planning and Development but shall be no less than \$500. The Village will provide an itemized list of Village expenses incurred related to any charge to the escrow account, and the petitioner shall deposit funds to reimburse the Village for those expenses upon notice from the Village that the deposit has dropped below \$500. If the expenses are not reimbursed, then reviews meetings and permits associated with out of pocket costs will cease, and the request will not be moved forward through the review process. At the completion of the review process, and development of the project, if appropriate, any remaining balance from the deposit will be returned to the petitioner, without interest, after all expenses have been paid.

The Village shall deduct the incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below \$500.00, the petitioner, upon notice by the Village, shall be required to replenish the deposit to its initial amount. The Village shall mail the petitioner regular invoices for the fees and costs incurred. The petitioner shall replenish the deposit amount within thirty (30) days of issuance of each such invoice directing replenishment of the deposit.

A petitioner who withdraws his or her petition may apply in writing to the Planning and Development Director for a refund of his or her remaining escrow balance. The Planning and Development Director may, at his or her discretion, approve such refund less any actual fees and costs, which the Village has already paid or incurred relative to the application.

Upon the failure of the petitioner or owner to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on the application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, reviews of any plans or applications, the granting of any relief or approvals, issuance of any permits or occupancies, performance of inspections and the

execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, apply any or all of the initial deposit to the outstanding balance due.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

Any remaining balance of any funds deposited pursuant to this Agreement shall be refunded at such time as the completion of Village deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, issuance of a building permit, approval of a final inspection, or issuance of a final certificate of occupancy upon the real property in question whichever occurs later.

BY SIGNING BELOW, THE PETITIONER AND OWNER ACKNOWLEDGE THAT EACH OF THEM HAS READ THE FOREGOING PARAGRAPHS AND EACH OF THEM FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, EACH SIGNATORY WARRANTS THAT HE/SHE/IT POSSESSES FULL AUTHORITY TO SO SIGN.

THE PETITIONER AND OWNER AGREE THAT PETITIONER AND OWNER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF GLEN ELLYN, AND THE OBLIGATIONS FOR PAYMENT RELATING TO THE FILING OF PETITION OR APPLICATION, AS SET FORTH HEREIN.

David C Behrens  
Petitioner, NICOR GAS CO.

Village of Glen Ellyn

Edson C. Wecht  
FOR Owner, CHICAGO TITLE LAND TRUST CO.  
157E 47th 10-388, # 1997  
Date: 10/11/08

By: \_\_\_\_\_  
Planning and Development Director

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

X:\PlanDev\PLANNING\FORMS\ReimOfFeesAgrmt 020410 lg.doc

Edson C. Wecht  
OWNER

**Address and Legal Description of Property:**  
285 Roosevelt Road, Glen Ellyn, IL 60137

LOTS 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20 AND 21 AND THE NORTH HALF OF THAT PART OF VACATED TAFT AVENUE LYING SOUTH OF AND ADJOINING SAID LOTS 16, 17, 18, 19, 20 AND 21, ALL IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAY THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS, AND

THE EAST HALF OF VACATED OTT AVENUE LYING WEST OF AND ADJOINING SAID LOT 14 IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAY THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS, AND

LOT 15 AND THAT PART OF VACATED OTT AVENUE LYING WEST OF AND ADJOINING SAID LOT 15 AND THAT PORTION OF THE NORTH ½ AND THE NORTH 12 FEET OF THE SOUTH 33 FEET OF VACATED TAFT AVENUE BOUNDED ON THE WEST BY THE CENTERLINE OF OTT AVENUE AND BOUNDED ON THE EAST BY THE EAST LINE EXTENDED SOUTH OF LOT 15, ALL IN BLOCK 34 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAY THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS,

**Quantitative Summary**

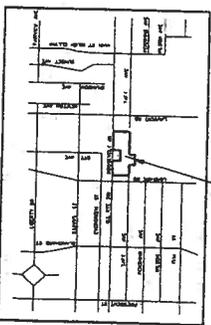
SITE SUMMARY:				
Description	Existing	Proposed	Code Requirements (where applicable)	Comments
Total Site Area	2.89 Acres	2.89 Acres		
				Only the portion of the site in Glen Ellyn will be used
Car Parking Spaces	20	82	Applying for Special Use Permit for Vehicle Storage	9' x 20' space
Truck Parking Spaces	0	19	Applying for Special Use Permit for Vehicle Storage	12' x 20' space
Trailer Parking Spaces	0	14	Applying for Special Use Permit for Vehicle Storage	12' x 48' space

BUILDING SUMMARY:				
Description	Existing	Proposed	Code Requirements (where applicable)	Comments
Total Building Area	20,278 s.f.	20,278 s.f.	Applying for Special Use Permit for Storage Warehousing	Will occupy first floor of existing building

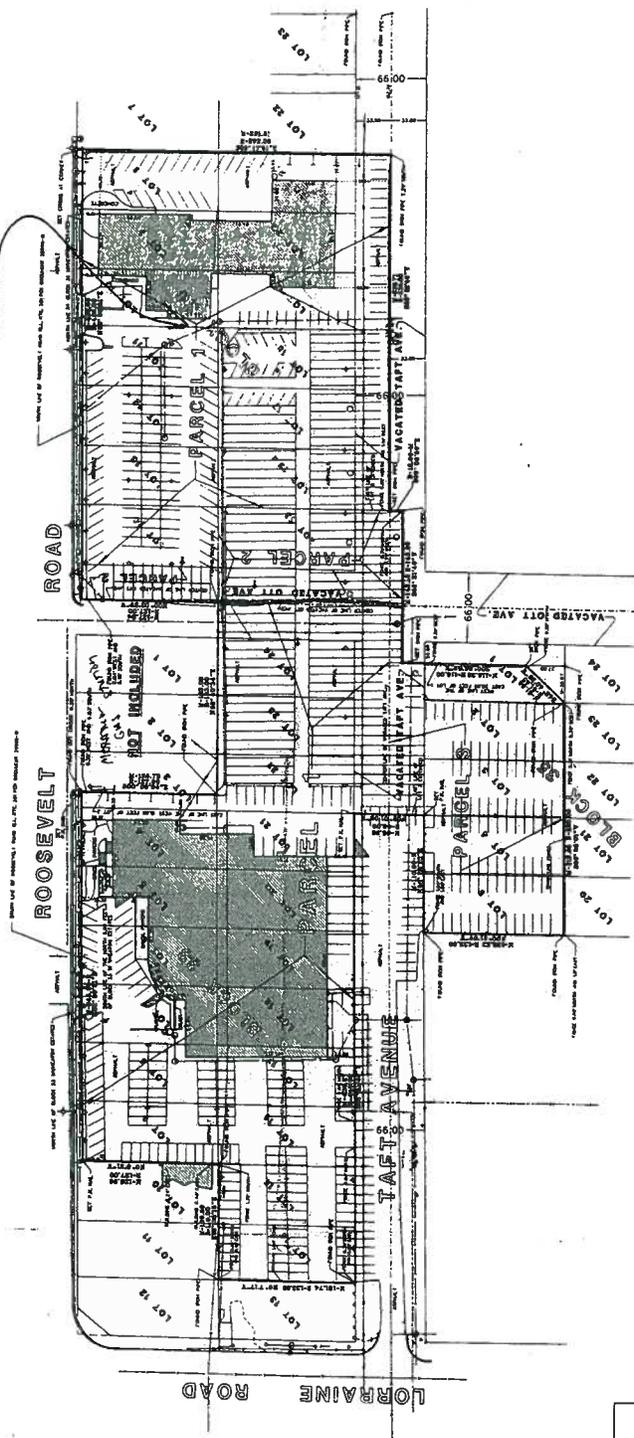
ALTA/ACSM LAND TITLE SURVEY

PROPERTY IN QUESTION

ALL RIGHTS RESERVED BY THE SURVEYOR. THIS SURVEY IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A WARRANTY OF ANY KIND. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE SURVEYOR'S OFFICE IS LOCATED AT 1234 MAIN STREET, SUITE 500, DENVER, CO 80202. CONTACT: (303) 555-1234. WWW.SURVEYOR.COM



