

Agenda
Glen Ellyn Village Board of Trustees
Monday, May 10, 2010
8:00 p.m. – Galligan Board Room

1. Call to Order
2. Roll Call
3. Pledge of Allegiance to be led by Dawn Bussey, President of the Glen Ellyn Rotary Club.
4. Village Recognition
 - A. The Village Board and Management Team congratulates the following employees who recently celebrated an anniversary as a Village employee:

Marcia Bertsch	Public Works	Twenty Years
Henry Altott	Glenbard Wastewater Authority	Ten Years
Michael Atkins	Recreation Department	Five Years
 - B. The Village Board accepts the resignation of Scott Power from the Recreation Commission and thanks him for his years of service to the Village.
5. Audience Participation (**Pages 5-12**)
 - A. Proclamation thanking Ron Leonard for his distinguished service to the Glen Ellyn Volunteer Fire Company for over 50 years.
 - B. Proclamation declaring the week of May 16-22 as National Public Works Week in Glen Ellyn.
 - C. Proclamation declaring June 1 as Rotary Day in Glen Ellyn.
 - D. Proclamation recognizing May as National Historic Preservation Month.
 - E. Presentation of the Spirit of Glen Ellyn Award to Village employees whose efforts best demonstrate the importance of rendering municipal services to the citizens of Glen Ellyn in an efficient and courteous fashion.
 - F. Other?

6. Consent Agenda (**Pages 13-101**)

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

- A. Total Expenditures (Payroll and Vouchers) - \$1,639,066.03.

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

- B. Motion to approve the recommendation of Village President Pfefferman that William F. Schumann be appointed to the Recreation Commission for a term ending December 31, 2011.
- C. Motion to waive Section 4-5-7(G) (Portable Signs) of the Village Code and Sections 3-19-11(B) and 3-19-11(C) of the Liquor Control Code and to approve the Glen Ellyn Lion's Club request to host the 41st annual Festival of the Arts event on Saturday, August 28 and Sunday, August 29, 2010 at the Lake Ellyn Boathouse. *(Administrative Analyst Schrader)*
- D. Ordinance No. 5861, an Ordinance to Amend the Liquor Control Code Chapter 19 of Title 3, Section 12 (Restriction on Number of Licenses) of the Village Code of Glen Ellyn, Illinois, to Increase the Number of Permitted Class A-2 Liquor Licenses. *(Administrative Analyst Schrader)*
- E. ***Ordinance No. 5862-VC, an Ordinance to Amend Title 2 Section 2-1-4 (Reemployment of Police Officers) of the Village Code of the Village of Glen Ellyn, Illinois Regarding Reemployment of Police Officers. *(Police Chief Norton)*
- F. Resolution No. 10-08, a Resolution Adopting the Emerald Ash Borer Management Plan. *(Public Works Director Caracci)*
- G. Resolution No. 10-09, a Resolution Concerning the Determination of the Village Board that Change Order No. 1 (FINAL) with Insituform Technologies USA, for an Increase in the Contract Price of \$39,540 is Required for the 2007 Sewer Lining Improvements Project, for a Revised and Final Contract Cost of \$486,580. *(Public Works Director Caracci)*
- H. Resolution No. 10-10, a Resolution Concerning the Determination of the Village Board that Change Order No. 1 (FINAL) with Arrow Road Construction Company, for a Decrease in the Contract Price of \$29,495 is Required for the Glenwood-Crescent Parking Lot Resurfacing Project, for a Revised and Final Contract Cost of \$86,945. *(Public Works Director Caracci)*
- I. ***Motion to approve a ----year contract with --- for street light power in the amount of --- per kilowatt hour (kWh), to be expensed to the Motor Fuel Tax Fund. *(Public Works Director Caracci)*

- J. As part of the ongoing College of DuPage (COD) improvements program, new sidewalk and traffic signals were constructed on Lambert Road. These items are either partially or totally outside the public right-of-way of Lambert Road, but whose operation and long-term maintenance responsibilities logically lie with the Village. Easements have been granted by COD for sidewalk on the west side of Lambert Road between College Road and Fawell Boulevard and the new traffic signals at Lambert Road and Tallgrass Road to define the purpose, configuration, use, conditions and restoration requirements associated with each facility and its accompanying easement. *(Public Works Director Caracci)*
1. Ordinance No. 5863, an Ordinance Approving a Public Sidewalk Easement Agreement between the College of DuPage and the Village of Glen Ellyn on the West Side of Lambert Road between College Road and Fawell Boulevard.
 2. Ordinance No. 5864, an Ordinance Approving a Traffic Signal Easement Agreement between the College of DuPage and the Village of Glen Ellyn at Lambert Road and Tallgrass Road.
- K. Motion to approve a license agreement to allow tables and chairs in the public right-of-way for Vitorio's Ristorante at 504 Crescent Boulevard. *(Planning and Development Director Hulseberg)*
- L. Resolution No. 10-11, a Resolution Accepting Public Improvements and a Bill of Sale for Phase II of the Maryknoll Townhomes Development Located at the Southeast Corner of Pershing Avenue and Roosevelt Road. *(Planning and Development Director Hulseberg)*
7. Ordinance No. 5865, an Ordinance Granting Approval of Sign Variations and the Exterior Appearance for Property Commonly Known as 479-483 Roosevelt Road. *(Trustee Comerford)* **(Pages 102-141)**
- Planning and Development Director Staci Hulseberg will present information on the requests of Wayne and Angela Rohalla, owners of property located at 479-483 Roosevelt Road, for approval of sign variations and exterior appearance associated with proposed exterior remodeling of the existing building on the property and related site improvements.
8. Reminders:
- The next Regular Village Board Workshop meeting of the Glen Ellyn Village Board is scheduled for Monday, May 17, 2010 beginning at 7 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
 - The next Regular Village Board Meeting is scheduled for Monday, May 24, 2010 with a Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
9. Other Business?

10. Adjournment
11. Press Conference



A-5A

VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, the Glen Ellyn Volunteer Fire Company is the finest example of the tradition of volunteerism in the Village, providing the only volunteer firefighting force in DuPage County; and

WHEREAS, Ron Leonard joined the Glen Ellyn Volunteer Fire Company on August 8, 1959; and

WHEREAS, for fifty years, Ron has continually demonstrated his willingness to place his concern for his fellow citizens ahead of his personal interests, dedicating time and resources to our community and making a difference in the lives of those around him;

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, and on behalf of the Village Board of Trustees, do hereby extend our heartiest congratulations to Firefighter Ron Leonard and our sincere appreciation for the courage, caring and commitment he has exemplified in order to keep Glen Ellyn a great place in which to live. We thank him for his distinguished service and urge our citizens to recognize the valuable work done by our Volunteer Fire Company.



Village President

attest:

Village Clerk

Date

A-5B



VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, the residents of the Village of Glen Ellyn enjoy an abundant supply of good quality drinking water, excellent wastewater treatment facilities, an extensive local road system, and an award winning forestry program; and

WHEREAS, the Public Works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of Public Works systems and programs such as water, sewers, streets, forestry, and snow removal; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, construction, operation, and maintenance, are vitally dependent upon the efforts and skills of qualified and dedicated personnel; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform;

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, do proclaim the week of May 16 - May 22, 2010, National Public Works Week in the Village of Glen Ellyn and call upon all citizens to recognize the contributions which Public Works staff and officials make to our community.



Village President
attest:

Village Clerk

Date

A-5C



VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, Rotary International, founded on February 23, 1905 in Chicago, Illinois USA, is the world's first and one of the largest non-profit service organizations; and

WHEREAS, there are over 1.2 million Rotary club members comprised of professional and business leaders in over 33,000 clubs in 200 countries and geographic areas; and

WHEREAS, the Rotary motto "Service Above Self" inspires members to provide humanitarian service, encourage high ethical standards, and promote good will and peace in the world; and

WHEREAS, Rotary funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries; and

WHEREAS, Rotary in 1985 launched PolioPlus and spearheaded efforts with the World Health Organization, U.S Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio; and

WHEREAS, polio cases have dropped by 99 percent since 1988 and the world stands on the threshold of eradicating the disease; and

WHEREAS, to date, Rotary has contributed nearly \$850 million and countless volunteer hours to the protection of more than two billion children in 122 countries; and

WHEREAS, Rotary has raised \$100 million towards a \$200 million challenge grant from the Bill & Melinda Gates Foundation for a total \$355 million; and

WHEREAS, these efforts are providing much needed operational support, medical personnel, laboratory equipment and educational materials for health workers and parents; and

WHEREAS, In addition, Rotary has played a major role in decisions by donor governments to contribute over \$4 billion to the effort; and

WHEREAS, Rotary is the world's largest privately-funded source of international scholarships and promotes international understanding through scholarships, exchange programs and humanitarian grants; and

WHEREAS, about 40,000 students from 130 countries have studied abroad since 1947 as Rotary Ambassadorial Scholars; and

WHEREAS, Rotary's Group Study Exchange program has helped more than 67,000 young professionals explore their career fields in other countries; and

WHEREAS, 7,000 secondary-school students each year experience life in another country through Rotary's Youth Exchange program; and

WHEREAS, there are 43 Rotarians in the Rotary Club of Glen Ellyn sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in our local community and abroad; and

WHEREAS, the Glen Ellyn Rotary Club provides an average of \$30,000 per year in charitable contributions to the community each year; and

WHEREAS, the Glen Ellyn Rotary Club is always interested in taking on new members to help share in its mission;

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do hereby proclaim June 1, 2010 as Rotary Day in Glen Ellyn, and encourage all citizens to join me in recognizing Rotary International for more than 105 years of service to improving the human condition in local communities around the world.



Village President
attest:

Village Clerk

Date

A-5D



VILLAGE OF GLEN ELLYN

Proclamation

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "Old is the New Green" is the theme for National Historic Preservation Month 2010, cosponsored by the Glen Ellyn Historic Preservation Commission, the Glen Ellyn Historical Society, the Citizens for Glen Ellyn Preservation and the National Trust for Historic Preservation;

NOW, THEREFORE, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do hereby proclaim May, 2010 as National Historic Preservation Month, and call upon the people of Glen Ellyn to join their fellow citizens across the United States in recognizing and participating in this special observance.



Village President

attest:

Village Clerk

Date

A-5 E



To: President & Village Board
From: Steve Jones, Village Manager
Date: May 5, 2010
Re: **Spirit of Glen Ellyn Award**

Background

The Village Manager has annually made a selection of an individual or individuals to receive the Spirit of Glen Ellyn Award. The selection is made following a review of nominations made from members of the management team. The award has traditionally been made at the annual Village Appreciation Dinner. However, since we eliminated the dinner as part of our budget cutting, I have moved the award venue to the Village Board meeting.

Issues

As always, I received excellent suggestions from which to choose. While there were a number of eligible candidates, I have selected the members of the Police Department shift who responded to the fire that occurred at the Royal Glen condominium fire that occurred on October 20, 2009.

You will recall that we had several very appreciative residents appear at a subsequent Village Board meeting, and one resident spoke about his observations relating to the performance of the personnel involved.

My selection of this award was based upon the following:

- Demonstration of an "above the call of duty" orientation.
- Demonstration of excellent customer service orientation.
- Demonstration of a sense of caring for the community.

The recipients of the 2009 Spirit of Glen Ellyn Award are the following individuals:

*Sergeant Joe Baki
Police Officer Dave Gill
Police Officer Ray Munch
Police Officer Joe Nemchock
Police Officer Brent Pacyga*

Action Requested

n/a

Attachments

- Nomination submitted by Police Chief Phil Norton

Memo

To: Steve Jones, Village Manager
From: Phil Norton, Chief of Police 
Date: February 19, 2010
Re: Spirit of Glen Ellyn Award

I would like to nominate the team of police officers who responded to an early morning fire at the Royal Glen Condominiums for the Spirit of Glen Ellyn award.

On October 20, 2009, our officers responded to 1188 Royal Glen Drive for a report of a structure fire. Upon the arrival of the first arriving units, Officers Joe Nemchock and Ray Munch, one officer (Nemchock) began gathering information from the resident whose unit was the source of the fire. Officer Munch began the evacuation process and Nemchock soon joined him. There was heavy smoke already permeating the hallways. Sergeant Baki arrived shortly and supervised the evacuation awaiting the arrival of the Lombard Fire Department.

Officer Pacyga arrived and was assigned to help with evacuees and find temporary shelter. Officer Gill arrived and helped with the evacuation.

During the course of this rescue mission, Officer Munch was confronted with a woman with muscular dystrophy who needed a walker to get around and was unable to negotiate the three flights of stairs. He picked her up and carried her down to safety. This woman happened to be an employee of the Daily Herald and Ray's heroics were mentioned in an editorial on October 23.

Officer Pacyga made such an impression on people as he was helping them that a man from the adjacent building felt compelled to come to a Village Board meeting and state that he "wished he had a son like him."

The entire police shift on duty selflessly ran into harm's way on October 20, 2009, to help dozens of people they didn't even know, magnificently exemplifying the "spirit of Glen Ellyn."

For this, I propose the entire shift share in receiving the recognition commensurate with the granting of this award.

VILLAGE OF GLEN ELLYN

A-6B

PERSONAL PROFILE OF APPLICANT
FOR SERVICE ON VOLUNTEER ADVISORY BOARD OR COMMISSION

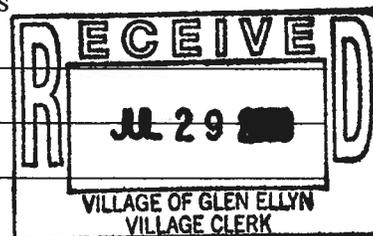
Name SCHUMANN BILL F. Date of Birth 10-2-64
 (Last) (First) (Initial)
 Home Address 306 MERTON AVE. - GLEN ELLYN, IL 60137
 Telephone 630-858-0207 E-mail wschumann@oldsecond.com
 Business Address (including name of company) Old Second National Bank
37 S. River St. Aurora, IL 60504 Business Telephone 630-906-5544
 Number of Years Glen Ellyn Resident 11 Today's Date 7-29-08

EDUCATIONAL BACKGROUND AND OTHER PERTINENT EXPERIENCE

Name, Location, Etc.	From	To
<u>New River East High School</u>	<u>'79</u>	<u>'82</u>
<u>Indiana University</u>	<u>'82</u>	<u>'86</u>

CIVIC AND FRATERNAL ORGANIZATIONS AND ACTIVITIES

Glen Ellyn Golden Eagles Football



BUSINESS OR PROFESSIONAL ACTIVITIES

(including type of present employment)

Participate in a number of Chambers of Commerce
(Aurora, St. Charles, Elburn, etc.)

PLEASE INDICATE VILLAGE BOARD/COMMISSION INTERESTS

RECREATION (was told there is a current vacancy)
would be willing to serve on any - but I feel I am most qualified for recreation board

Thank you for your interest! Please return this completed form to:
 Glen Ellyn Village Clerk, 535 Duane Street, Glen Ellyn, IL 60137
 (630)469-8849 - fax (630)469-5000 - phone

DRAFT

May 11, 2010

A-6C



Mr. Guido Mariottini, Co-Chair
Mr. Steve Morriss, Co-Chair
2010 Festival of the Arts
Glen Ellyn Lions Club
P. O. Box 278
Glen Ellyn, IL 60138

RE: 41st Annual Glen Ellyn Festival of the Arts

Dear Mr. Mariottini and Mr. Morriss:

This letter is to confirm action taken at the Village Board Meeting on Monday, May 10, 2010 regarding the 2010 Festival of the Arts event scheduled for Saturday, August 28, 2010 and Sunday, August 29, 2010, as described in the Glen Ellyn Lions Club's attached letter of April 13, 2010. The Village Board approved your requests and also temporarily waived the pertinent sections of the Village Code.

1. Approval for the event to begin on Saturday, August 28, 2010 and to continue through Sunday, August 29, 2010.
2. Section 4-5-7(G) of the Village Code was waived to allow portable signs on the public right of way to direct guests to the event. The Public Works Department will assist the Lions Club in this capacity by placing the special event directional signs at various locations throughout the Village. Please contact the Public Works Department at 469-6756 to coordinate this effort.
3. Sale of non-alcoholic drinks and food will be allowed between Saturday, August 28, 2010 and Sunday, August 29, 2010 only after approval by the DuPage County Health Department.
4. Sections 3-19-11(B) and 3-19-11(C) of the Liquor Control Code have been waived to permit certain Class B-1 and C-1 liquor license holders to allow consumption of liquor in a limited area in addition to the premises where sold. Please work with Administrative Services Coordinator Patti Underhill and Deputy Police Chief Bill Holmer, 630-469-5000, by Friday, July 30, 2010 to determine the participating Class B-1 and C-1 liquor license holders. The sale of liquor is specifically approved to occur as follows: Saturday and Sunday, August 28 and 29, 2010 from 12:00 p.m. to 4:30 p.m. The consumption of liquor must be confined within the Lake Ellyn Boathouse and all entrances and exits must be monitored by Lions Club volunteers.

5. The Glen Ellyn Lions Club will be required to send every individual serving alcohol at the event to attend Beverage Alcohol Sellers and Servers Education and Training (should the servers not already have this training). Please contact the Police Department at 630-469-1187 to coordinate the details of this requirement.
6. If the Glen Ellyn Lions Club requests assistance from the Police Department for public safety, the Lions Club may be required to pay to hire back police officers. Please contact Deputy Police Chief Bill Holmer at 630-469-1187 to coordinate this effort. Additionally, please contact Deputy Chief Holmer to discuss the proposed usage of commuter parking lots for the length of the event.
7. A map of the grounds indicating the location of the following: food/drink sale, restroom facilities (location and number), parking, and any other facilities associated with the event will be required to be submitted to the Village by Friday, July 30, 2010.
8. Evidence of insurance from the Glen Ellyn Lions Club in the amount of \$2 million listing the Village as additionally insured must be presented to Personnel Analyst Danamarie Izzo by Friday, July 30, 2010.
9. As in the past, the Village approves the placement of banners on some Village street light poles in the central business district and on Roosevelt Road for the purpose of advertising the Festival. General banner regulations and placement will be subject to the following specifications and conditions:
 - A. The Glen Ellyn Lions Club is not permitted to utilize banners that include advertising other than the Glen Ellyn Lions Club name and event information.
 - B. The banners will be located in two distinct areas, the central business district and Roosevelt Road, with approximately 20 banners per area. Please only place banners on light poles which currently have flag holders. Remember, if some of the American flags are left up, the remaining combination of flags should be aesthetically pleasing. Further, the GEFA banners are to be mounted on their own poles and not on the poles used for the Village's American flags.
 - C. The banners may be placed on or after August, 1, 2010 and must be removed by August 31, 2010. The removal of existing American flags and placement of festival banners, as well as the replacement of the American flags after the event, will be the responsibility of the Glen Ellyn Lions Club. The American flags should be left on their poles, rolled, and kept in a safe location by the Lions Club as the Lions Club will be responsible for any lost or damaged flags. They do not need to be returned to the Village for storage while the Festival of the Arts banners are in place. Please contact the Public Works Department at 630-469-6756 with any questions or concerns regarding the American flags.

2010 Festival of the Arts
Glen Ellyn Lions Club
May 11, 2010

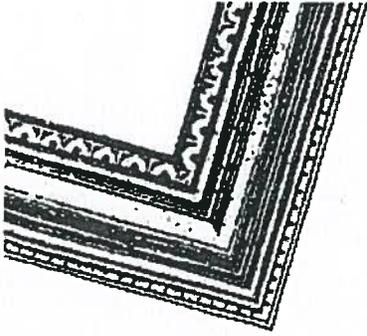
Copies of your letter, together with this reply, will be furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of the Chamber. If you have any questions, please contact the appropriate Village personnel.

Sincerely,

Steve Jones
Village Manager

cc: Staci Hulseberg, Planning and Development Director
Phil Norton, Police Chief
Dave Buckley, Assistant Public Works Director
Danamarie Izzo, Personnel Analyst
Patti Underhill, Administrative Services Coordinator

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GLEN ELLYN
FESTIVAL OF THE



39th Annual Celebration of Sight & Sound

PO Box 278 Glen Ellyn, Illinois 60138

www.glenellynlions.org/artsfest

April 13, 2010

Steve Jones
Village of Glen Ellyn
535 Duane St
Glen Ellyn, IL 60137

Subject: The 41st Annual Glen Ellyn Festival of the Arts

Dear Steve:

The 41st Annual Glen Ellyn Festival of the Arts will be held the fourth weekend of August, 28th thru 29th this year. As in past years, the Glen Ellyn Lions would like to request the assistance of the Village of Glen Ellyn – specifically:

1. We request permission to display the Festival Banners on the light poles in the Downtown Business District and on Roosevelt Rd. Presently there are about 20 banners for each area. Traditionally we have done this starting approximately August 1st through the takedown after the event. As in the past we will be using Dave Scheffler to do the install/removal on Roosevelt Rd. He is bonded to do this work. The actual install and removal dates will be scheduled through him.
2. We will require permits for the food concessions which will include the services of Cabernet and Company and the Tap House and Grill for the concession of alcohol in the Boat House, or if permissible in a contained area outside the boat house. Our concessions committee chair, Mark Stauber, will be in touch soon with the details.
3. We will need logistics assistance from Public Works concerning the placement of one-way signs at the intersections of Hawthorne/Lenox, Linden/Lenox and Essex/Lenox.
4. We also request the assistance of the Police Department during the weekend of the event for public safety for the operation and security for storage and artist property.

We are also exploring additional parking options this year. We discussed with you the possibility of using commuter lots for patron parking. If this is possible then a trolley bus would provide free transportation to and from various points during the Festival. We would appreciate your input on how we can accomplish this needed new feature.

Thank you for your assistance. The Glen Ellyn Lions are again looking forward to a very successful Festival of the Arts.

Sincerely,

Guido Mariottini & Steve Morriss



We Serve

Presented by the Glen Ellyn Lions Club in Partnership
with Community Bank-Wheaton/Glen Ellyn

COMMUNITY
BANK WHEATON/
GLEN ELLYN

A-6D



To: Steve Jones, Village Manager
From: *Pau* Patti Underhill, Administrative Services Coordinator
Date: May 3, 2010
Re: Qdoba Mexican Grill Liquor License Application
587-589 Roosevelt Road

Background Earlier this year we received a call from ZRC Operations Company, Inc. the parent company for Qdoba Mexican Grill concerning obtaining a Class A-2 Liquor License in the Village of Glen Ellyn. They subsequently acquired the property listed above, that was previously leased by the Golden Hanger. This lease is for four (4) years. In March, we received the application and all the required documents. Their grand opening is scheduled for July 5th, however they need the approved local liquor license in order to obtain their State license.

Pros

Improved Glen Ellyn image – decrease of vacant property
Increase in sales tax revenue
Additional consumer choices

Cons

Alcohol sales creates potential for social problems

Action Requested

Approve the new Class A-2 Liquor License

Recommendations

Approve the Ordinance

Attachments

Draft Ordinance – this Ordinance addresses the increase in A-2

Ordinance No. _____ - VC

**An Ordinance to Amend the Liquor Control Code
Chapter 19 of Title 3, Section 12
(Restriction on Number of Licenses)
of the Village Code of Glen Ellyn, Illinois,
to Increase the Number of Permitted
Class A-2 Liquor Licenses**

Whereas, the Village of Glen Ellyn is an Illinois home rule municipal corporation; and

Whereas, pursuant to the Illinois Liquor Control Act, 235 ILCS 5/1-1 et seq., the Village of Glen Ellyn has the statutory authority by general ordinance to determine the kinds and classifications of liquor licenses to be issued for the sale of alcoholic liquor at retail in the Village as well as the number of permitted licenses within each classification, as set forth in Chapter 19 of Title 3 (Liquor Control Code) of the Village Code of the Village of Glen Ellyn; and

Whereas, the President and Board of Trustees of the Village of Glen Ellyn deem it to be in the best interest of the Village to periodically review and update the liquor control ordinance of the Village as well as to, when appropriate, change the number of permitted liquor licenses in various classifications; and

Whereas, the President and Board of Trustees have determined that it is in the best interest of the Village to increase by one the number of permitted Class A-2 liquor licenses, which allows the retail sale on specified premises of beer sold in glass bottles; beer sold "on tap" served in glass containers only; and wine sold in glass glasses only in a fast-casual restaurant at times when food service is available and for consumption only on the premises where sold so a license can be issued for Zdoba Mexican Grill at 587-589 Roosevelt and;

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

Section One: The findings of fact and conclusions set forth hereinabove are hereby adopted by the President and Board of Trustees as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

Section Two: Chapter 19 of Title 3, Section 12 of the Glen Ellyn Village Code (Liquor Control Code) is hereby amended so that reference to Class A-2 within this Section shall henceforth read as follows:

Class A-2 no more than 4

Section Three: This Ordinance shall be in full force and effect following its passage, approval, and publication in pamphlet form.

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

_____ day of _____ 2010.

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this

_____ day of _____ 2010.

Village President of the Village
of Glen Ellyn, Illinois

Attest:

Village Clerk of the Village
of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____ 2010)

A-6E



To: Honorable President Pfefferman and Village Board
From: Phil Norton, Chief of Police *PN*
Date: April 20, 2010
Re: **AMENDMENT TO REEMPLOYMENT OF OFFICER ORDINANCE**

Background

New Police Officers are hired off of an eligibility list that is established under the authority of the Fire and Police Commission.

In 2003, a Glen Ellyn Police Officer resigned his position to pursue a career in federal law enforcement. After several months away, the officer inquired if he could be allowed to return to the Department. In considering the request, it was recognized that this officer remained well qualified to serve. More so, his return as an experienced officer would *immediately* fill a vacancy that routinely takes up to one year to replace. However, no provision existed at that time for re-hiring an officer. After consultation with legal council and with the approval of the Fire and Police Commission, an ordinance was drafted to allow for the reemployment of Glen Ellyn Police Officers under specified conditions. A time limit was set at two (2) years from date of resignation to rehire.

Two Glen Ellyn Police Officers have returned to the Department under this ordinance. A third officer, who resigned her position in February 2008, has since requested reemployment. A current "freeze" on new hires has prevented the approval to re-employ her to fill one of three vacant officer positions.

Issues

The two (2) year window for re-hire has now expired.

In researching the time limit originally imposed, we learned that the Illinois Law Enforcement Training and Standards Board (ILETSB) permits officers who have been separated from a police department for up to three (3) years to be rehired without completing a mandatory recertification course. As the ILETSB is the agency responsible for certifying police officers for employment, it is reasonable to adjust our local ordinance to mirror the State requirements.

Action Requested

It is requested that the Village Board approve an amended ordinance for reemployment of police officers that extends the time for re-hire from two (2) years to three (3) years.

Attachments

- Supplemental Agenda Resource Information
- Title 2 Section 2-1-4 (amended)

**Supplemental Agenda Item Resource Information
Village of Glen Ellyn**

<u>Agenda Item Supplemented by Commentary</u>	
<u>X</u>	Pros & Cons
—	Strategic Action Goal
—	Downtown Strategic Plan Goal
<u>X</u>	Budget Impact
—	Process Improvement
—	Green Initiative
—	Communication Initiative
—	Other

Pros & Cons

This amendment will potentially allow the reemployment of well qualified officers up to three (3) years following their resignation. There are several benefits to this ordinance, as the returning employee:

- Has already demonstrated their capacity to serve as a police officer;
- Has already met or exceeded standards as a Glen Ellyn Police Officer;
- Requires minimal training to re-establish themselves as a Glen Ellyn Police Officer;
- Provides the Department with an immediate, established officer.

It is presumed that the extended timing in the proposed amendment may result in the returning officer receiving:

- Additional field training, depending upon the individual considered for rehire;
- Enrollment in a refresher course(s) relative to critical tasks.

Budget Impact

The budgetary impact is considered to be minimal. The returning officer is compensated at the pay level received at the time they resigned their position, greater than that of a new hire. However, the difference in the compensation between a new hire and a returning officer is offset by the experienced officer's knowledge and abilities.

It is worth noting that approximately 40% of new hires do not complete their probation with the Department. The officer's probationary status with the Department lasts just over two years, and is comprised of basic academy, field training, and solo patrol. The resources committed to the new officers during this time are significant; with no guarantee the recruit will earn permanent status. On the other hand, rehiring officers who have been with the Department is considered to be much less of a "risk", in that these individuals already have proven themselves to be capable of successful service. The reemployment of officers all but eliminates the uncertainty associated with hiring recruits, thereby resulting in a significant reduction of commitment of training resources.

VILLAGE OF GLEN ELLYN

ORDINANCE NO. _____ -VC

AN ORDINANCE TO AMEND TITLE 2 SECTION 2-1-4
(REEMPLOYMENT OF POLICE OFFICERS)
OF THE VILLAGE CODE OF THE
VILLAGE OF GLEN ELLYN, ILLINOIS
REGARDING REEMPLOYMENT OF POLICE OFFICERS

ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE
VILLAGE OF GLEN ELLYN
DUPAGE COUNTY, ILLINOIS
THIS _____ DAY OF _____, 20 ____.