SITE



LEGEND

Symbol	Description
—	Property Line
—	Survey Line
—	Right-of-Way Line
—	Utility Line
—	Other

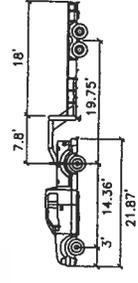
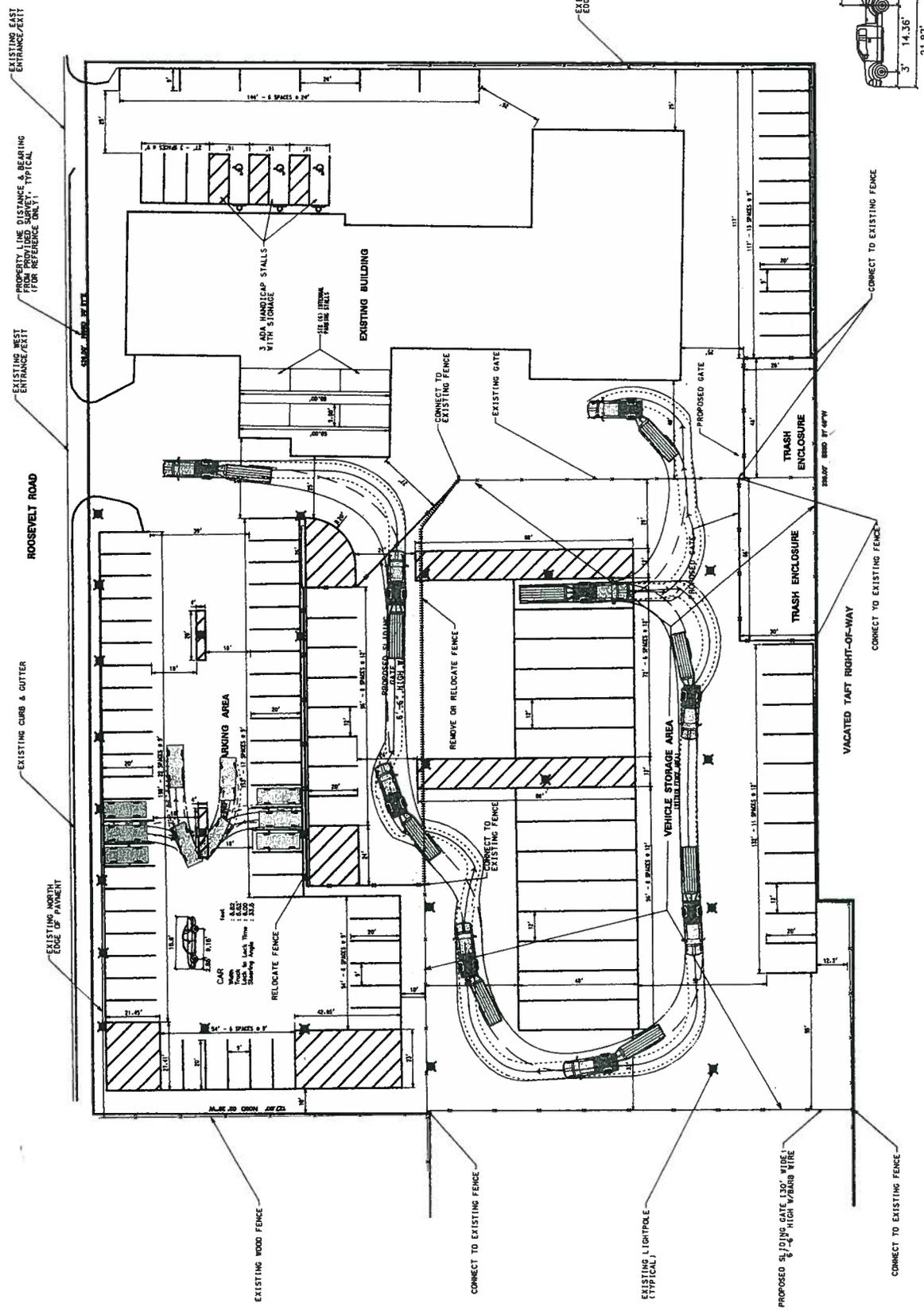
ALTA/ACSM LAND TITLE SURVEY

Project Name	ALTA/ACSM LAND TITLE SURVEY
Client	WESTERN, INCORPORATED & ASSOCIATES, L.P.
Surveyor	WESTERN SURVEYING & MAPPING, INC.
Date	12/15/2023
Scale	AS SHOWN
Sheet No.	1
Total Sheets	1
Project No.	2023-001
Survey No.	100





VEHICLE MOVEMENTS



Big Tex 140P 18ft Gooseneck

FEET

Tractor Width	: 6.66
Trailer Width	: 6.9
Tractor Track	: 7.89
Trailer Track	: 6.9
Lock to Lock Time	: 6.0
Steering Angle	: 34.2
Articulating Angle	: 70.0



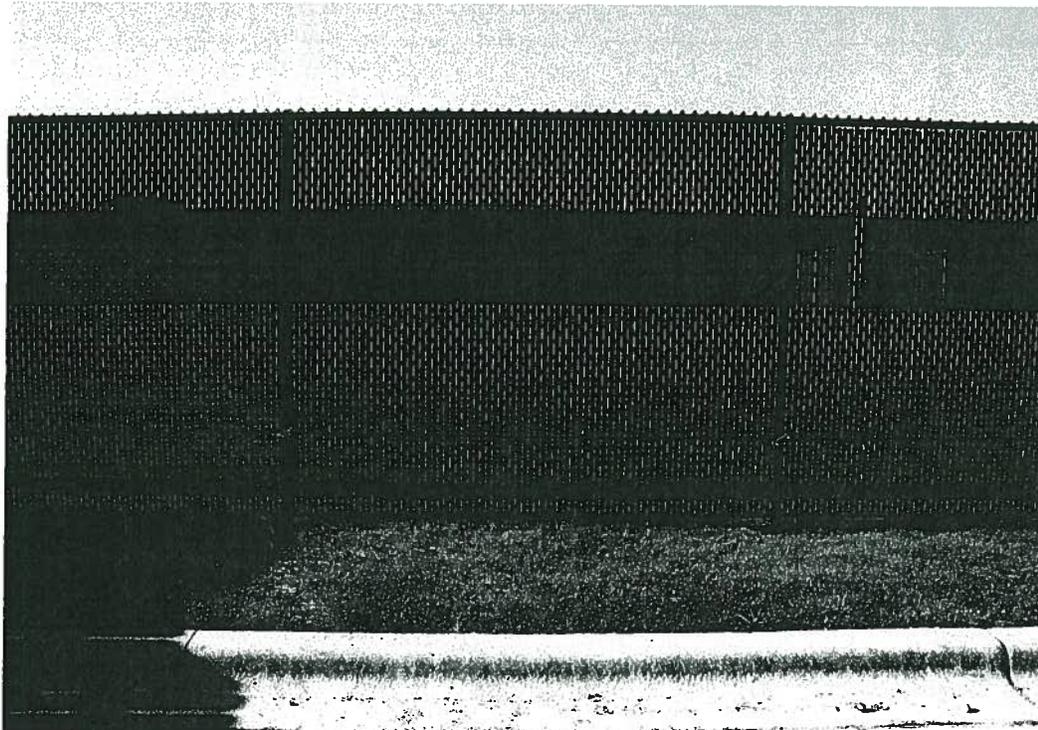
**Partners in Design**  
ARCHITECTS

October 29, 2010

Village of Glen Ellyn  
Planning and Development Department  
535 Duane Street  
Glen Ellyn, IL 60137