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. _____ - VC

AN ORDINANCE TO AMEND TITLE 2 SECTION 2-1-4
(REEMPLOYMENT OF POLICE OFFICERS)
OF THE VILLAGE CODE OF THE
VILLAGE OF GLEN ELLYN, ILLINOIS
REGARDING REEMPLOYMENT OF POLICE OFFICERS

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: Section 2-1-4 (REEMPLOYMENT OF POLICE OFFICERS) of the Glen Ellyn Village Code is hereby amended by the following:

The village may consider the reemployment of a police officer who has resigned from the police department after at least completing a probationary period if such request is made within a period of ~~two (2)~~ three (3) years after the date of such resignation. Application shall be made to the police chief, who shall notify the applicant within fourteen (14) days thereafter whether the application will be considered. The village may consider an applicant who has left the police service in good standing and without a settlement agreement to resolve past disagreements. The police chief may also consider the needs of the department for the specific skills and experience possessed by the resigned officer and whether reinstatement of the officer would serve the employment needs of the village.

The police chief shall make a recommendation to the village manager. If the police chief and the village manager concur that the application shall be considered, they shall notify the applicant who shall, if requested, appear for an interview before the board of fire and police commissioners. Based upon a positive recommendation from both the police chief and the village manager, the board of fire and police commissioners, by an affirmative vote of all of the commissioners then in office, may approve the reinstatement of the applicant. If the matter reaches the board of fire and police commissioners, the applicant shall receive written notice of the decision of the board, including such terms and conditions as the board may impose upon reinstatement. An applicant shall not be reinstated at a pay amount higher than the amount in effect at the time of the resignation. An applicant shall not be returned at a rank higher than the rank at the time of the resignation, and the return of the applicant may be subject to a probationary period not in excess of one year. There shall not be any reduction in force to permit the applicant to return. (Ord. 5178, 7-14-2003)

SECTION TWO: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20____.

Village President of the Village
of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the Village
of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 20____.)

A-6F



To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: April 12, 2010

Re: EAB Management Plan – Plan Adoption

Background

Emerald Ash Borer (EAB) was confirmed in Glen Ellyn in March 2009. Upon confirmation, our Forestry Division began compiling data and research on how to best move forward with managing this devastating insect. An EAB Management Plan was developed and presented at the March 2010 Environmental Commission Meeting as well as at the April 2010 Village Board Workshop. The Plan was well received at both meetings. We are now in position to formally adopt the EAB Management Plan as a guideline to assist in combating this devastating beetle.

Issues

The adoption of the EAB Management Plan has been a primary focus of the Forestry Division for the past year. Developing the guidelines will help us move forward with an implementation plan.

Our next steps in implementation will include:

- Removal of trees identified on the EAB Removal Program (84 pending removals)
- Treatment of 200 ash trees identified on the Village Treatment Program
- Notification to all homeowners with ash trees who have not already been notified of a potential removal explaining options for treatment or removal
- Scheduling of tree replacement program for ash removals with available space

Over the next few months we will also be looking at ways to publish our ash inventory (and possibly entire tree inventory) on the Village website.

Action Requested

This item will be presented at the May 10, 2010 Village Board Meeting.

- Resolution No. 10-XX, a Resolution Adopting the Emerald Ash Borer Management Plan

Recommendation

I am supportive of adopting the EAB Management Plan.

Attachments

- Resolution with EAB Management Plan attached as Exhibit A

RESOLUTION NO. _____

**RESOLUTION ADOPTING
THE EMERALD ASH BORER (EAB) MANAGEMENT PLAN**

Whereas, the Emerald Ash Borer (EAB), *Agrilus planipennis Fairmaire*, is an invasive beetle native to Asia that was first discovered in southeastern Michigan in the summer of 2002; and

Whereas, EAB (in its larvae stage) feed on the inner bark of ash trees, disrupting the tree's ability to transport water and nutrients and ultimately causing death of the tree; and

Whereas, on March 20, 2009 the Illinois Department of Agriculture (IDOA) confirmed the presence of EAB in the Village of Glen Ellyn; and

Whereas, the presence of EAB will deplete the ash forest in Glen Ellyn; and

Whereas, the Forestry Division of Public Works has created an EAB Management Plan as a guideline to combat the presence of EAB; and

Whereas, the EAB Management Plan establishes policy and procedure for ash tree removal, ash tree chemical treatment, EAB confirmations on private property, material handling of ash wood, reforestation, and public education; and

Whereas, advancements in research and technology continue as experts learn more about this devastating insect; and

Whereas, the EAB Management Plan is intended to be a flexible document.

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

Section One. The Village Board hereby adopts the EAB Management Plan dated May 2010 (attached as Exhibit A).

Section Two. The EAB Management Plan may be modified from time to time as deemed necessary by the Public Works Director.

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

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this ____ day of _____, 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 _____).



VILLAGE OF GLEN ELLYN

EMERALD ASH BORER MANAGEMENT PLAN

Prepared by Public Works Department
May 2010

I. Background

Emerald Ash Borer (EAB), *Agrilus planipennis Fairmaire*, is an invasive beetle native to Asia that was first discovered in southeastern Michigan near Detroit in the summer of 2002. The adult beetles nibble on ash foliage but cause little damage. The larvae (the immature stage) feed on the inner bark of ash trees, disrupting the tree's ability to transport water and nutrients. Emerald ash borer probably arrived in the United States on solid wood packing material carried in cargo ships or airplanes originating in its native Asia. Emerald ash borer has also been reported as established in Ohio (2003), Indiana (2004), Maryland (2006), Illinois (2006), Pennsylvania (2007), West Virginia (2007), Wisconsin (2008), Missouri (2008), Virginia (2008), Minnesota (2009), and New York (2009). Since its discovery, EAB has:

- Killed tens of thousands of ash trees in southeastern Michigan alone, with tens of millions more lost in the other states mentioned above.
- Caused regulatory agencies and the USDA to enforce quarantines and fines to prevent potentially infested ash trees, logs or hardwood firewood from moving out of areas where EAB has been reported.
- Cost municipalities, property owners, nursery operators and forest products industries tens of millions of dollars.

On March 20, 2009 the Illinois Department of Agriculture (IDOA) confirmed the presence of EAB in Glen Ellyn.

II. Impacts on Glen Ellyn

The Village of Glen Ellyn has approximately 15,500 parkway trees of which approximately 1,900 are ash trees (12% of our total parkway tree population). The value of these ash trees has been estimated at \$7.1 million dollars. If these ash trees are removed, stumped and replaced it would cost the Village approximately \$1.2 million.

We do not know the inventory of private ash trees but can only guess it will make a significant negative impact on the community if all ash trees become infested and need to be removed. While this impact on the environment is obvious we cannot assess the overall impact tree loss will have on areas like storm water run off and the increase in local temperature. The loss of shade, wildlife habitat and overall tree benefits to the Village will be devastating.

The Village of Glen Ellyn takes great pride in its Community Forest as shown by the 26 years of Tree City USA awards and 12 Growth Awards. It is important to understand that this EAB Management Plan is a recommendation that should be flexible, taking new circumstances and the most current research into consideration. Research on EAB and how to manage this insect is in a continual state of change. By being steadfast yet open minded about managing this insect we

hope that this management plan helps to create a more healthy community forest that provides greater benefits to all those that live and visit here.

III. Management Recommendations – Public Trees

Our management plan will consist of a number of procedures that will focus on maintaining a healthy urban forest. Due to the rapid spread of EAB witnessed by other states before us, early detection as well as early action will be vital to a successful program. Our goal will be to act as quickly as time and budget allows to any one situation.

The first step in combating EAB will be to update our inventory of all parkway ash trees. Each ash tree will be identified and location recorded via Global Positioning System (GPS). This will allow us to graphically display the ash population on any number of criteria. Each public ash tree will be assessed at the time of data collection to fit into one of four categories: “Infested Tree - Removal Necessary”, “Village Treatment Tree”, or “No Action at This Time”.

- A. EAB Removal Program** – The Illinois Department of Agriculture (IDOA) has established guidelines for recognizing EAB infested ash trees. There are eight identifiable signs and symptoms that a tree may be infested with EAB (dieback, sprouting, bark splits, D-shaped holes, S-shaped larvae galleries, presence of larvae, woodpecker damage, and presence of adult beetles). If two or more of these signs and symptoms are present or the tree is at least 50% dead, we will consider the tree infested and it will be removed. In addition if the tree is determined to be in decline (by our Village Forester), and/or the tree is exhibiting splitting or decay/ hollowness the tree will also be removed. No treatment will be allowed to be done on these trees. The tree will be removed by the Village as time and budget allows

- B. “Village Treatment” Trees** – Since EAB was first discovered the research on chemical treatments are more promising than in the past, but there is still no guarantee of success. It is not fiscally possible (nor would we try) to save every ash tree. It is our hope that we will be able to save some of our higher quality trees with these treatments. The Village will continue to follow the research to stay on top of the latest advancements. Our intent will be to treat approximately 200 of our best ash trees with a chemical that gives the best opportunity for extending the life or potential survival.

- C. “No Action Necessary” Trees** – These trees do not show two or more signs of infestation and do not fall within the category of “Village Treatment” Trees. A resident may choose to fund a treatment application on a “No Action Necessary” tree. They will be required to obtain a no cost permit for the application from the Village Forester with the understanding that once the tree shows two or more Signs and Symptoms it will be marked for removal. A FORMAL PROCEDURE IS CURRENTLY UNDER DEVELOPMENT.

IV. Management Recommendations – Private Trees

Focusing only on the removal of public infested ash trees will not help to prevent the further spread of EAB. The Village of Glen Ellyn's current ordinance (8-4-10) requires the removal of Public Nuisances such as diseased elms and oaks on private property. EAB is a Public Nuisance and will be incorporated into this ordinance.

If a resident thinks a private tree may be infested with EAB, they should contact a certified arborist to inspect the tree in question. If the tree is confirmed to exhibit signs of EAB, it should be reported immediately to the Village Forester.

Residents who are concerned that trees on others private property that may pose health or safety concerns for their own property may request an inspection by Village staff. Due to manpower limitations, these trees will be inspected on an "as time permits" basis after all public EAB issues are addressed.

Private trees that exhibit signs of EAB infestation (as defined in Section III-A of this Plan) will be required to be removed within 30 days of notification. If the tree is not removed at that time, the Village will proceed to remove the tree in accordance with Section 8-4-10(d) of the Village Code.

If a private property owner wants to treat their trees we can provide a wide variety of information to help them make that decision. It is important to note that if/when the private trees becomes infested (as defined in Section III-A of this Plan) then the tree must be removed. Due to the difficult economic times, efforts will be made to seek low or no cost loans through area banks for those that can prove financial hardship.

V. Material Handling

In order to minimize the spread of EAB through infested material the IDOA began asking that any company or municipality handling ash debris sign an official IDOA Compliance Agreement. This agreement requires that the company properly dispose of infested wood in compliance with the state's Department of Agriculture requirements. Glen Ellyn signed this agreement in 2007. All contractors performing landscape or tree care work for the Village are required to sign a compliance agreement.

V. Reforestation

It is critical that we continue to pursue mixed species tree planting on parkways and provide proper species planting information to residents so as to mitigate the impact of extensive tree loss. Not every tree can be replaced due to several factors including under and above ground

utilities and location of other private and parkway trees. The Village will continue to pursue tree planting in every possible available space as budget allows.

VI. Public Education

The Village of Glen Ellyn will continue with our Public Education Campaign. It will be important to provide the most current information to help residents make educated decisions regarding their private property. We will continue to use the following methods of communication:

1. Keep current information on the VGE website.
2. Provide information through the Glen Ellyn radio station.
3. Show informational DVD's on GETV.
4. Village Newsletter Articles
5. Information letters to residents specifically affected.
6. Provide brochures at Village Buildings/Library
7. Provide speeches to groups as requested.

VI. Program Future

This management plan should be a flexible document that is amendable due to new research and technology that will best help combat this insect.

EAB SIGNS AND SYMPTOMS

SYMPTOMS

Crown Dieback: Dieback of the upper and outer crown begins to occur after multiple years of EAB larval feeding. Trees begin to show dead branches throughout the canopy, beginning at the top. Larval feeding disrupts nutrient and water flow to the upper canopy, thus resulting in leaf loss. Foliage in the top of the tree may be thin and discolored.



Epicormic Sprouting: Stressed trees will attempt to grow new branches and leaves where they still can. Trees may sucker excessively both at the base of the tree and on the trunk, often just below where the larvae are feeding.



Bark Splits: Vertical splits in the bark are caused due to callus tissue that develops around larval galleries. Larval galleries can often be seen beneath bark splits.



SIGNS

D- Shaped emergence holes: As adults emerge from under the bark they create an emergence hole – 1/8 inch in diameter and D-shaped.



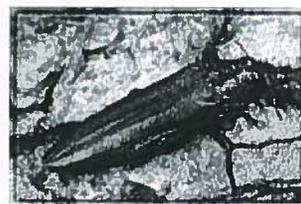
S-Shaped larval galleries: As larvae feed under the bark they wind back and forth, thus creating galleries that are packed with frass and sawdust and follow a serpentine pattern.



Larvae: Larvae are cream-colored, slightly flattened, and have pincher-like appendages at the end of their abdomen. Mature larvae reach 1 ½ inches in length and all larvae are found feeding beneath the bark.



Adults: Adult beetles are metallic green in color and are 3/8 -1/2 inch in length and 1/16 inch in width. Adult's area flat on the back and rounded on their underside



Woodpecker Damage – Damage occurs from woodpeckers drilling through the bark of trees to forage for larvae located under the bark. White patches of bark are observed on trunks and branches and feeding is typically evident higher in the tree where the emerald ash borer prefers to initially infest.



Decline: Refers to progressive loss of vigor and health, not to any specific disease or disorder. Trees decline for many reasons, sometimes as the result of a single disease or damaging environmental factor but often as the result of several environmental and biotic factors acting in concert or in sequence. Decline results from the action of stressing factors over periods of years.

A-6G

To: Steve Jones, Village Manager
From: Joe Caracci, Public Works Director
Date: April 29, 2010
Re: 2007 Sanitary Sewer Lining Program – Project Closeout



Background

The Village of Glen Ellyn has made a commitment to reduce Inflow/Infiltration (I/I) in our sanitary sewer system. I/I can come from a number of different sources (e.g. cross connections, damaged pipe, leaky pipes, etc.). One mechanism utilized to reduce I/I caused by leaky pipe (and leaky joints) is sanitary sewer lining. The Village of Glen Ellyn has been lining sanitary sewer mains for nearly ten years. We typically try to average about \$500,000 per year in sanitary sewer lining – mostly in conjunction with our large infrastructure improvements projects. Periodically, we engage in a large scale sewer lining project that focuses on problematic mains that are not on our short term schedule. We group these mains together and contract lining based on bid specifications. Our last such project was in 2007.

Issues

On November 26, 2007 the Village Board approved a contract with Insituform Technologies USA in the amount of \$500,000 to support a \$447,040 bid from the contractor. At the time of the award, our intent to utilize some of the 11% contingency was expressed. Approximately 11,800 feet of lining was included in the bid amount. An additional 1,500 feet was performed to get our total length of sewer lining to about 13,300 feet. The final cost of the work totaled \$486,580. A time extension was also requested on the order of 138 days to complete the directed work.

Although the Village Board authorized expenses up to the \$500,000 limit, State Statute requires that change orders that exceed \$10,000 or 30 days extension in time from the original contract bid be approved by the Village Board. Attached to this document is a Resolution that would effect this change.

Action Requested

This item will be presented at the May 10, 2010 Village Board Meeting.

1. Resolution No. 10-XX, a Resolution Concerning the Determination of the Village Board that Change Order No. 1 (FINAL) with Insituform Technologies USA, for an Increase in the Contract Price of \$39,540 is required for the 2007 Sewer Lining Improvements Project, for a Final Contract Cost of \$486,580 and a Time Extension of 138 days.

Recommendation

I recommend approval of the contract.

Attachments

- Memorandum dated April 28, 2010 (with attachments) authored by Civil Engineer Jeff Perrigo

Interoffice Memorandum

to: Joseph Caracci, Public Works Director

from: Jeffrey D. Perrigo, Civil Engineer

subject: 2007 Sewer Lining Improvements Project
Recommendation for Approval of Change Order No. 1 with Insituform Technologies

date: April 28, 2010

Insituform Technologies has completed all of the required work associated with the 2007 Sewer Lining Project. We are now ready to present a final and balancing change order for Village Board approval. Enclosed herewith is the change order form, summary of contract status report, and Resolution in support of Change Order No. 1 (FINAL) for the 2007 Sanitary Sewer Lining Improvements Project. The budget approved for this project including contingency was \$500,000. The change order amount is **\$39,540**, bringing the final construction cost for the project to **\$486,580**. No additional funding is required but a 138 day time extension is required.

PROJECT OVERVIEW

The work included in the project consisted of locations throughout the Village where lining of the sanitary sewers will show significant benefits. Lining of the sanitary sewers are an important part of our program as it reduces the amount of Inflow/Infiltration (I/I) into the Glenbard Wastewater Authority treatment plant. Subsequently, the removal of the clear water will increase the efficiency and cost savings of the plant.

Bids were received on November 20, 2007 for the project. Four contractors submitted bids with Insituform of Lemont, IL, submitting the low bid of \$447,040. A contract was awarded to Insituform with a funding level of \$500,000 at the November 26, 2007, Board Meeting. The funding level was established to account for any additional work items as well as providing for an opportunity to perform additional work as funds were available. The award memo dated November 21, 2007, indicates that staff's intent was to utilize the contingency amount up to, but not over, the budgeted amount of \$500,000 for additional lining, as the program progressed.

During the project, additional minor work items were necessary including: heavy cleaning of a 30" main, installation of a transitional liner, and the lining of an 18" main. As the project progressed, additional high priority lines were added to the contract as the funds and contractor's availability permitted. By setting the funding level at the budget amount and balancing the items of work performed, we were able to line **1,493 additional** feet of sanitary sewer as compared to the initial

quantity in the contract. The total quantity of sanitary sewers lined with this project was originally estimated 11,799 feet; the actual amount lined with the program was 13,292 feet.

CHANGE ORDER NO. 1 (FINAL)

The original sanitary funding indicates that the project was **overfunded** by \$13,420. The final funding breakdown is summarized in the table below:

2007 Sanitary Sewer Lining Improvements Project Final Funding Breakdown for Construction Insituform Technologies USA, Inc.						
Funding Source (FY 07-08)	Account Number	Original Funded Amount	Original Contract Amount	Final Contract Amount	Change Order Number 1	Funding Requested
Sanitary Sewer Fund	50200-580100-00606	\$500,000	\$447,040	\$486,580	\$39,540	(\$13,420)

Change Order 1 balances the contract items with the inclusion of the three additional work items required to complete the project.

CONCLUSION

The three items included in this change order total an **increase in costs of \$39,540**, but a **decrease in funding of \$13,420**. The modified contract total is **\$486,580**. No additional funding is required to close out the project. The total project cost is about 8.5% over the original contract bid, but within the contingency amount; as initially contemplated. There is 138 day time extension request for this project.

- Enc. Bid Award Memorandum
- Change Order Form
- Summary of Contract Status
- Resolution
- Final Quantity Spreadsheet

- cc: Steve Jones, Village Manager
- Patti Underhill, Administrative Clerk
- Bob Minix, Professional Engineer
- Kristen Schrader, Administrative Analyst

Interoffice Memorandum

to: Mr. Joseph Caracci, P.E., Public Works Director
from: Mr. Jeffrey D. Perrigo, Civil Engineer
subject: 2007 Sanitary Sewer Lining Improvements Project
Recommendation for Construction Contract Award
date: November 21, 2007

The purpose of this memorandum is to recommend the **construction contract award** for the 2007 Sanitary Sewer Lining Improvements Project.

The work included in this year's program consists of sixteen different locations throughout the Village where lining of the sanitary sewers will show significant benefits. Lining of the sanitary sewers are an important part of our program as it reduces the amount of Inflow/Infiltration (I/I) into the Glenbard Wastewater Authority treatment plant. Subsequently, the removal of the clear water will increase the efficiency and cost savings of the plant.

CONSTRUCTION CONTRACT AWARD

Bids were received on November 20, 2007 for the project. Four contractors submitted bids with Insituform Technologies USA, Inc. of Lemont, IL, submitting the low bid of \$447,040. The Insituform bid was 3.4 percent less than the second low bid, and about 1.6 percent above the engineer's estimate for the work of \$440,000, as noted in the summary table below:

Contractor	Total Base Bid
Insituform Technologies USA	\$447,040
Michels Pipe Services	\$462,278
Visu-Sewer of Illinois	\$507,125
American Pipe Liners	\$567,074
Engineer's Estimate (Public Works)	\$440,000

The complete bid tabulation has been prepared by the engineer and is available for examination if desired.

The Village is very familiar with Insituform, as this company has performed numerous lining projects in recent years as a subcontractor. Recent projects include lining of sanitary sewers on the Duane

Street and the 2007 Street Improvements projects. Insituform is considered an industry leader in the cured-in-place pipelining field.

A construction contract award to Insituform Technologies USA, Inc., with project funding (including a 12% contingency) in the amount of **\$500,000**, is recommended. The 2007 Sanitary Sewer Lining Budget amount is \$500,000. Staff is requesting the full amount of the budgeted dollars to perform any additional work that may be identified by the lining operations. Please note the following:

2007 Sanitary Sewer Lining Improvements Project Recommended Funding for Construction (includes 12% Contingency) Insituform Technologies USA, Inc.			
Project Item	Funding Source (FY 07-08)	Account No.	Amount
2007 Sanitary Sewer Lining Program	Sanitary Sewer Fund Program	50200-580100-00606	\$500,000

Weather permitting, project activities will be getting underway in December with scheduled completion of the work by the end of February. The project will be administered in-house.

cc: Mr. Curt Barrett, Acting Village Manager
Ms. Andrea Draths, Village Clerk
Mr. Bob Minix, P.E., Professional Engineer

RESOLUTION NO. _____

A RESOLUTION CONCERNING THE DETERMINATION OF
THE GLEN ELLYN VILLAGE BOARD THAT
CHANGE ORDER NUMBER ONE (FINAL)
WITH INSITUFORM TECHNOLOGIES USA, INC.
FOR AN INCREASE OF \$39,540 IS REQUIRED FOR THE
2007 SEWER LINING IMPROVEMENTS PROJECT
FOR A REVISED AND FINAL CONTRACT COST OF \$486,580

WHEREAS, Chapter 720, Section 5/33-E-9 of the Illinois Compiled Statutes 2002 requires change orders on public contracts involving total cumulative changes of more than Ten Thousand Dollars (\$10,000) in value or a cumulative total of thirty (30) days in time to be made by written determination; and

WHEREAS, it has been determined that it would be beneficial to the Village to compensate the contractor for out-of-scope work items required to complete on the project;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION ONE: The Corporate Authorities of the Village make the written determination that the circumstances necessitating the change were not within the contemplation of the contract as signed and that this change order is in the best interest of the Village.

SECTION TWO: The change order to which this determination involves, relates to the following contract: 2007 Sewer Improvements Project, Insituform Technologies USA. The nature of Change Order Number One (Final) and the amount of change is as follows: Final Contract Quantity Adjustments; Heavy Cleaning (30" Main); Transitional Liner (18" to 24"); Sanitary Sewer Trenchless Rehabilitation, 18"; all for a net cost increase of thirty-nine thousand five hundred forty dollars (\$39,540), for a revised and final contract price of four hundred eighty-six thousand five

hundred eighty dollars (\$486,580), with an extension in contract time of 138 days.

SECTION THREE: This written determination shall be preserved and in a permanent contract file that is open to the public.

SECTION FOUR: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2010.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2010.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

SUMMARY OF CONTRACT STATUS

4/28/2010

Project : 2007 Sewer Lining Project
Contractor : Insituform Technologies USA, Inc.
Design Engineer : In-House (Public Works)
Field Engineer : In-House (Public Works)

Original Contract Bid Price	\$447,040.00
Village Board Authorized Amount	\$500,000.00
Sanitary Sewer Fund (50200 580100) :	\$500,000.00

Original Contract Time :	Substantial Completion:	2/29/2008
	Final Completion :	7/16/2008

Contract Approved by Village Board on November 26, 2007

CHANGE IN CONTRACT PRICE

Change Order	App. by	App. Date	Add / Sub	Change Amount	Revised Contract Price
1	Board	5/10/2010	Add	\$39,540.00	\$486,580.00

CHANGE IN CONTRACT TIME

Change Order	App. by	App. Date	Add / Sub	Change Amount	Revised Contract Time
1	Board	5/10/2010	Add	138	Substantial Completion: 7/16/2008 Final Completion : 7/16/2008

CHANGE ORDER DESCRIPTION

Change Order	Description
1	Final Contract Quantity Adjustments; Heavy Cleaning (30" Sanitary Main); Transitional Liner (18" to 24"); Sanitary Sewer Trenchless Rehabilitation, 18".

Prepared by Village of Glen Ellyn Public Works Department - Engineering Division

A-6H



To: Steve Jones, Village Manager
From: Joe Caracci, Public Works Director
Date: April 29, 2010
Re: Glenwood/Crescent Parking Lot – Change Order No. 1 (Project Closeout)

Background

One of the main goals of Public Works over the past three years was to take strides toward rehabilitating our parking facilities in the Central Business District. Our quest started with the reconstruction of the Montclair Parking lot in 2008. Last year we completed a number of repairs that included extensive patching on multiple lots and also the resurfacing of the Main-Glenwood Lot on Main Street (south of the RR tracks). Our latest endeavor was the resurfacing of the Glenwood-Crescent Lot just north of the UPRR. The project was recently completed and we are now in position for project closeout.

Issues

On April 12, 2010 the Village Board approved a contract with Arrow Road Construction in the amount of \$130,000 to support a \$116,440 bid from the contractor. Change Order No. 1 includes the balancing of all contract items as well as the inclusion of one additional unit price item deemed necessary by the Project Team. The change order results in a **DECREASE** in the contract bid by \$29,495 for a final project cost of \$86,945. No extension in time was necessary. A total of \$43,055 will be returned to Parking Fund.

Arrow Road Construction, Dave Bugaj of Civiltech, and Jeff Perrigo of Public Works did an admirable job with notification, scheduling, and completion of this project. This project was recently completed in a four day span and was nearly \$30,000 under the bid price. As mentioned in the original recommendation memo, Arrow Road Construction is an elite contractor in the area and it was a pleasure working with them on this project.

Action Requested

This item will be presented at the May 10, 2010 Village Board Meeting.

1. Resolution No. 10-XX, a Resolution Concerning the Determination of the Village Board that Change Order No. 1 (FINAL) with Arrow Road Construction Company, for a Decrease in the Contract Price of \$29,495 is required for the Glenwood-Crescent Parking Lot Resurfacing Project, for a Final Contract Cost of \$86,945 with no Time Extension.

Recommendation

I recommend approval of the contract.

Attachments

- Memorandum dated April 29, 2010 (with attachments) authored by Civil Engineer Jeff Perrigo

Interoffice Memorandum

to: Joseph Caracci, Public Works Director

from: Jeffrey D. Perrigo, Civil Engineer

subject: Glenwood-Crescent Parking Lot Resurfacing Project (2010)
Recommendation for Approval of Change Order No. 1 with Arrow Road
Construction

date: April 29, 2010

Arrow Road has completed all of the required work associated with the Glenwood-Crescent Parking Lot Resurfacing Project. We are now ready to present a final and balancing change order for Village Board approval. Enclosed herewith is the change order form, summary of contract status report, and Resolution in support of Change Order No. 1 (FINAL) for the Glenwood-Crescent Parking Lot Resurfacing Project. The change order amount is **-\$29,495**, bringing the final construction cost for the project to **\$86,945**. No additional funding or time is required.

PROJECT OVERVIEW

In the fall of 2007, Ciorba Group conducted a comprehensive study of the Village's parking facilities in the downtown area and assessed what maintenance activities were required in each. As part of that study, most of the parking lots received some level of patching last fall, and the Main Street (east) parking lot was repaved in its entirety. This year we addressed the Glenwood-Crescent Parking Lot. The existing parking lot pavement was in very poor shape and the Ciorba report indicated that full reconstruction was needed. Staff felt that the parking lot did not need such an extensive overhaul and planned a more cost-effective rehabilitation which included the removal of the asphalt pavement, base repair where needed and repave the lot with four inches of new asphalt.

Bids were received on March 30, 2010 for the project with very high interest in the project. Fifteen contractors submitted bids with Arrow Road of Mount Prospect, IL, submitting the low bid of \$116,440. A contract was awarded to Arrow Road with a funding level of \$130,000 at the April 12, 2010, Board Meeting. The bidding requirements stipulated that the project be completed no later than April 30, 2010 – a very tight timeframe (31 days from bid to completion).

The pavement removal revealed that the actual thickness of the existing pavement was, in spots, substantially thicker than anticipated (6" vs. 3" or 4"). As a result of the thicker pavement, additional stone aggregate needed to be brought in to bring the lot's grade to the proper level. A total of 14 loads of stone were used at a total cost of \$5,250. Otherwise, the project went as planned. Work began on Monday, April 19th and the lot was reopened on Friday, April 23rd at 6:00 AM.

CHANGE ORDER NO. 1 (FINAL)

The original parking funding indicates that the project was **overfunded** by **\$43,055**. The final funding breakdown is summarized in the table below:

Glenwood-Crescent Parking Lot Resurfacing Project Final Funding Breakdown for Construction Arrow Road Construction Company						
Funding Source (FY 09-10)	Account Number	Original Funded Amount	Original Contract Amount	Final Contract Amount	Change Order Number 1	Funding Requested
Parking Fund	53000-520970	\$130,000	\$116,440	\$86,945	(\$29,495)	(\$43,055)

Change Order 1 balances the contract items with the inclusion of the additional work item required to complete the project.