**Exterior Trash Enclosure Fence Photo:**

We proposed to use a 6'-0" tall standard aluminum color chain link fence with black privacy slats at the new trash enclosure as shown on our site plan located along the south property line. Note that this photo is from another Nicor Gas facility and is intended to represent the black privacy slats. The actual color of the chain link fence itself will be aluminum color.



**Partners in Design  
Architects, Inc.**

**ILLINOIS**  
2610 Lake Cook Road  
Suite 280  
Riverwoods, IL 60015  
voice: 847.940.0300  
fax: 847.940.1045

**WISCONSIN**  
600 Fifty Second Street  
Suite 220  
Kenosha, WI 53140  
voice: 262.652.2800  
fax: 262.652.2812

[www.pidarchitects.com](http://www.pidarchitects.com)

COLLABORATION

**Exterior Fence Photo:**

We proposed to re-use as much of the existing fencing as possible to enclose the west property line as shown on our site plan. This is a photo of the existing fencing that currently exists on the property. Any new fencing will match this standard aluminum color and will be 6'-0" tall without barb wire.





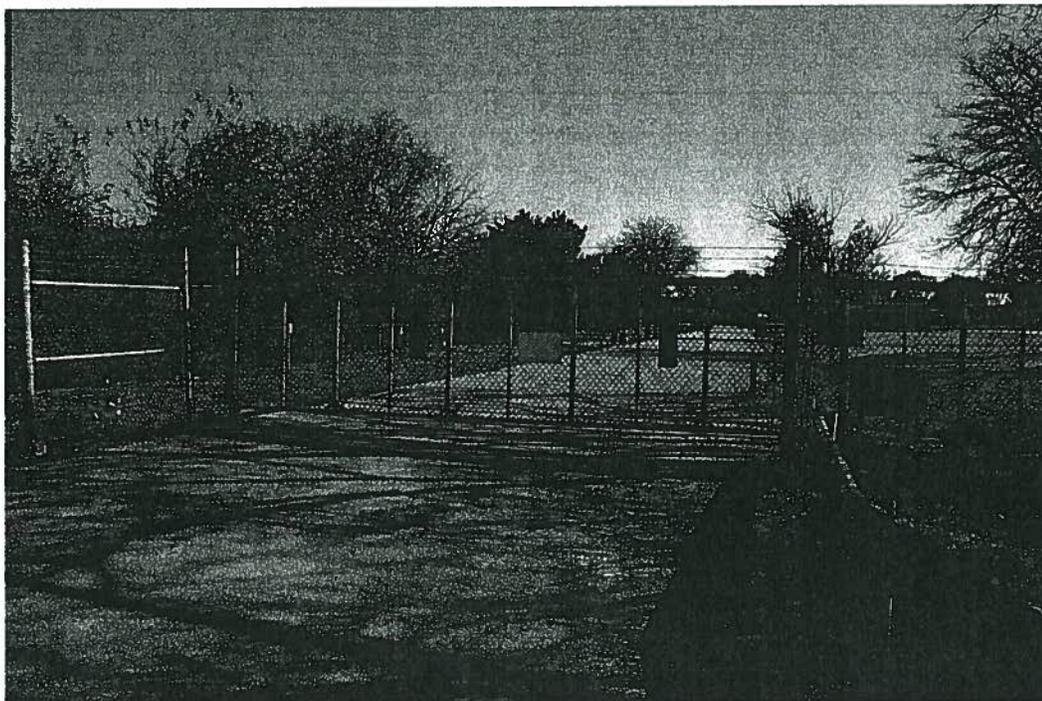
**Partners in Design**  
ARCHITECTS

October 29, 2010

Village of Glen Ellyn  
Planning and Development Department  
535 Duane Street  
Glen Ellyn, IL 60137

**Exterior Sliding Gate Photo:**

We proposed to relocate our existing 6'-6" tall standard aluminum color chain link sliding gate fence with barb wire from the Glen Ellyn property at 90 N. Finley Road. See photo below of the existing sliding gate.



**Partners in Design  
Architects, Inc.**

**ILLINOIS**  
2610 Lake Cook Road  
Suite 280  
Riverwoods, IL 60015  
voice: 847.940.0300  
fax: 847.940.1045

**WISCONSIN**  
600 Fifty Second Street  
Suite 220  
Kenosha, WI 53140  
voice: 262.652.2800  
fax: 262.652.2812

[www.pidarchitects.com](http://www.pidarchitects.com)

MEMORANDUM TO: Dan Stevens, PE  
Spaceco, Inc.

FROM: Javier Millan  
Senior Consultant

DATE: September 7, 2010

SUBJECT: Site Traffic Evaluation  
Proposed Temporary Nicor Gas Facility Relocation  
Glen Ellyn, Illinois

This memorandum presents the findings and recommendations of a site traffic evaluation conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) for the proposed temporary relocation of the Nicor Gas reporting center to 285 Roosevelt Road in Glen Ellyn, Illinois. The temporary relocation is a result of Nicor's plan to redevelop its existing facility. The site for the temporary relocation is the vacant Packey Webb Dodge dealer. The plans call for using this vacant facility to house Nicor's existing 100 operating and administrative personnel as well as their trucks. Access will continue to be provided via the two existing access drives on Roosevelt Road.

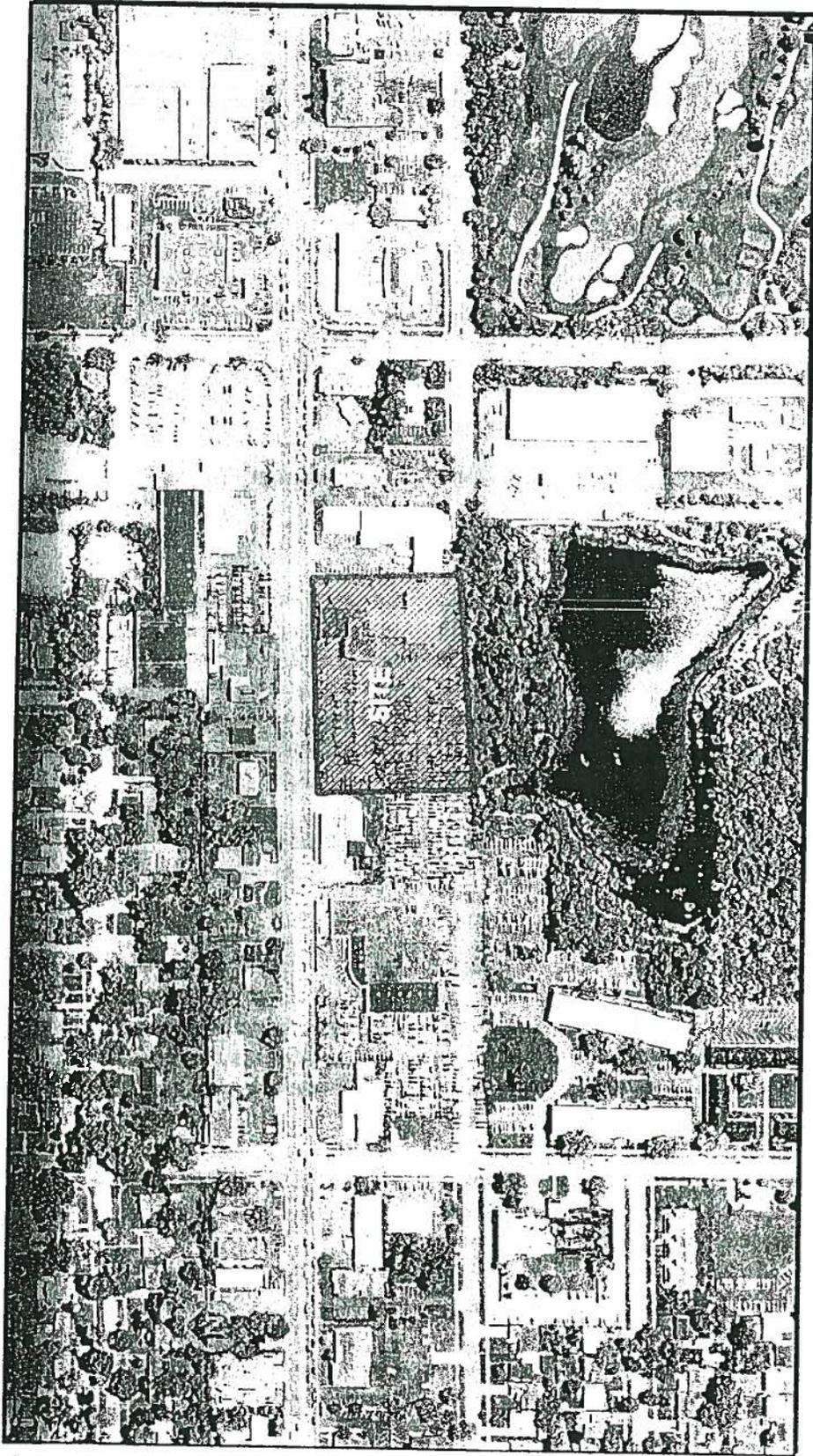
This evaluation was conducted to assess the site's accessibility, determine the increase in traffic as a result of the temporary relocation and its impact on the traffic stream on Roosevelt Road.

### Existing Conditions

The site, as previously mentioned, is served by two access drives on Roosevelt Road. One access drive allows inbound traffic only while the other allows full ingress/egress movements. In addition to these two access drive, the site has an easement to the west with Taft Avenue which provides access to Lorraine Road and to its traffic signal at Roosevelt Road (IL 38).

Roosevelt Road provides two lanes in each direction separated by a center two-way left-turn lane with a posted speed limit of 35 mph. No exclusive right-turn lanes are provided on either approach of its intersection with the Packey Webb dealer access drives.

Figure 1 shows an aerial view of the site location and the adjacent roadways.



Aerial View of Site Location

Figure 1

### Existing Traffic Volumes

Manual traffic counts were conducted by KLOA, Inc. on Tuesday, August 31, 2010 during the morning (6:00 to 9:00 A.M.), and evening (3:00 to 6:00 P.M.) peak periods at the intersection of Roosevelt Road with the Packey Webb westerly access drive/Wheaton Animal Clinic access drive.

Based on previous counts conducted at the existing Nicor reporting center, the facility's peak hour traffic occurs from 6:00 to 7:00 A.M. and from 3:15 to 4:15 P.M. It is during these hours that the facility generates the majority of its traffic. As such, Figure 2 shows the traffic volumes at the studied intersection during the 6:00 to 7:00 A.M. and the 3:15 to 4:15 P.M. hours.

### Nicor Facility Traffic Characteristics

Based on information provided by Nicor officials as well as on our survey of the existing facility, it is anticipated that 70 percent of the traffic will travel to/from the east on Roosevelt Road and 30 percent to/from the west

### Projected Trip Generation

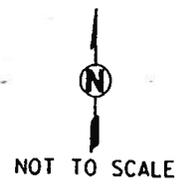
As indicated previously, KLOA, Inc. had conducted a traffic count from 6:00 to 9:00 A.M. and from 3:00 to 6:00 P.M. at the existing facility as part of the traffic study. Based on this traffic count, KLOA, Inc. obtained the number of trips the facility will generate during the peak hour of the generator (6:00 to 7:00 A.M. and 3:15 to 4:15 P.M.). Table 2 shows the amount of traffic that will be generated by the temporary relocation of the Nicor facility.

Table 2  
EXISTING TRIP GENERATION (PEAK HOUR OF GENERATOR)

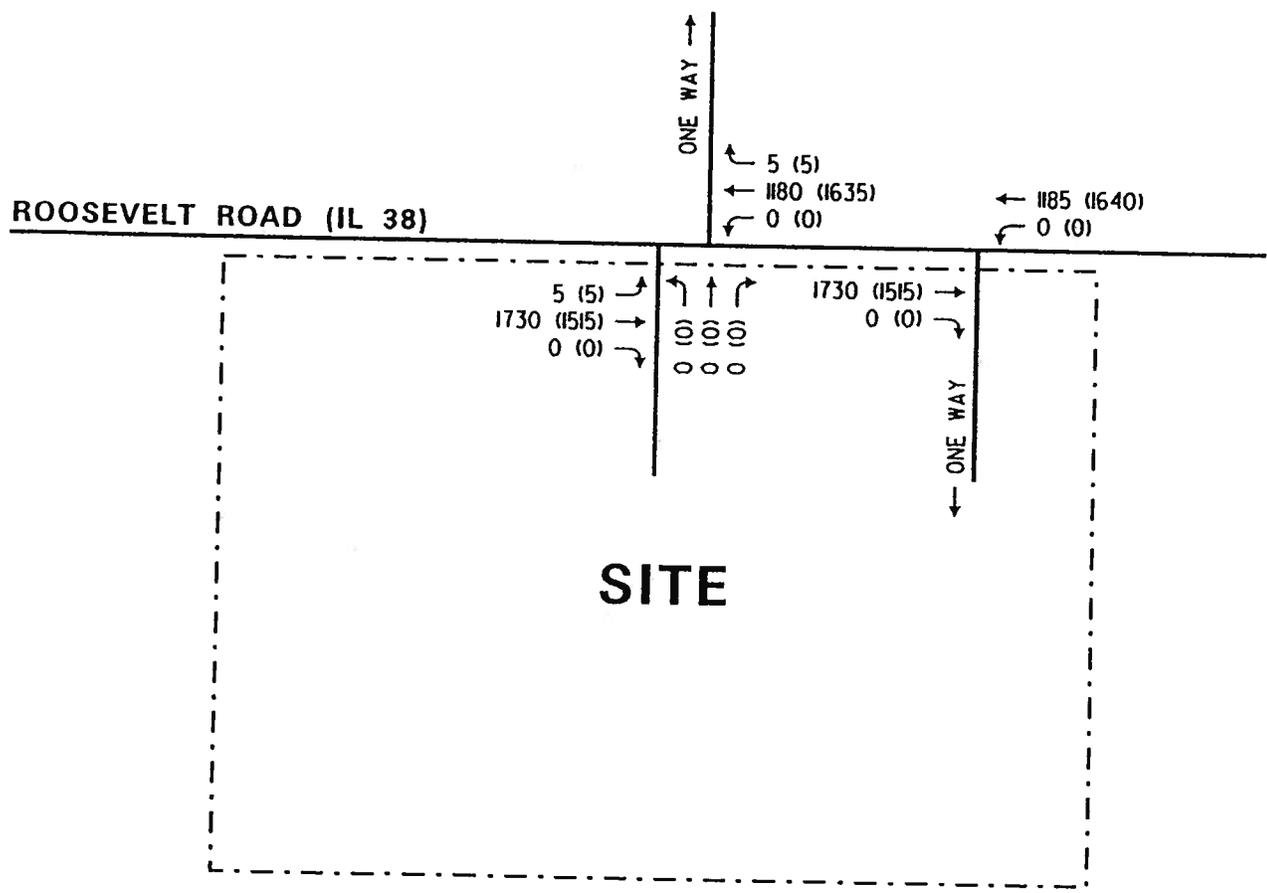
	Morning Peak Hour		Evening Peak Hour	
	In	Out	In	Out
Nicor Facility - 100 Employees	21	23	22	26
Truck Traffic	<u>1</u>	<u>4</u>	<u>5</u>	<u>1</u>
	22	27	27	27