CONCLUSION

The two items included in this change order total a **decrease in costs of \$29,495**, and a **decrease in funding of \$43,055**. The modified contract total is **\$86,945**. No additional funding is required to close out the project. The total project cost is about 25% under the original contract bid. No time extension is requested for this project.

Enc. Change Order Form
Summary of Contract Status
Resolution
Final Quantity Spreadsheet

cc: Steve Jones, Village Manager
Patti Underhill, Administrative Clerk
Bob Minix, Professional Engineer
Kristen Schrader, Administrative Analyst

RESOLUTION NO. _____

A RESOLUTION CONCERNING THE DETERMINATION OF
THE GLEN ELLYN VILLAGE BOARD THAT
CHANGE ORDER NUMBER ONE (FINAL)
WITH ARROW ROAD CONSTRUCTION COMPANY
FOR A DECREASE OF \$29,495 IS REQUIRED FOR THE
GLENWOOD-CRESCENT PARKING LOT RESURFACING PROJECT
FOR A REVISED AND FINAL CONTRACT COST OF \$86,945

WHEREAS, Chapter 720, Section 5/33-E-9 of the Illinois Compiled Statutes 2002 requires change orders on public contracts involving total cumulative changes of more than Ten Thousand Dollars (\$10,000) in value or a cumulative total of thirty (30) days in time to be made by written determination; and

WHEREAS, it has been determined that it would be beneficial to the Village to compensate the contractor for out-of-scope work items required to complete on the project;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION ONE: The Corporate Authorities of the Village make the written determination that the circumstances necessitating the change were not within the contemplation of the contract as signed and that this change order is in the best interest of the Village.

SECTION TWO: The change order to which this determination involves, relates to the following contract: Glenwood-Crescent Parking Lot Resurfacing Project, Arrow Road Construction Company. The nature of Change Order Number One (Final) and the amount of change is as follows: Final Contract Quantity Adjustments; Stone Aggregate for Grading; all for a net cost decrease of twenty-nine thousand four hundred ninety-five dollars (\$29,495), for a revised and final contract price of eighty-six thousand nine hundred forty-five dollars (\$86,945), with no time extension.

SECTION THREE: This written determination shall be preserved and in a permanent contract file that is open to the public.

SECTION FOUR: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2010.

AYES:

NAYS:

ABSENT:

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 2010.

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Village Clerk of the
Village of Glen Ellyn, Illinois

SUMMARY OF CONTRACT STATUS

4/28/2010

Project : Glenwood-Crescent Parking Lot Resurfacing Project (2010)
Contractor : Arrow Road Construction Company
Design Engineer : In-House (Public Works)
Field Engineer : Civiltech Engineering

Original Contract Bid Price	\$116,440.00
Village Board Authorized Amount	\$130,000.00
Parking Fund (53000 520970) :	\$130,000.00

Original Contract Time :	Substantial Completion:	4/30/2010
	Final Completion :	4/30/2010

Contract Approved by Village Board on April 12, 2010

CHANGE IN CONTRACT PRICE

Change Order	App. by	App. Date	Add / Sub	Change Amount	Revised Contract Price
1	Board	5/10/2010	Sub	\$29,495.00	\$86,945.00

CHANGE IN CONTRACT TIME

Change Order	App. by	App. Date	Add / Sub	Change Amount	Revised Contract Time
1	Board	5/10/2010	none	0	Substantial Completion: 4/30/2010 Final Completion : 4/30/2010

CHANGE ORDER DESCRIPTION

Change Order	Description
1	Final Contract Quantity Adjustments; Aggregate Stone for Grading

Prepared by Village of Glen Ellyn Public Works Department - Engineering Division

A-6I

To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: May 3, 2010

Re: Streetlight Electricity Rate Changes – NIMEC Participation



Background

The Village of Glen Ellyn is responsible for providing power to nearly 750 streetlights throughout the Village. We spend nearly \$155,000 on street light power out of our Motor Fuel Tax (MFT) Fund. Currently, ComEd charges a fixed rate for the power on the order of 3.3 cents per kilowatt hour (kWh). This month, ComEd will no longer offer this fixed rate – instead converting to a floating rate that will vary by hour. Over the past 12 months, the hourly rate has averaged 3.8 cents per kWh – this represents a potential 15% increase.

ComEd is trying to encourage commercial users to purchase their power directly from other electric suppliers. They have notified all their “Medium” sized street light account holders of their intent. Municipalities basically have two options. If you make no change and remain with ComEd, you will be charged on a floating hourly rate. The other option is to move to another supplier. If no action is taken, we will experience this new rate on our next month’s bills.

Three years ago, following the deregulation of power, we entered into an agreement with the Northern Illinois Municipal Electric Cooperative (NIMEC) to broker power for the Village in situations when our accounts could benefit from larger volume bids. NIMEC successfully negotiated a savings in our water pumping accounts that year. With this new change quickly approaching, NIMEC has reached out to its members and has also partnered with Rock River Energy Services (a cooperative from the far west and northern suburbs) in preparations to secure as much streetlight power to entice a competitive bid from multiple suppliers.

Issues

NIMEC has recently initiated a bid for larger entities on streetlights that has resulted in securing electrical rates lower than our current fixed rate. Electricity is a commodity, so its pricing is constantly changing. NIMEC has established two additional bid dates - May 6 and May 26. Pricing will only be available through the end of that day. It is critical therefore for our Village Manager to have authorization to enter into a sales agreement on the day of the bid. In advance of our first encounter with NIMEC, the Village Board passed Resolution 06-26 (attached) authorizing the Village Manager to act in such cases. Therefore, we plan to participate in the May 6 bid. Currently, there are 25 municipalities signed up for the May 6 bid.

On the day of the bid, we will have three options:

1. Enter into a 1-year contract for a fixed rate
2. Enter into a 3-year contract for a fixed rate (depending on the difference in rates, this may be a better option)
3. Do nothing (if the rate is higher than can be expected through ComEd, we would choose to do nothing)

The bid will take place early in the morning and two teleconferences with NIMEC will take place to discuss the results and recommendations. Assuming we lock into a new rate with a new supplier, we will sign the agreement and prepare proper documents to ratify our new rate with the Village Board (as directed by Resolution 06-26).

The three companies asked to participate in the bid process are:

1. Excelon
2. Constellation
3. MidAmerican Energy

Action Requested

This item will be presented at the May 10, 2010 Village Board Meeting.

1. Motion to approve a one year / three year contract with (SUPPLIER) for street light power in the amount of _____ per kilowatt hour (kWh) to be expensed to the Motor Fuel Tax (MFT) Fund.

Recommendation

Based on the results, a recommendation will be presented at the Village Board Meeting.

Attachments

- Resolution 06-26 (approved November 27, 2006)

RESOLUTION NO. 06-26

A RESOLUTION AUTHORIZING PARTICIPATION IN THE
NORTHERN ILLINOIS MUNICIPAL ELECTRIC COOPERATIVE (NIMEC)
AND AUTHORIZING THE VILLAGE MANAGER TO APPROVE A
CONTRACT WITH THE LOWEST COST ELECTRICITY PROVIDER

WHEREAS, on January 2, 2007, the State of Illinois is implementing a plan to deregulate Commonwealth Edison; and

WHEREAS, under the aforementioned deregulation plan, Commonwealth Edison will no longer generate electricity for its customers but will continue to provide electric power through its distribution system; and

WHEREAS, as a result of this deregulation, electricity will be purchased based on market price, and Exelon, the parent company of Commonwealth Edison, will no longer be the sole supplier of electricity in Northern Illinois, resulting in new electricity suppliers being able to compete against Exelon and competitive market forces dictating the price of electricity; and

WHEREAS, since Commonwealth Edison has had prices fixed for the last nine years by the Illinois Commerce Commission (ICC), which will end with deregulation, the cost of electricity is expected to rise; and

WHEREAS, municipalities across the State are now looking at ways to enter the market to purchase electric power in order to mitigate some of the economic impact of these rising rates, which, on a practical basis, can best be accomplished by using a third party who will serve as a broker for the municipalities and has the knowledge and experience to seek bids from the various electricity providers; and

WHEREAS, the Village of Glen Ellyn has selected the Northern Illinois Municipal Electric Cooperative (NIMEC) to serve as the Village's broker relative to the acquisition of

electrical energy due to NIMEC's municipal experience and the fact that NIMEC is a municipal cooperative which will be pooling the energy needs of members of the cooperative in order to secure more competitive pricing based on higher volumes than can be provided individually to a single municipality; and

WHEREAS, the cost to join NIMEC is a one-time fee of \$100, with the amount of compensation that NIMEC receives, if the Village chooses the NIMEC electricity supplier, being built into the prices bid by the electricity supplier, so there will be no direct payments made to NIMEC by the Village other than the one-time fee; and

WHEREAS, due to the bidding procedures required, the Village Manager will need to have the authority to sign a contract with the electricity provider which is deemed most favorable for the Village within hours of the bids being received by NIMEC;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, as follows:

SECTION ONE: That the Northern Illinois Municipal Electric Cooperative (NIMEC) is hereby appointed as the Village's broker for purposes of obtaining a supply of electricity for the Village's municipal needs, and the Village Manager is hereby directed to take all actions necessary to establish said broker relationship.

SECTION TWO: That the Village Manager is authorized to discuss and negotiate energy rates directly with suppliers in an effort to secure a lower energy cost for the Village.

SECTION THREE: That, in light of the time constraints applicable to the acceptance of a competitive bid for a supply of electricity, once the bids are received by NIMEC, the Village is hereby authorized to sign the contract with the lowest bidder, provided the bid is at a rate that is

less than is being offered through Commonwealth Edison, with Village staff being hereby directed to place said contract on the first available Village Board regular meeting agenda following the execution thereof by the Village Manager for ratification by the Village Board.

SECTION FOUR: That this Resolution shall be in full force and effect from and after this Resolution's passage and approval in the manner provided by law.

PASSED by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this 27 day of November, 2006.

AYES: Norton, Lee, Gardner, Pefferman

NAYS: - 0 -

ABSENT: Armstrong, Chapman

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this 27 day of November, 2006

Wichy Hase

Village President of the
Village of Glen Ellyn, Illinois

ATTEST:

Andrea Altrich

Village Clerk of the
Village of Glen Ellyn, Illinois

Admin\resolution\electricity

A-65

To: Steve Jones, Village Manager

From: Joe Caracci, Public Works Director

Date: May 3, 2010

Re: COD Sidewalk and Traffic Signal Easement Approval Request



Background

The College of DuPage (COD) has been going through a major overhaul and expansion in the past six years. Part of their improvements included updates to sidewalks, traffic signals, water system and sanitary sewer system that are located both within Village right-of-way (ROW) and on COD property. Major investments were made by COD to best place these Village assets in locations most beneficial by both parties. Long term replacement and maintenance of these assets rightfully are the responsibility of the Village of Glen Ellyn. In order to properly exercise our operation and maintenance responsibilities for items off the public right-of-way, easements are required. Many long hours were logged by both Village and COD teams to come up with appropriate language that is agreeable by both parties. Bob Minix took the lead on many of the Public Works easement negotiations and has done a great job incorporating our needs and desires into these documents.

Issues

The first two easements ready for approval consideration by our Village Board are for sidewalk and traffic signals. The sidewalk easement is for a new 8-foot, concrete sidewalk on the west side of Lambert Road running between College Road and Fawell. The sidewalk easement was required to accommodate a wider sidewalk facility than otherwise would fit in the existing parkway space on the west side of Lambert Road. The traffic signal easement includes the vehicle detection loops required for westbound Tallgrass (at Lambert) that fall east of the east line of the Lambert Road right-of-way, but more importantly, describes long-term operating and maintenance responsibilities for the entire facility.

The original easements were drafted by COD with multiple reviews and enhancements from our Village attorney and Professional Engineer. The two easement documents were approved by the COD Board of Trustees in March 2010. Two ordinances have been drafted to memorialize our acceptance of the easement agreements and are included herewith.

The remaining two easements that deal with the water and sanitary sewer system are expected to be forthcoming later this year as modifications are expected due to additions from the new Culinary Arts Building and Homeland Security Building anticipated this summer.

Action Requested

This item will be presented at the May 10, 2010 Village Board Meeting.

1. Ordinance _____ , an Ordinance Approving a Public Sidewalk Easement Agreement between the College of DuPage and the Village of Glen Ellyn on the West Side of Lambert Road between College Road and Fawell Boulevard.
2. Ordinance _____ , an Ordinance Approving a Traffic Signal Easement Agreement between the College of DuPage and the Village of Glen Ellyn at Lambert Road and Tallgrass Road.

Recommendation

I recommend approval of these Ordinances.

Attachments

- Memorandum dated May 3, 2010 (with attachments) authored by Professional Engineer Bob Minix

Interoffice Memorandum

to: Joe Caracci, Public Works Director

from: Bob Minix, Professional Engineer

subject: College of DuPage
Sidewalk and Traffic Signal Easements
Recommendation for Acceptance by Village Board

date: May 3, 2010

The College of DuPage (COD) embarked on a significant improvement initiative a number of years ago to modernize campus facilities, including new and remodeled building spaces and infrastructure. Included in the scope of improvements were updates to sidewalk, traffic signals and water and sanitary sewer mains either wholly outside or just partially within the Village right-of-way. The long term maintenance and replacement of these facilities are appropriately within the domain of Village control. To properly exercise our operation and maintenance responsibilities for items off the public right-of-way, easements are required.

The first of a series of easement agreements involving sidewalk and traffic signal maintenance has been initially drafted, revised and finalized by COD and Village staff, including input from the Village Attorney. This work was accomplished in 2009. These two easement documents were approved in March 2010 by COD Board of Trustees and are now ready for Village Board consideration. The specific easements are for a new 8-foot wide, concrete sidewalk on the west side of Lambert Road running between College Road and Fawell and for various traffic signal appurtenances at Tallgrass and Lambert that were positioned on COD property. The sidewalk easement was required to accommodate a wider sidewalk facility than otherwise would fit in the existing parkway space on the west side of Lambert Road. The traffic signal easement includes the vehicle detection loops required for westbound Tallgrass that fall east of the east line of the Lambert Road right-of-way, but more importantly, also describes long-term operating and maintenance responsibilities for the entire facility.

Two ordinances have been drafted to memorialize our acceptance of the easement agreements and are included herewith.

EASEMENT PROVISIONS

Each of the agreements describes the purpose, configuration, use, conditions and restoration requirements associated with each easement. In addition, there are various notification, indemnification, termination and other easement-standard provisions included therein. At my request, specific protocols are listed for both parties regarding utility locates within the easement areas.