These trips were assigned to the access drives and the roadway in accordance with the estimated directional distribution. The future traffic volumes are shown in Figure 3.

Inspection of Table 2 shows that the amount of new trips to be generated by the proposed temporary relocation of the Nicor reporting center will be approximately about one percent of the existing traffic on Roosevelt Road. This minimal amount of traffic will not have noticeable impact on traffic conditions along Roosevelt Road or the access drives.



WHEATON ANIMAL CLINIC



SITE

LEGEND

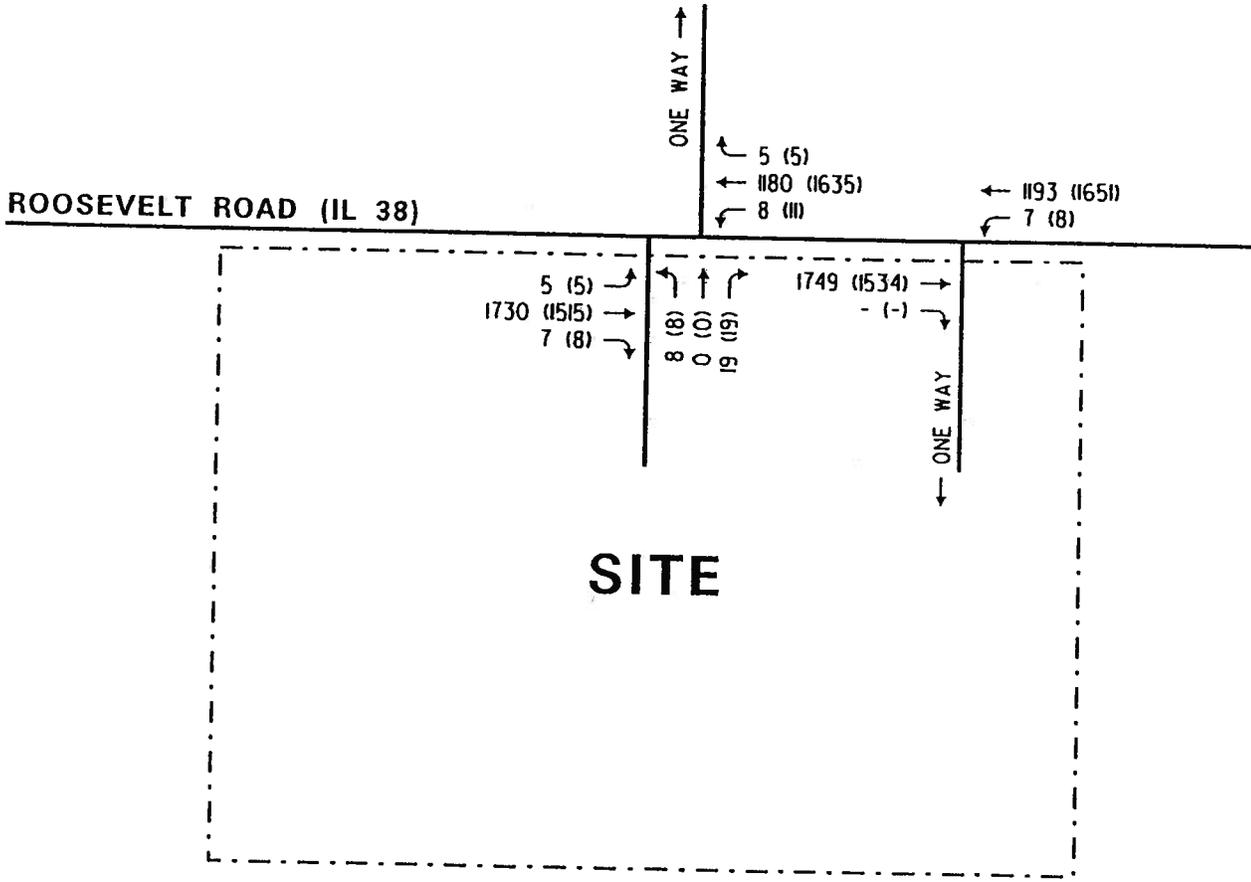
- 00 - AM PEAK HOUR (6:00-7:00 AM)
- (00) - PM PEAK HOUR (3:15-4:15 PM)

<b>PROJECT:</b> PROPOSED TEMPORARY NICOR REPORTING CENTER RELOCATION GLEN ELLYN, ILLINOIS	<b>TITLE:</b> EXISTING TRAFFIC VOLUMES (PEAK HOUR OF GENERATOR)	<b>PROJECT NO:</b> 10-108
		<b>FIGURE NO:</b> 2



NOT TO SCALE

### WHEATON ANIMAL CLINIC



#### LEGEND

- 00 - AM PEAK HOUR (6:00-7:00 AM)
- (00) - PM PEAK HOUR (3:15-4:15 PM)

PROJECT:

PROPOSED TEMPORARY  
NICOR REPORTING CENTER  
RELOCATION  
GLEN ELLYN, ILLINOIS

TITLE:

TOTAL PEAK HOUR VOLUMES  
(PEAK HOUR OF GENERATOR)

PROJECT NO:

10-108



FIGURE NO:

3

## Site Access

The site currently provides two access drives on Roosevelt Road. The easterly access drive is one-way inbound while the westerly access drive provides full ingress/egress movements. Given the low volume of traffic to be generated by the Nicor reporting center coupled with the provision of two access drives and the existence of a two-way left-turn lane on Roosevelt Road, the site will provide efficient ingress/egress accessibility to accommodate the future traffic volumes. Furthermore, there is an easement to the west with Taft Avenue that could potentially be used for ingress/egress of the Nicor trucks, if needed, thus reducing the number of turning movements at the two access drives.

## Gap Study

In order to determine the ease with which a vehicle can turn out of a driveway, a gap analysis was conducted to determine if adequate gaps or interruptions in the traffic stream on Roosevelt Road exist to allow for site traffic to enter and exit the proposed Nicor facility traffic.

The gap study was conducted on Wednesday September 1, 2010 during the morning (6:00 to 7:00 A.M.) and evening (3:15 to 4:15 P.M.) peak hours to coincide with the peak hour of the generator. The gap study measured the number and length of gaps in the eastbound direction on Roosevelt Road (allowing left turns in and right turns out) and in both directions on Roosevelt Road (allowing left turns out). The results of the gap study are summarized in Table 3.

Table 1

### GAP RESULTS SUMMARY

Time Period	Gaps in Eastbound Direction	Gaps in Both Directions
6:00 to 7:00 A.M.	156	132
3:15 to 4:15 P.M.	175	64

As can be seen, during the 6:00 to 7:00 A.M. peak hour, there are 156 gaps in the eastbound direction allowing vehicles to turn left in and/or right out of the site. Similarly, during the same peak hour, 132 vehicles can turn left out of the site. During the 3:15 to 4:15 P.M. peak hour, there are 175 gaps in the eastbound direction and 64 gaps available in both directions. As such, the number of gaps in the through traffic stream during the peak hours of the generator can accommodate as much as five (5) times the amount of traffic expected to be generated by the temporary relocation during the morning peak hour of the generator and slightly more than twice the amount of traffic expected to exit the site during the P.M. peak hour of the generator. Based on the fact that truck traffic entering and exiting the site during these peak hours is very limited, coupled with the low volume of passenger vehicles, the future traffic volumes to be generated by the Nicor facility can be accommodated by the ample number of gaps in the through traffic stream.

It should be noted that the gaps in both directions assumed vehicles would make the left-turn out of the site in one turn. However, given the existence of a two-way left-turn lane on Roosevelt Road, vehicles will have the additional opportunity to make a two-part left-turn out maneuver. Therefore, vehicles exiting the site and traveling west on Roosevelt Road will have more opportunities/gaps to perform a left-turn out maneuver from the site than what was shown in Table 1.

## Conclusion

Based on the preceding evaluation the following is concluded.

- The Nicor reporting center generates very little passenger and truck traffic.
- The peak hour traffic generation of the facility occurs mostly outside of the peak periods of traffic on the adjacent street.
- The small amount of traffic that will be generated by the Nicor facility will be approximately one percent of the existing traffic along Roosevelt Road.
- This small amount of traffic will not present a noticeable difference in traffic conditions on Roosevelt Road
- The site provides two access drives on Roosevelt Road thus dispersing more efficiently the small amount of traffic to be generated by the Nicor reporting facility.
- The gap study conducted have shown that there are ample gaps in the through traffic stream to accommodate the anticipated passenger and truck traffic to be generated by the Nicor reporting facility.
- In the unlikely event that additional accessibility is needed, the site also affords Nicor the flexibility of directing trucks to enter and exit via the Taft Avenue easement. This would allow trucks to exit onto Roosevelt Road via the signalized intersection at Lorraine Road.

12/6/10

(4)



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director 

Date: December 1, 2010

Re: Snow Hauling – Modified Contractor Recommendation FY11/FY12

### Background

Snow removal is the most crucial core function of Public Works in the winter months. In order to provide an effective means and an overall safe final product, we haul away snow from our Central Business District (CBD). The Village does not own or operate a sufficient fleet of trucks that can be utilized for this hauling purpose. Therefore, we enter into contracts with contractors to provide us this service. Coordination, confidence in and buy-in from the contractor are crucial to a successful snow and ice management plan.

At the October 25, 2010 Village Board Meeting, we approved a contract for Snow Hauling Services with Koz Trucking. As outlined in Assistant Director Buckley's attached memo, multiple attempts have been made with the contractor to secure the signed contracts and associated paperwork to execute the contract. The original contracts were sent to the contractor on October 19, 2010 (six days before the actual Village Board award). The contract specifications provide a fifteen day window for the contractor to submit all necessary contract documents. As of December 1, 2010, forty-three (43) days have expired and we still do not have the necessary paperwork.

### Issues

As I write this memo, snow is falling in Glen Ellyn. The weather forecasting system is calling for possible accumulation as early as this weekend. We DO NOT have a signed and executed snow hauling contract at this point. Reliability and confidence in our snow hauling contract are crucial in successful performance of our duties and fulfillment of our resident expectations.

Our recommendation to the Village Board in October did not come without reservation. Koz Trucking has performed contracts with us in the past with mixed results. In tough economic times and with optimistic hopes that their operations have improved, we wanted to give them another opportunity. However, our team has lost all confidence in Koz Trucking – and we have yet to call upon them for service. For that reason, I am recommending withdrawing our contract offer to Koz Trucking due to failure to comply with the contract documents as it relates to sufficient time to execute the contract complete with all necessary insurance and bonding requirements.

The second lowest responsible contractor to submit a proposal was Marcott Enterprises. The difference in cost between Koz and Marcott (based on actual experience over the past two winter seasons) was \$5,400 over a two year period. Marcott Enterprises has been our snow hauling contractor each year since 2003. They have performed exceptionally for us and our crews are very familiar and comfortable with their reliability and efficiency. Marcott has indicated that they are still interested and available to perform the duties of this contract for Glen Ellyn. They have offered to post a \$5,000 check to serve as a temporary performance bond should their services be necessary prior to formal execution of a contract. At this time, I am recommending approval of a contract with Marcott Enterprises for our next two year contract.

### **Action Requested**

Motion to withdraw the authorization to enter into a contract with Koz Trucking and Sons, Inc. of Medinah, Illinois, for the FY11/FY12 Snow Hauling Program

Motion to approve award of a two year contract to Marcott Enterprises, Inc. of Villa Park, Illinois, for snow hauling in the not-to-exceed amount of \$20,000 annually, to be expensed in the FY11 and FY12 General Fund Budget

### **Recommendation**

The importance of confidence, reliability, and a good working relationship cannot be overlooked in a contract of this nature. I recommend the withdrawal of the original contract with Koz Trucking and award of a new contract with Marcott Enterprises.

### **Attachments**

- Memorandum dated December 1, 2010 (with attachments) authored by Assistant Public Works Director Dave Buckley

## **Interoffice Memorandum**

**to:** Joseph Caracci, Public Works Director  
**from:** David Buckley, Assistant Public Works Director  
**subject:** 2010-12 Snow Hauling RFP –Change of Recommendation  
**date:** December 1, 2010

---

The Glen Ellyn Village Board approved the award of a Snow Hauling contract to Koz Trucking at the October 25, 2010 Board Meeting. This award was based on a memo and RFP Analysis that I wrote on October 13, 2010. As of today, Koz Trucking has not executed the contract, despite multiple contact efforts by Public Works. Koz Trucking received a letter dated October 15, 2010 documenting a previous phone conversation that addressed Public Works' concerns about the award of the contract and past performance issues. This snow hauling contract is crucial to the Village removing snow from the Central Business District (CBD) in an efficient manner while maintaining safe roadways in the downtown and I wanted to be assured that Koz Trucking had the resources to fulfill the contract and the commitment to meet all of Glen Ellyn's snow removal needs.