Attached to each agreement are exhibits that contain a written legal description as well as a graphical depiction of the easement premises.

The easements were originally drafted by COD. The documents were reviewed by the Village Attorney and me, with our comments forwarded to COD. Revised documents were received and reviewed by me for conformance with previous comments. The final documents are acceptable and are recommended for acceptance.

The sidewalk and traffic signal facilities were installed by COD at their expense. All maintenance work and replacement of the facilities will be the responsibility of the Village.

Following acceptance of the easements and approval of the easement agreements, the easement documents should be recorded. A copy of the recorded documents should be forwarded to the College of DuPage.

cc: Steve Jones, Village Manager
Staci Hulseberg, Planning and Development Director
Kristen Schrader, Administrative Analyst
Dave Buckley, Assistant Public Works Director
Bob Greenberg, Project Coordinator

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Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Approving a Public Sidewalk Easement Agreement
Between the College of DuPage and the Village of Glen Ellyn
On the West Side of Lambert Road between College Road and Fawell Boulevard**

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

this _____ day of _____, 20____.

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

this _____ day of _____, 20____.

Ordinance No. _____

**An Ordinance Approving a Public Sidewalk Easement Agreement
Between the College of DuPage and the Village of Glen Ellyn
On the West Side of Lambert Road between College Road and Fawell Boulevard**

Whereas, the College of DuPage constructed new concrete sidewalk on the west side of Lambert Road between College Road and Fawell Boulevard as part of various campus-wide improvements; and

Whereas, portions of the sidewalk are outside of the Lambert Road right-of-way on College of DuPage property; and

Whereas, the sidewalk will be available for use by the general public; and

Whereas, the repair and replacement responsibilities for the public walk should be the responsibility of the Village of Glen Ellyn; and

Whereas, a Public Sidewalk Easement Agreement has been developed to define the proposed easement and the rights and responsibilities of the College of DuPage and Village of Glen Ellyn for the long-term maintenance of the sidewalk; and

Whereas, the Public Sidewalk Easement Agreement has been approved by the College of DuPage Board of Trustees.

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

Section One: The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

Section Two: The Public Sidewalk Easement Agreement between the College of DuPage and the Village of Glen Ellyn is attached hereto as Exhibit "A".

Section Three: The Village President and Village Clerk are hereby authorized to sign the Public Sidewalk Easement Agreement.

Section Four: The Village Clerk is hereby authorized to cause this Ordinance and Public Sidewalk Easement Agreement to be recorded with the Recorder of Deeds of DuPage County.

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

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20 ____ .

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20 ____ .

Village President of the Village
of Glen Ellyn, Illinois

Attest:

Village Clerk of the Village
of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the _____ day of _____, 20 ____ .)

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**PROPERTY ADDRESS:
425 Fawell Boulevard
Glen Ellyn, Illinois 60137**

**P.I.N. 05-27-200-008
05-27-200-011**

**Return to:
Village Clerk
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137**

(for recorder's use only)

**PUBLIC SIDEWALK EASEMENT AGREEMENT BETWEEN
THE COLLEGE OF DUPAGE AND THE VILLAGE OF GLEN ELLYN**

THIS EASEMENT AGREEMENT is entered into this _____ day of _____, 2009, by and between the Board of Trustees of Community College District No. 502 (commonly known as the COLLEGE OF DUPAGE), with offices at 425 Fawell Boulevard, Glen Ellyn, Illinois 60137, (hereinafter referred to as "GRANTOR"), and the VILLAGE OF GLEN ELLYN, an Illinois Municipal Corporation with offices at 535 Duane Street, Glen Ellyn, Illinois 60137 (hereinafter referred to as "GRANTEE").

RECITALS

WHEREAS, GRANTOR is the owner of certain real property legally described in Exhibit A and depicted in Exhibit B, both attached hereto and incorporated herein by reference (hereinafter referred to as the "EASEMENT PREMISES"); and

EXHIBIT "A" TO ORDINANCE NO. _____

WHEREAS, GRANTEE is charged with the construction and maintenance of certain public sidewalks, as well as obtaining easements across properties as required for constructing, operating and maintaining such sidewalks; and

WHEREAS, GRANTEE has determined that it is in the public interest to acquire easement rights across the EASEMENT PREMISES in order to provide a paved public sidewalk for such uses relating to public ingress and egress thereof, as the GRANTEE shall from time-to-time establish; and

WHEREAS, GRANTOR has agreed to grant GRANTEE a permanent easement for the purpose of construction, installation, maintenance, repair and replacement of a public sidewalk located on the EASEMENT PREMISES.

NOW, THEREFORE, in consideration of the premises and the mutual promises contained herein, the parties hereby agree that:

1. RECITALS INCORPORATED. The foregoing recitals are incorporated herein by reference as though fully set forth.

2. EASEMENT GRANT. GRANTOR grants to GRANTEE a permanent easement over, upon, along, under, through, and across the EASEMENT PREMISES, legally described in Exhibit A and depicted in Exhibit B for the purpose of construction, installation, operation, maintenance, repair, replacement, relocation and removal of a paved public sidewalk for such uses relating to public ingress and egress thereof, as the GRANTEE shall from time-to-time establish. The GRANTOR shall honor the easement rights of the GRANTEE provided for in this Agreement, and neither the GRANTOR nor its officers, employees, agents or independent contractors shall harm or damage the facilities of GRANTEE located within any easement granted herein. GRANTOR shall not unreasonably restrict or withhold the grant of temporary construction easements to GRANTEE for the purposes of construction, installation, operation, maintenance, repair, replacement, relocation and removal of a public sidewalk by GRANTEE.

3. EASEMENT USE. GRANTOR further grants to GRANTEE or any of its officers, agents, representatives, employees, licensees, successors, or assigns the perpetual right, privilege and authority to enter upon the EASEMENT PREMISES, either by vehicle or on foot to survey, construct, reconstruct, test, repair, inspect, maintain, renew, operate, relocate and remove its public sidewalk, together with the right of access across GRANTOR'S property for necessary workers and equipment to do any of the required work.

4. EASEMENT CONDITIONS. This grant of easement shall be subject to the following conditions:

a) No permanent buildings shall be constructed or placed on said EASEMENT PREMISES without GRANTEE'S express permission.

b) No landscaping, gardens shrubs, driveways, parking lots, ingress and egress roadways on the EASEMENT PREMISES shall be constructed by GRANTOR that do not now or later conflict with the aforesaid uses or rights of GRANTEE or the general public.

c) GRANTEE shall also have the right from time-to-time to clear all obstructions from the surface and subsurface as may be required incident to the grant herein given on the EASEMENT PREMISES that interfere with the operation or use of its public sidewalk, but GRANTEE shall have the duty to restore the surface(s) as set forth in paragraph five (5) below.

d) GRANTEE shall have the right to cut, trim, or remove any shrubs or other plants within the areas designated EASEMENT PREMISES which interfere with the construction, installation, reconstruction, repair, removal, replacement, maintenance, or operation of its public sidewalk thereon. GRANTEE shall use its best efforts to not remove any tree located on the EASEMENT PREMISES.

e) All construction by any entity within the EASEMENT PREMISES shall be performed in accordance with the various requirements of municipal, county, state, and federal laws, ordinances, or regulations.

f) GRANTOR reserves the right of access across the EASEMENT PREMISES.

g) GRANTOR shall not grant any future easement or access rights to another utility for the EASEMENT PREMISES without GRANTEE's approval.

5. RESTORATION. GRANTEE or its designees shall, upon completion of any work authorized by this grant, restore the surface(s) of the EASEMENT PREMISES to the same or better condition than that which existed prior to the beginning of any work, including the replacement of any turf areas, driveways, sidewalks, parking lot pavement and ingress and egress roadway pavement. GRANTEE shall not be responsible for the replacement or restoration of landscaping (other than turf areas), gardens, shrubs, or trees removed or disturbed during the reasonable exercise of its construction, maintenance and repair activities on sidewalks within the EASEMENT PREMISES.

6. CONSTRUCTION FENCING. Prior to beginning any substantial construction or maintenance work authorized by this Agreement, GRANTEE shall erect a temporary construction fence around the EASEMENT PREMISES and any temporary construction easement area(s) to ensure that all construction or maintenance activities are confined within the EASEMENT PREMISES and any temporary construction easement area(s) until such time as said construction or maintenance activities are completed.

7. CONSTRUCTION LIMITED TO EASEMENT PREMISES. During the construction, maintenance or repair of sidewalks authorized by this Agreement, all work activity shall be confined within the EASEMENT PREMISES and any temporary

construction easement area(s), including but not limited to, the movement and storage of equipment and materials. All debris resulting from the construction, maintenance or repair activities shall be legally disposed of from GRANTOR'S property. No construction personnel shall be permitted on GRANTOR'S property outside the EASEMENT PREMISES and any temporary construction easement area(s) while engaged in construction, maintenance or repair activities.

8. NOTICE OF CONSTRUCTION WORK, MAINTENANCE OR REPAIRS.

GRANTEE shall notify GRANTOR in writing at least forty-eight (48) hours in advance of any construction work, maintenance or repairs to be undertaken upon the EASEMENT PREMISES, except in the event that emergency repairs are required within the EASEMENT PREMISES. Any notice required to be given pursuant to this paragraph, or by this Agreement, shall be by personal delivery, a nationally recognized overnight delivery service, or facsimile as follows:

To GRANTOR: Project Manager
 Facilities Planning and Construction
 College of DuPage
 425 Fawell Boulevard
 Glen Ellyn, Illinois 60137
 Facsimile: (630) 942-2136

To GRANTEE: Village Manager
 Village of Glen Ellyn
 535 Duane Street
 Glen Ellyn, Illinois 60137
 Facsimile: (630) 469-8849

All notices shall be deemed given upon the time of delivery or transmission by facsimile. Either party by notice to the other may change or add persons and places where notices are to be sent or delivered pursuant to the provisions of this paragraph. Any construction work, maintenance or repairs undertaken pursuant to this paragraph by GRANTEE shall not interfere with GRANTOR'S operations to the maximum practicable extent.

9. **UTILITY LOCATES.** GRANTOR shall provide utility locates of any of its maintained and owned utility infrastructure located within the EASEMENT PREMISES, or in proximity to the EASEMENT PREMISES, within 48 hours of notice to GRANTOR by GRANTEE of GRANTEE'S intent to perform any work in the EASEMENT PREMISES pursuant to this Agreement as set forth in paragraph eight (8) above. In addition, GRANTEE shall provide utility locates of any of its facilities located within the EASEMENT PREMISES, or in proximity to the EASEMENT PREMISES, when GRANTOR'S intent to perform any work located upon the EASEMENT PREMISES or in proximity to the EASEMENT PREMISES is indicated by notice to the Illinois One Call System (JULIE).

10. **HOLD HARMLESS.** GRANTEE shall indemnify, defend and hold GRANTOR harmless from any and all claims, causes of actions, damages, lawsuits and/or administrative proceedings, including attorney's fees, costs and expenses, now or hereafter existing and resulting from GRANTEE'S construction, maintenance, operation, installation, repair, replacement or modification of the EASEMENT PREMISES, including any damages caused to any other utilities by GRANTEE and all necessary repairs related thereto. Further, GRANTEE will not permit any liens to be placed on the EASEMENT PREMISES or other property of GRANTOR resulting from the installation, repair, replacement, modification, or maintenance of the sidewalk on the EASEMENT PREMISES, and will immediately cause such liens to be extinguished.

11. **ENTIRE AGREEMENT.** This instrument contains the entire agreement between the parties relating to the rights granted herein and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect, and modifications to this Agreement must be in writing and must be signed by all parties to this Agreement.

12. **COVENANT RUNNING WITH THE LAND.** This easement and the promises contained in this Agreement shall be a covenant running with the land and

shall be binding upon GRANTEE, GRANTOR and any of their lessees, successors in interest, heirs, tenants, devisees and assigns from and after the date of execution by the parties hereto.

13. LAW GOVERNING. The laws of the State of Illinois shall govern the terms of this Agreement both as to interpretation and performance.

14. TERMINATION. The easement granted by this Agreement and the promises and obligations contained herein shall terminate and expire if for any reason GRANTEE serves notice upon GRANTOR pursuant to paragraph eight (8) above that it no longer intends to use the EASEMENT PREMISES for the purposes herein set forth, or if GRANTEE abandons its facilities contained in the EASEMENT PREMISES and no longer uses the EASEMENT PREMISES, or has not expressed an intent to use the EASEMENT PREMISES in the future.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

GRANTOR - COLLEGE OF DUPAGE

Attest:

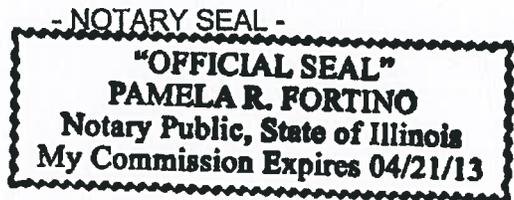
By: Kathy A. Wessel
(Name)
(Title) chair

By: Nancy E. Sudbata
(Name)
(Title) Secretary

State of Illinois)
County of DuPage)

The foregoing instrument was acknowledged before me by Kathy A. Wessel and Nancy E. Sudbata, this 18 day of March, ~~2009~~, A.D. 2010

Pamela R Fortino
Notary Public



GRANTEE – VILLAGE OF GLEN ELLYN

Attest:

By: _____
Print Name:
Title: Village President

By: _____
Print Name:
Title: Village Clerk

State of Illinois)
)
County of DuPage)

The foregoing instrument was acknowledged before me by _____ and
_____, this _____ day of _____, 2009, A.D.

- NOTARY SEAL -

Notary Public

This instrument was prepared by: Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd, 55
W. Monroe St. Suite 800, Chicago, Illinois 60603-5144

Z:\PLS\College of DuPage\Sidewalk Easement 08-28-09.doc

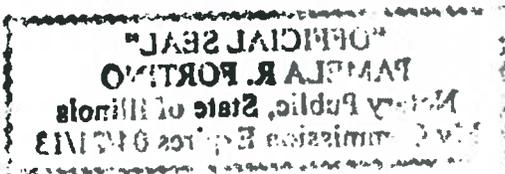


EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PREMISES

THAT PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF A LINE 330.00 NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 27 WITH THE WEST RIGHT-OF-WAY LINE OF LAMBERT ROAD, DEDICATED PER DOCUMENT NUMBER R80-19903; THENCE SOUTH 88 DEGREES 47 MINUTES 49 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 6.71 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 47 MINUTES 49 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 13.00 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 37 SECONDS EAST ALONG A LINE 19.71 FEET WEST OF AND PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE OF LAMBERT ROAD, A DISTANCE OF 2220.00 FEET TO THE WEST LINE OF PARCEL NO. 0006, CONVEYED PER DOCUMENT NUMBER R2000-128770; THENCE ALONG SAID WEST LINE OF PARCEL NO. 0006 FOR THE FOLLOWING TWO (2) COURSES; 1)THENCE SOUTH 42 DEGREES 26 MINUTES 21 SECONDS EAST, A DISTANCE OF 12.82 FEET; 2)THENCE SOUTH 01 DEGREES 17 MINUTES 07 SECONDS EAST, A DISTANCE OF 189.77 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 37 SECONDS WEST ALONG SAID WEST LINE OF PARCEL NO. 0006 AND ALONG A LINE 6.71 FEET WEST OF AND PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE OF LAMBERT ROAD, A DISTANCE OF 2020.54 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

CONTAINING 0.651 ACRES MORE OR LESS.