A cover letter dated October 19, 2010 and three copies of the agreement were sent to Koz Trucking to be executed within 15 days (per the agreement). I called Koz Trucking on November 9, 2010 to inquire about the delay in executing the contract. I was assured the contracts would be in hand by November 19, 2010. A certified letter was then sent to Koz Trucking on November 23, 2010 giving a deadline of 3pm Wednesday, December 1, 2010 to receive executed contracts or Glen Ellyn would seek alternative options for a snow hauling contractor. This certified letter was received on November 24<sup>th</sup>. During a phone conversation with Koz Trucking today, I was informed that a performance bond needed to execute the contract would not be available until sometime next week. The past performance issues that Public Works was willing to overlook do not seem to be corrected. With accumulating snow in the 5 day forecast, Public Works is not able to obtain an executed Snow Hauling contract.

I recommend that the Village of Glen Ellyn award a two year contract to the second lowest responsible bidder, Marcott Enterprises Inc., for Snow Hauling services. Marcott has performed snow hauling services for Public Works at least 12 of the last 15 winters, including the last seven years consecutively. When comparing Marcott's proposal for 2010-12 with the 2008-10 contract, there was no increase in cost; Marcott kept all unit pricing flat. Snow removal from the Central Business District requires hauling a substantial amount of snow. The removal includes loading the snow onto trucks and hauling the snow to Ackerman Park on St. Charles Road. The Village does not own or operate a sufficient fleet of trucks to haul the snow with its own equipment. To supplement the existing trucks, private hauling companies are used to haul snow on an as-needed basis. The Village uses a tractor-mounted snow blower to load the snow into the contracted trucks. Public Works employees are accustomed to working with Marcott and CBD snow removal efforts occur seamlessly.

This established teamwork is something that Village residents directly benefit from as all snow is removed from the CBD within 12 hours of the end of a snow event.

The Public Works team developed a Request for Proposal for a two year agreement, with the time frame to be November 15, 2010 to April 15, 2011, and November 15, 2011 to April 15, 2012. Marcott is willing to step in and take on the snow hauling responsibility for the next two years. Until contracts are signed, awarded and executed, Marcott is willing to provide Public Works with a \$5,000 check of good faith to insure all aspects of performance detailed in the contract are followed. Upon the execution of the contract, the check will be returned to Marcott.

### **RFP ANALYSIS**

A Bid Tab is attached and was used to compare pricing proposals. The actual snow hauling use by Public Works during the winters of 2008/09 and 2009/10 was used to create an RFP analysis (attached). Basing future costs on past experience was considered the fairest and most accurate way to compare proposal pricing.

### **RECOMMENDATION**

Based on the above documented events and the RFP Analysis, Public Works recommends the acceptance the second lowest proposal which was submitted by:

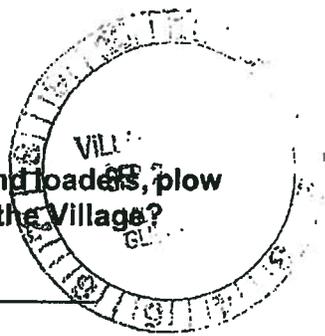
Marcott Enterprises, Inc.  
600 N Villa Ave, Unit C  
Villa Park, IL 60181

### **PAYMENT - SNOW HAULING**

In the current year's budget, General Fund Operations Division – Snow Removal Services has \$20,000 for contracted snow hauling and other equipment as needed. Payment will be made on an as-needed basis.

cc: Steve Jones, Village Manager  
Kristen Denny, Administrative Analyst  
File





In the event the Village of Glen Ellyn should need additional front-end loaders, plow trucks, or large snow throwers, will you commit these vehicles to the Village?

Yes X No \_\_\_\_\_

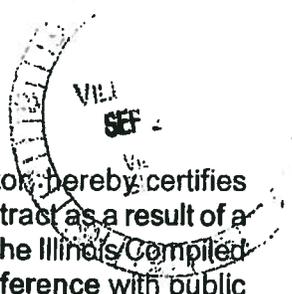
If yes, please list the hourly rates.	Size	2010/11 Hourly Rate	2011/12 Hourly Rate
Front - End Loaders(Rubber Tired)	<sup>Qty 5</sup> 3' <sup>2yd</sup> Bucket	\$ <u>225.00</u>	\$ <u>250.00</u>
Plow Trucks - Hourly Rate	<sup>Qty 1</sup> 12' Blade	\$ <u>170.00</u>	\$ <u>195.00</u>
Snow Thrower - Hourly Rate	N/A	\$ <u>N/A</u>	\$ <u>N/A</u>

Other than the equipment listed above, if you have other snow removal equipment you would commit to the Village, please list the types and hourly rates.

Type of Equipment and Size	2010/11 Hourly Rate	2011/12 Hourly Rate
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

Dated and signed this 20th day of September ~~2010~~ 2011  
 Signature of Authorized Representative:   
 Title: President  
 Company: Marcott Enterprises, Inc  
 Address: 600 N. Villa Ave, Unit C  
 City, State, Zip: Villa Park IL 60181  
 Telephone: 630-279-2999  
 Fax: 630-279-8277  
 E-mail Address: SST278@SBCGLOBAL.NET

**D. CERTIFICATION**



The undersigned, being an authorized representative of the Contractor, hereby certifies that the Contractor is not barred from submitting a proposal for this contract as a result of a violation of either Section 5/33E-3 or Section 5/33E-4 of Chapter 38 of the Illinois Compiled Statutes concerning bid rigging, rotating, kickbacks, bribery, and interference with public contracts.

The undersigned hereby also certifies that the Contractor has adopted an anti-sexual harassment policy in accordance with the Illinois Human Rights Act, as amended.

The undersigned hereby also certifies that the Contractor is in compliance with the Illinois Prevailing Wage Act (820 ILCS 103/1 et seq.), utilizing the current prevailing rate of wage as determined by ordinance of the Village of Glen Ellyn.

The undersigned hereby also certifies that the Contractor shall comply with all local, state, and federal safety standards.

The undersigned hereby also certifies that the Contractor is not delinquent in the payment of any tax administered by the State of Illinois Department of Revenue, unless the amount and/or liability is being properly contested in accordance with the procedures established by the appropriate revenue act.

The undersigned hereby also certifies that this proposal is genuine and not collusive or sham; that said Contractor has not colluded, conspired, connived, or agreed, directly or indirectly, with any other Contractor or person, to put in a sham proposal or to refrain from submitting a proposal; and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, to fix the proposed price elements of said proposal, or that of any other Contractor, or to secure any unlawful advantage against any other contractor or any person interested in the proposed contract.

Dated at Marcott Enterprises, Inc this 20th day of September, 2010

By: [Signature]  
(Signature) Scott Schroeder

Its: President  
(Title)

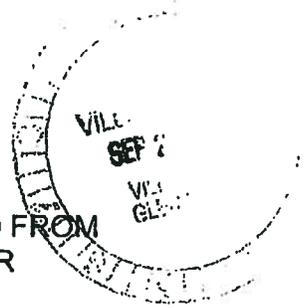
being duly sworn, deposes and says that he/she is the President of Marcott Enterprises, Inc and that the statement above is true and correct.

Subscribed and Sworn before me this 20th day of September, 2010.