P.I.N. 05-27-200-008
05-27-200-011

SIDEWALK EASEMENT EXHIBIT

FAWELL BOULEVARD
(OLD HIGHWAY 40 FROM 1892)
 RECONSTRUCTION RECORDS FOR DEC. 20, 1920-1923



PAGES 102, 103B
 RECONSTRUCTION RECORDS FOR
 DEC. 20, 1920-1923

EAST LINE OF THE WEST HALF
 NORTHEAST QUARTER
 OF SECTION 27-38-10

WEST LINE OF THE EAST HALF
 NORTHEAST QUARTER
 OF SECTION 27-38-10

LAMBERT ROAD

LINE	BEARING	LENGTH
L1	S 89°17'00" W	8.71'
L2	S 89°17'00" W	13.80'
L3	S 89°17'00" W	12.80'

POINT OF BEGINNING

POINT OF COMMENCING

SOUTH LINE OF THE NORTHEAST QUARTER
 OF SECTION 27-38-10

EXHIBIT

 B

Manhard CONSULTING LTD

COLLEGE OF DuPAGE
 VILLAGE OF GLEN ELLYN, ILLINOIS
 SIDEWALK EASEMENT EXHIBIT

DATE	11-23-06	SCALE	1" = 120'	DRAWN	GOODE	PLotted	8848
------	----------	-------	-----------	-------	-------	---------	------

Manhard Consulting Ltd. 1000 North LaSalle Street, Suite 1000, Chicago, IL 60610
 312.467.1000 Fax 312.467.1001 www.manhard.com

Village of Glen Ellyn

Ordinance No. _____

**An Ordinance Approving a Traffic Signal Easement Agreement
Between the College of DuPage and the Village of Glen Ellyn
At Lambert Road and Tallgrass Road**

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

this _____ day of _____, 20____.

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

this _____ day of _____, 20____.

Ordinance No. _____

**An Ordinance Approving a Traffic Signal Easement Agreement
Between the College of DuPage and the Village of Glen Ellyn
At Lambert Road and Tallgrass Road**

Whereas, the College of DuPage, as part of a series of campus-wide improvements, constructed Tallgrass Road, including its intersection with Lambert Road; and

Whereas, Tallgrass Road is located primarily within College of DuPage property and is the maintenance responsibility of the College; and

Whereas, as part of the Tallgrass Road work, new traffic signals were constructed by the College of DuPage at the intersection of Lambert Road and Tallgrass Road; and

Whereas, the long-term operation, maintenance and replacement responsibilities for all traffic signal elements at Lambert Road and Tallgrass Road both inside and outside of the Lambert Road right-of-way should be the responsibility of the Village of Glen Ellyn; and

Whereas, detection loops required for proper traffic signal operations are located on Tallgrass Road outside the public right-of-way of Lambert Road; and

Whereas, a Traffic Signal Easement Agreement has been developed to define the proposed easement on the east side of Lambert Road at Tallgrass Road and the rights and responsibilities of the College of DuPage and Village of Glen Ellyn for the long-term operation, maintenance and replacement of the traffic signals; and

Whereas, the Traffic Signal Easement Agreement has been approved by the College of DuPage Board of Trustees.

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

Section One: The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

Section Two: The Traffic Signal Easement Agreement between the College of DuPage and the Village of Glen Ellyn is attached hereto as Exhibit "A".

Section Three: The Village President and Village Clerk are hereby authorized to sign the Traffic Signal Easement Agreement.

Section Four: The Village Clerk is hereby authorized to cause this Ordinance and Traffic Signal Easement Agreement to be recorded with the Recorder of Deeds of DuPage County.

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

Passed by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20 ____ .

Ayes:

Nays:

Absent:

Approved by the Village President of the Village of Glen Ellyn, Illinois, this _____ day of _____, 20 ____ .

Village President of the Village
of Glen Ellyn, Illinois

Attest:

Village Clerk of the Village
of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the ____ day of _____, 20 ____.)

X:\Publicwks\ENGINEER\Resolutions and Ordinances\Ordinance Approving Traffic Signal Easement with COD along Lambert Road.doc

**PROPERTY ADDRESS:
425 Fawell Boulevard
Glen Ellyn, Illinois 60137**

P.I.N. 05-27-200-012

**Return to:
Village Clerk
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137**

(for recorder's use only)

**TRAFFIC SIGNAL EASEMENT AGREEMENT BETWEEN
THE COLLEGE OF DUPAGE AND THE VILLAGE OF GLEN ELLYN**

THIS EASEMENT AGREEMENT is entered into this _____ day of _____, 2009, by and between the Board of Trustees of Community College District No. 502 (commonly known as the COLLEGE OF DUPAGE), with offices at 425 Fawell Boulevard, Glen Ellyn, Illinois 60137, (hereinafter referred to as "GRANTOR"), and the VILLAGE OF GLEN ELLYN, an Illinois Municipal Corporation with offices at 535 Duane Street, Glen Ellyn, Illinois 60137 (hereinafter referred to as "GRANTEE").

RECITALS

WHEREAS, GRANTOR is the owner of certain real property legally described in Exhibit A, and depicted in Exhibit B, attached hereto and incorporated herein by reference (hereinafter referred to as the "EASEMENT PREMISES"); and

EXHIBIT "A" TO ORDINANCE NO. _____

WHEREAS, GRANTEE is charged with the construction and maintenance of certain public traffic signal facilities, as well as obtaining easements across properties as required for constructing, operating and maintaining such facilities; and

WHEREAS, GRANTOR constructed new traffic signal facilities in 2008 at the intersection of Tallgrass Road and Lambert Road as part of campus-wide roadway and parking lot improvements; and

WHEREAS, GRANTEE has determined that it is in the public interest to acquire easement rights across the EASEMENT PREMISES in order to maintain traffic signal facilities at Tallgrass Road and Lambert Road; and

WHEREAS, GRANTOR has agreed to grant GRANTEE a permanent easement for the purpose of construction, installation, maintenance, repair and replacement of certain traffic signal facilities located on the EASEMENT PREMISES.

NOW, THEREFORE, in consideration of the premises and the mutual promises contained herein, the parties hereby agree that:

- 1. RECITALS INCORPORATED. The foregoing recitals are incorporated herein by reference as though fully set forth.**
- 2. EASEMENT GRANT. GRANTOR grants to GRANTEE a permanent easement over, upon, along, under, through, and across the EASEMENT PREMISES, legally described in Exhibit A, and depicted in Exhibit B, for the purpose of construction, installation, operation, maintenance, repair, replacement, relocation and removal of traffic signal facilities, including controls and handholes. The GRANTOR shall honor the easement rights of the GRANTEE provided for in this Agreement, and neither the GRANTOR nor its officers, employees, agents or independent contractors shall harm or damage the facilities of GRANTEE located within any easement granted herein. GRANTOR shall not unreasonably restrict or withhold the grant of temporary construction easements to GRANTEE for the purposes of construction, installation,**

operation, maintenance, repair, replacement, relocation and removal of traffic signal facilities by GRANTEE.

3. INITIAL AND FUTURE INSTALLATION. The traffic signal facilities at Tallgrass Road and Lambert Road – including controls, hand holes and all appurtenant equipment – shall be initially installed by GRANTOR at GRANTOR'S sole expense and shall be constructed fully in accordance with all applicable rules and regulations of any governmental body with jurisdiction over such installation. Once installed, the traffic signal facilities shall be owned, maintained and operated by GRANTEE. Future installation of replacement traffic signal facilities or repairs to the facilities shall be the sole responsibility of GRANTEE.

4. EASEMENT USE. GRANTOR further grants to GRANTEE or any of its officers, agents, representatives, employees, licensees, successors, or assigns the perpetual right, privilege and authority to enter upon the EASEMENT PREMISES, either by vehicle or on foot to survey, construct, reconstruct, test, repair, inspect, maintain, renew, operate, relocate and remove its traffic signal facilities and equipment, together with the right of access across GRANTOR'S property for necessary workers and equipment to do any of the required work.

5. EASEMENT CONDITIONS. This grant of easement shall be subject to the following conditions:

a) No permanent buildings shall be constructed or placed on said EASEMENT PREMISES without GRANTEE'S express permission.

b) GRANTOR shall have the right to install landscaping, gardens, shrubs, driveways, sidewalks, parking lots, ingress and egress roadways on the EASEMENT PREMISES that do not then or later conflict with the aforesaid uses or rights. GRANTOR shall not plant any new trees on or in the EASEMENT PREMISES without GRANTEE's approval.

c) GRANTEE shall also have the right from time-to-time to clear all obstructions from the surface and subsurface as may be required incident to the grant herein given on the EASEMENT PREMISES that interfere with the operation or use of its traffic signal facilities, but GRANTEE shall have the duty to restore the surface(s) as set forth in paragraph six (6) below.

d) GRANTEE shall have the right to cut, trim, or remove any shrubs or other plants within the areas designated EASEMENT PREMISES which interfere with the construction, installation, reconstruction, repair, removal, replacement, maintenance, or operation of said traffic signal facilities and structures thereon. GRANTEE shall use its best efforts to not remove any tree located on the EASEMENT PREMISES.

e) All construction by any entity within the EASEMENT PREMISES shall be performed in accordance with the various requirements of municipal, county, state, and federal laws, ordinances, or regulations.

f) GRANTOR reserves the right of access across the EASEMENT PREMISES.

g) GRANTOR shall not grant any future easement or access rights to another utility for the EASEMENT PREMISES without GRANTEE'S approval.

6. RESTORATION. GRANTEE or its designees shall, upon completion of any work authorized by this grant, restore the surface(s) of the EASEMENT PREMISES to the same or better condition than that which existed prior to the beginning of any work, including the replacement of any turf areas, driveways, sidewalks, parking lot pavement and ingress and egress roadway pavement. GRANTEE shall not be responsible for the replacement or restoration of landscaping (other than turf areas), gardens, shrubs or trees removed or disturbed during the reasonable exercise of its construction, maintenance and repair activities on traffic signal facilities within the EASEMENT PREMISES.

7. **TRAFFIC SIGNAL MAINTENANCE.** GRANTEE, its successors and assigns, shall at all times promptly repair and maintain any traffic signal equipment constructed pursuant to this Agreement, and any other improvements related thereto, at GRANTEE'S own cost and expense.

8. **CONSTRUCTION FENCING.** Prior to beginning any substantial construction or maintenance work authorized by this Agreement, GRANTEE shall erect a temporary construction fence around the EASEMENT PREMISES and any temporary construction easement area(s) to ensure that all construction or maintenance activities are confined within the EASEMENT PREMISES and any temporary construction easement area(s) until such time as said construction or maintenance activities are completed.

9. **CONSTRUCTION LIMITED TO EASEMENT PREMISES.** During the construction, maintenance or repair of traffic signal facilities authorized by this Agreement, all work activity shall be confined within the EASEMENT PREMISES and any temporary construction easement area(s), including but not limited to, the movement and storage of equipment and materials. All debris resulting from the construction, maintenance or repair activities shall be legally disposed of off of GRANTOR'S property. No construction personnel shall be permitted on GRANTOR'S property outside the EASEMENT PREMISES or any temporary construction easement area(s) while engaged in construction, maintenance or repair activities.

10. **NOTICE OF CONSTRUCTION WORK, MAINTENANCE OR REPAIRS.** GRANTEE shall notify GRANTOR in writing at least forty-eight (48) hours in advance of any construction work, maintenance or repairs to be undertaken upon the EASEMENT PREMISES, except in the event that emergency repairs are required within the EASEMENT PREMISES. Any notice required to be given pursuant to this paragraph, or

by this Agreement, shall be by personal delivery, a nationally recognized overnight delivery service, or facsimile as follows:

To GRANTOR: Project Manager
 Facilities Planning and Construction
 College of DuPage
 425 Fawell Boulevard
 Glen Ellyn, Illinois 60137
 Facsimile: (630) 942-2136

To GRANTEE: Village Manager
 Village of Glen Ellyn
 535 Duane Street
 Glen Ellyn, Illinois 60137
 Facsimile: (630) 469-8849

All notices shall be deemed given upon the time of delivery or transmission by facsimile. Either party by notice to the other may change or add persons and places where notices are to be sent or delivered pursuant to the provisions of this paragraph. Any construction work, maintenance or repairs undertaken pursuant to this paragraph by GRANTEE shall not interfere with GRANTOR'S operations to the maximum practicable extent.

11. UTILITY LOCATES. GRANTOR shall provide utility locates of any of its maintained and owned utility infrastructure located within the EASEMENT PREMISES, or in proximity to the EASEMENT PREMISES, within 48 hours of notice to GRANTOR by GRANTEE of GRANTEE'S intent to perform any work upon the EASEMENT PREMISES pursuant to this Agreement as set forth in paragraph ten (10) above. In addition, GRANTEE shall provide utility locates of any of its traffic signal facilities located within the EASEMENT PREMISES, or in proximity to the EASEMENT PREMISES, when GRANTOR'S intent to perform any work located upon the EASEMENT PREMISES or in proximity to the EASEMENT PREMISES, is indicated by notice to the Illinois One Call System (JULIE).

12. HOLD HARMLESS. GRANTEE shall indemnify, defend and hold GRANTOR harmless from any and all claims, causes of actions, damages, lawsuits,

reasonable attorney fees, and/or administrative proceedings now or hereafter existing and resulting from GRANTEE'S use of the EASEMENT PREMISES, including any damages caused to any other utilities by GRANTEE and all necessary repairs related thereto. Further, GRANTEE shall not permit any liens to be placed on the EASEMENT PREMISES or any other property of GRANTOR resulting from the installation, repair, replacement, modification or maintenance of the traffic signal facilities on the EASEMENT PREMISES, and will immediately cause such liens to be extinguished.

13. ENTIRE AGREEMENT. This instrument contains the entire agreement between the parties relating to the rights granted herein and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect, and modifications to this Agreement must be in writing and must be signed by all parties to this Agreement.

14. COVENANT RUNNING WITH THE LAND. This easement and the promises contained in this Agreement shall be a covenant running with the land and shall be binding upon GRANTEE, GRANTOR and any of their lessees, successors in interest, heirs, tenants, devisees and assigns from and after the date of execution by the parties hereto.