Notary Public: Patricia A. Kohl  
My commission expires: 7/5/14



**E. NON-COLLUSION CERTIFICATE**



**CERTIFICATION THAT CONTRACTOR IS NOT BARRED FROM  
PUBLIC CONTRACTING DUE TO BID-RIGGING OR  
BID ROTATING CONVICTIONS**

WHEREAS, a conviction for the offense of bid-rigging or bid rotating bars a person or entity from bidding on public contracts ( Ill.Rev.Stat. 1987, ch.38, par. 33E-3, 33E-4), and

WHEREAS, Section 33E-11 of the Criminal Code ( Ill. Rev. Stat. 1987, ch.38, par. 33E-11) requires bidders and CONTRACTORS to certify on a form provided by the unit of local government or school district that they are not barred from public contracting due to bid-rigging or bid rotating convictions.

NOW, THEREFORE, IT IS HEREBY CERTIFIED THAT the undersigned, (individual, firm, corporation or other entity) is not barred from bidding on or entering into public contracts due to having been convicted of bid-rigging or bid rotating under paragraphs 33E-3 or 33E-4 of the Illinois Criminal Code. The undersigned also certifies that no officers or employees of the bidder or CONTRACTOR have been so convicted and that the bidder or CONTRACTOR is not the successor company or a new company created by the officers or owners of one so convicted. It is further certified that any such conviction occurring after the date of this certification will be reported to the above named public body, in writing, within seven (7) days of such conviction, if it occurs during any bidding process, contract term or otherwise prior to entering into any contract therewith.

DATE: September 20, 2010  
By: [Signature]  
ATTEST: Patricia A. Kohl

-SEAL-

"In the event that circumstances certified to in this certificate should change, we will notify you of the change within fifteen (15) days.

RFP – SNOW HAULING, EQUIPMENT LEASING, SALT - TABULATION

OPENING – September 20, 2010 - 11:00 AM  
Glen Ellyn Civic Center

20010/11	MARKATY	MARCOTT	T&W Edmier	KOZ	CARGILL	DETROIT
<b>HOURLY PRICE/ SEMI DUMP</b>	\$ 104.50	\$ 97.00	\$90.00	\$80.00		
<b>MINIMUM HOURLY CHARGE</b>	\$ 104.50	None	\$720.00	\$80.00		
<b>SAT/SUN/HOLIDAYS</b>	\$121 Sat \$143 Sun/Holiday	\$145.50 Sat \$194 Sun/Holiday	\$125.00 Sat \$160.00 Sun/Holiday	\$90 Sat/Sun/Holiday		
<b>TRAVEL TIME</b>	\$ 104.50(1 Hr) Sat/\$121 Sun/Hol/\$143	\$ 48.50 (1/2 Hr) Sat/\$72.75 Sun/Hol \$97	\$120.00	\$85.00		
<b>HOURLY PRICE/PICK UP</b>		\$ 95.00	\$80.00	\$75.00		
<b>MINIMUM HOURLY CHARGE</b>		None	\$640.00	\$75.00		
<b>SAT/SUN/HOLIDAYS</b>		Included	\$90 Sat \$115 Sun/Hol	Included		
<b>TRAVEL TIME</b>		None	\$100.00	None		
<b>BULK ROCK SALT/TON</b>		\$175.00	\$85.00	\$85.00	\$65.18	\$59.10
<b>ADDITIONAL EQUIPMENT</b>						
<b>FRONT END LOADERS</b>		\$225.00	\$175.00	\$190.00		
<b>PLOW TRUCKS</b>		\$170.00 (12' blade)	\$85 (3/4 ton)	\$125.00 (6 wheel)		
<b>SNOW THROWER</b>		N/A	N/A	N/A		
<b>OTHER EQUIPMENT</b>						
			1 ton plow \$135.00			
			1 ton plow/salt \$150			
			Cat Graders \$175			

20011/12	MARKATY	MARCOTT	T&W Edmier	KOZ	CARGILL	DETROIT
<b>HOURLY PRICE/ SEMI DUMP</b>	\$ 104.50	\$ 102.00	\$95.00	\$85.00		
<b>MINIMUM HOURLY CHARGE</b>	\$ 104.50	None	\$760.00	\$85.00		
<b>SAT/SUN/HOLIDAYS</b>	\$121 Sat \$143 Sun/Holiday	\$153.00 Sat \$ 204.00Sun/Holiday	\$130.00 Sat \$165.00 Sun/Holiday	\$95 Sat/Sun/Holiday		
<b>TRAVEL TIME</b>	\$ 104.50 Sat/\$121 \$143 Sun/Hol (ONE HOUR)	\$ 51.00 Sat/\$76.50 \$102.00 Sun/Hol (HALF HOUR)	\$130.00	\$85.00		
<b>HOURLY PRICE/PICK UP</b>		\$ 100.00	\$85.00	\$75.00		
<b>MINIMUM HOURLY CHARGE</b>		None	\$680.00	\$75.00		
<b>SAT/SUN/HOLIDAYS</b>		Included	\$95 Sat \$120 Sun/Hol	Included		
<b>TRAVEL TIME</b>		None	\$110.00	None		
<b>BULK ROCK SALT/TON</b>		\$200.00	\$95.00	\$85.00	68.18	
<b>ADDITIONAL EQUIPMENT</b>						
<b>FRONT END LOADERS</b>		\$250.00	\$185.00	\$215.00		
<b>PLOW TRUCKS</b>		\$195.00 (12' blade)	\$85 (3/4 ton)	\$175.00 (6 wheel)		
<b>SNOW THROWER</b>		N/A	N/A	N/A		
<b>OTHER EQUIPMENT</b>						
			1 ton plow \$145.00			
			1 ton plow/salt \$160			
			Cat Graders \$185			

2010 Snow Hauling Comparisons to 2008-10 Actual.xls

Date	W/Sat/Sun	# Trucks	Total Hours	Markaty	Marcott	T&W Edmier	Koz
12/17/2008	W	4	16.5	\$2,142.25	\$1,794.50	\$2,640.00	\$1,660.00
12/19/2008	W	6	18	\$2,508.00	\$2,037.00	\$3,960.00	\$1,950.00
12/20/2008	Sat	4	18.25	\$2,692.25	\$2,946.38	\$3,480.00	\$1,982.50
12/29/2008	W	6	24.5	\$3,187.25	\$2,667.50	\$3,960.00	\$2,470.00
1/10/2009	Sat	6	20.25	\$3,176.25	\$3,382.88	\$5,220.00	\$2,332.50
1/11/2009	Sun	6	18.25	\$3,467.75	\$4,122.50	\$6,480.00	\$2,152.50
2/13/2009	W	5	8.25	\$1,384.63	\$1,042.75	\$3,300.00	\$1,085.00
2/23/2009	W	3	4.25	\$757.63	\$557.75	\$1,980.00	\$595.00
12/31/2009	Sun	5	7.25	\$1,751.75	\$1,891.50	\$5,400.00	\$1,077.50
1/8/2010	W	6	23	\$3,030.50	\$2,522.00	\$3,960.00	\$2,350.00
2/10/2010	W	8	23.75	\$3,317.88	\$2,691.75	\$5,280.00	\$2,580.00
2/22/2010	W	12	24	\$3,762.00	\$2,910.00	\$7,920.00	\$2,940.00
<b>TOTAL</b>				<b>\$31,178.13</b>	<b>\$28,566.50</b>	<b>\$53,580.00</b>	<b>\$23,175.00</b>