15. LAW GOVERNING. The laws of the State of Illinois shall govern the terms of this Agreement both as to interpretation and performance.

16. TERMINATION. The easement granted by this Agreement and the promises and obligations contained herein shall terminate and expire if for any reason GRANTEE serves notice upon GRANTOR pursuant to paragraph ten (10) above that it no longer intends to use the EASEMENT PREMISES for the purposes herein set forth, or if GRANTEE abandons its facilities contained in the EASEMENT PREMISES and no longer uses the EASEMENT PREMISES, or has not expressed an intent to use the EASEMENT PREMISES in the future.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

GRANTOR - COLLEGE OF DUPAGE

By: Kathy A. Wessel
(Name) Chair
(Title)

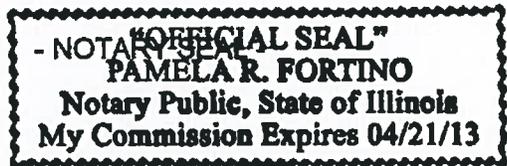
Attest:

By: Nancy E. Svoboda
(Name) Secretary
(Title)

State of Illinois)
County of DuPage)

The foregoing instrument was acknowledged before me by Kathy A. Wessel and Nancy E. Svoboda, this 18 day of March, ~~2009~~ 2010, A.D.

Pamela R. Fortino
Notary Public



GRANTEE - VILLAGE OF GLEN ELLYN

Attest:

By: _____
Print Name:
Title: Village President

By: _____
Print Name:
Title: Village Clerk

State of Illinois)
County of DuPage)

The foregoing instrument was acknowledged before me by _____ and _____, this _____ day of _____, 2009, A.D.

- NOTARY SEAL -

Notary Public

This instrument was prepared by: Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd, 20 N. Clark Street, Suite 900 Chicago, IL 60602

EXHIBIT A

THAT PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE PARCEL TAKEN FOR ROADWAY PURPOSES PER DOCUMENT NUMBER R2000-128774; THENCE SOUTH 00 DEGREES 01 MINUTES 37 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF LAMBERT ROAD, DEDICATED PER DOCUMENT R80-19903, A DISTANCE OF 472.50 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 58 MINUTES 23 SECONDS EAST, PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 55.00 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 37 SECONDS WEST ALONG A LINE DRAWN 55.00 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID LAMBERT ROAD, A DISTANCE OF 145.00 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 23 SECONDS WEST, PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 55.00 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 00 DEGREES 01 MINUTES 37 SECONDS EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 145.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

13.33 Dwg Name: P:\Codge\dwg\Surv\Final Drawings\Exhibits\Surv\Traffic Signal Easement\CODGE-Traffic Signal Easement.dwg Updated By: jrooke



Manhard
CONSULTING INC.

700 Springer Drive, Lombard, IL 60140 ph:630.881.8500 fax:630.881.8666 manhard.com
Civil Engineers • Surveyors • Water Resource Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Scientists • Landscape Architects • Planners

COLLEGE OF DUPAGE	
VILLAGE OF GLEN ELLYN, ILLINOIS	
EXHIBIT A	
PROJ. NO.: <u>JR</u> DRAWN BY: <u>SP</u> DATE: <u>07/28/09</u> SCALE: <u>N/A</u>	SHEET 1 OF 2 CODGE 5548

EXHIBIT B



SCALE: 1" = 50'

FAWELL BOULEVARD
 (ALSO KNOWN AS 22nd STREET)
 HERETOFORE DEDICATED PER DOC. No. R80-19903

PARCEL TAKEN FOR
 ROADWAY PURPOSES
 PER DOC. No. R2000-128774

POINT OF
 COMMENCING

S 00°01'37" W
 472.50'

POINT OF
 BEGINNING
 S 89°58'23" E
 55.00'

LAMBERT ROAD
 HERETOFORE DEDICATED PER
 DOC. No. R80-19903



N 89°58'23" W
 55.00'



700 Manager Ctr., Lombard, IL 60140 ph:630.691.8500 fs:630.691.8585 manhard.com
 Civil Engineers • Surveyors • Water Resource Engineers • Water & Wastewater Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

COLLEGE OF DUPAGE		SHEET	
VILLAGE OF GLEN ELLYN, ILLINOIS		2 OF 2	
EXHIBIT B		CODGE 5548	
PROJ. NO.:	JR		
DRAWN BY:	S/P		
DATE:	07/29/09		
SCALE:	1"=50'		

13.33 Dwg Name: P:\Codge\dwg\Surv\Final Drawings\Exhibits\Surv\Traffic Signal Easement\CODGE-Traffic Signal Easement.dwg Updated By: jroake

MEMORANDUM

A-6K

TO: Steve Jones, Village Manager
FROM: Staci R. Hulseberg, Planning and Development Director
DATE: May 4, 2010
FOR: May 10, 2010 Village Board Meeting
SUBJECT: License Agreement for Tables and Chairs in the Public Right-of-Way for Vitorio's

History: Since 1995, the Village Board has authorized one or more License Agreements for tables and chairs, hot dog and gelato sales, wind enclosures and related items to be located on the sidewalk and public right-of-way in the central business district.

This year, the Planning and Development Department sent letters to nine restaurants and two mobile cart owners who had previously expressed interest in locating structures on the public sidewalk in the downtown. At the March 22, 2010 Village Board meeting, license agreements were approved for a hot dog stand to be located at 461 North Main Street, tables and chairs and a wind enclosure to be located on the public sidewalk outside Tap House Grill, and tables and chairs to be located on the public sidewalk in front of Einstein Bros. Bagels. At the April 12, 2010 Village Board meeting, a license agreement was approved for Starbucks Coffee for tables and chairs on the public sidewalk.

Request: Attached is a draft license agreement to allow tables and chairs in the public right-of-way for Vitorio's Ristorante at 504 Crescent Boulevard. The applicant has provided the required submittals including the \$50 license agreement fee, the signed license agreement, and a certificate of liability insurance.

Village Board Action: It is requested that the Village Board make a motion to approve the license agreement for Vitorio's Ristorante.

Attachments: Vitorio's Ristorante Draft License Agreement

cc: JoAnne Spata, Vitorio's Ristorante

LICENSE AGREEMENT

This Agreement, made and entered into as of this 29 day of April, 2010, effective the 3 day of May, 2010, by and between the Village of Glen Ellyn ("Licensor") and JoAnne Spata, owner of Vitorio's Ristorante ("Licensee"), pertaining to the property located at 504 Crescent Blvd., Glen Ellyn, Illinois 60137.

1. **Purpose:** Licensor hereby grants to Licensee, and Licensee hereby accepts, a license to (a) install, maintain and operate for the term hereof, a maximum of two (2) tables and four (4) chairs to be located on the sidewalk and the right-of-way in front of 504 Crescent Blvd., the licensed area, (b) maintain a trash receptacle in accordance with the standards contained below, and (c) install and maintain landscape planters in accordance with the standards contained below and with the following terms, covenants and conditions.

2. **Terms:** This Agreement shall expire January 31, 2011, or the date the insurance required hereunder expires, whichever comes first. This Agreement may be renewed only through the action of the Village Board of the Village of Glen Ellyn. Licensee may terminate this Agreement immediately by providing written notice to Licensor. Licensor may terminate this Agreement at any time during the term of this Agreement by notifying Licensee of this intention at least 7 days prior to the termination date.

3. **Rent and License Fee:** For the purposes of this license, no rent will be paid by Licensee to Licensor. A fee of \$50.00 has been paid by Licensee to Licensor for the issuance of the License Agreement.

4. **Permits and Licenses:** Licensee, at its sole effort and expense, shall conform to the Village Code and DuPage County Health Department regulations.

Outdoor liquor service is not permitted on public property.

5. **Installation of Street Furniture:**

a. **Tables and Chairs:** Licensee is permitted to locate on the sidewalk portion of the Crescent Blvd. right-of-way immediately in front of the property at 504 Crescent Blvd. two (2) tables and four (4) chairs daily. The table tops will not exceed 29 inches in diameter. Tables and chairs shall be located so that a five-foot wide north to south passage is maintained at 504 Crescent Blvd. Licensee shall allow restaurant patrons to dine on tables and chairs in the licensed area described above but at no time provide sales and service outside the restaurant. At a minimum, the public right-of-way shall be cleaned each day.

b. **Trash Receptacle:** Licensee shall maintain the trash receptacles located in proximity to the tables and chairs in a neat and orderly manner and the Licensor shall ensure that a garbage hauling firm removes the trash from the receptacles on a regular schedule. However, it shall be the responsibility of Licensee to empty the receptacles more frequently, if necessary. Licensor is the owner of the trash receptacles. If the trash receptacles are full and/or overflowing, Licensor may terminate this agreement with 7 days written notice to Licensee, and the tables and chairs shall immediately be removed from the public sidewalk.

c. **Landscape Planters:** Licensee shall install and maintain a minimum of two (2) landscape planters, planted with live flowering annuals and/or perennials, located on or over the public right-of-way immediately in front of the property at 504 Crescent Blvd. The planters shall contain a minimum total of 432 square inches (3 square feet) of planted landscaping. The planters shall be a minimum of 10 inches in height, shall not exceed 30 inches in height and shall be constructed of metal, terra cotta, masonry, wood or similar materials; plastic planters shall be prohibited. The planters shall be placed up against the building in a location that does not obstruct the public right-of-way and sidewalk. At all times, a minimum 5-foot wide pathway on the sidewalk shall remain free and clear. Licensee shall replace dead landscape plants as needed to maintain the planters in a clean and neat manner and shall water plants on an as-needed basis.

6. **Maintenance:** Licensee shall agree to maintain the licensed area and the nearby sidewalk in a clean, healthy and attractive condition. If Licensee ceases to so maintain the licensed area and the nearby sidewalk, Licensor may require Licensee to pay for additional cleanup costs. Further, Licensor may, upon notice as set forth below, terminate this agreement and require the permanent removal of the tables and chairs from the licensed area in advance of the expiration date of this Agreement.

7. **Removal:** Upon the expiration or the termination of this License, Licensee shall remove the tables and chairs from the licensed area.

8. **Termination:** If Licensee fails in any respect to perform any agreements, covenants or obligations in this License, then and in such event, Licensor, after providing at least 7 days' written notice to Licensee, may terminate this License Agreement or may cure such failure or default, on behalf of and at the expense of Licensee.

9. **Notice:** Notice hereunder shall be in writing and effected either by personal delivery or by depositing the same in an official U.S. mail receptacle as certified mail, return receipt requested, postage paid, addressed to:

If to Licensor:
Village Manager
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

If to Licensee:
JoAnne Spata, Owner
Vitorio's Ristorante
504 Crescent Blvd.
Glen Ellyn, IL 60137

or to such other address as either party may from time to time designate. Any notice given under this Agreement shall be in writing and deemed received when personally delivered or, if mailed, three days after placing same in an official U.S. mail receptacle.

10. **Assignment:** Licensee may not assign or transfer this License without prior written consent of Licensor. Any attempted assignment or transfer in violation of this paragraph shall be void and confer no rights upon any third person.

11. **Defend and Hold Harmless:** Licensee shall be required to hold harmless Licensor, its officers, employees and independent contractors from any claim or demand or damage to property or injury including death to persons which arise out of in any way the exercise by Licensee of its rights under this License. Licensee shall be required to pay for the cost of defense and hold harmless Licensor, its officers, employees and independent contractors against any judgment and to pay any

settlement arising out of such claim or demand, including but not limited to, the full costs of the defense of Licensor, its employees, officers and independent contractors through the employment of experts approved by the parties defended, provided, however, that such approval shall not be unreasonably withheld.

12. **Liability Insurance:** Licensee shall purchase and maintain comprehensive general liability insurance of \$2 million each occurrence, providing occurrence coverage for Licensee from claims for damages because of bodily injury, death of any person, or property damage resulting from the use of the public right-of-way. Licensor shall be named, by endorsement, as an additional insured on the policy. The policy of insurance and certificates thereof shall contain provision or endorsement that the coverage reported will not be canceled, materially changed, or renewal refused, until at least 30 days prior written notice shall be given by certified mail to the insured and Licensor. Licensee shall deliver a duplicate of the policy or certificate of insurance acceptable to Licensor prior to the execution of this Agreement by the Village Board.

13. **Miscellaneous:**

a. This Agreement constitutes the entire understanding of the parties and supersedes any prior written or oral negotiations or understandings.

b. It is the intention of the parties hereto that this License shall be construed and enforced in accordance with the laws of the State of Illinois.

c. If any provision of this License is held invalid or unenforceable, the remainder of this License shall not be affected thereby, and each other provision of this License shall be valid and enforceable to the fullest extent permitted by law.

d. Licensee shall pay any expenses incurred by Licensor in defending the validity of its right to enter into a License Agreement for the use of sidewalk premises by a private party.

DATED as of the date first set forth above.

LICENSOR:

Village President
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

By: _____

Name: _____

Title: _____

LICENSEE:

JoAnne Spata, Owner
Vitorio's Ristorante
504 Crescent Blvd.
Glen Ellyn, IL 60137

By: JoAnne Spata

Name: Vitorio's Ristorante

Title: President/owner

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A-6L

To: Steve Jones, Village Manger

From: Staci Hulseberg, Planning and Development Director
 Michele Stegall, Village Planner
 Alex Thorpe, Planning Intern

Date: May 4, 2010

For: May 10, 2010 Village Board meeting

Re: Maryknoll Townhomes II

Handwritten initials: MJS, AT, AH



Background

On May 5, 1995, the Village Board approved Ordinance 4255 which approved a final Planned Unit Development plan for the 70-unit townhome project commonly known as Maryknoll Townhomes Phase II which is located at the southeast corner of Pershing Avenue and Roosevelt Road. Per the plans approved by Ordinance 4255, Corrib Construction, developer, was responsible for the construction of public improvements located within the subdivision.

The public improvements that were to be built and eventually accepted by the Village include:

- 2,134 lineal feet of sanitary sewer, which includes 12 manhole covers;
- 2,226 lineal feet of 6-inch ductile iron watermain and 6 fire hydrants;
- 773 lineal feet of 24-inch, 184 lineal feet of 30-inch, 356 lineal feet of 36-inch, and 220 lineal feet of 42-inch storm sewer, including 11 manholes, catch basins and inlets, and 2 flared-end sections.

According to the As-Built/Record Drawings dated April 6, 2010 sufficient evidence has been submitted that show the public improvements have been constructed in substantial conformance with the plans approved by Ordinance 4255.

Issues

Staff has been working to actively close out this project for the last several years. Since we were unable to gain the cooperation of the developer, in the fall of 2009, the Village began steps to draw on the letter of credit in order to finish the remaining work. The developer completed the work shortly thereafter. While the closeout on this project took longer than expected and involved code enforcement efforts, the public improvements are now ready for acceptance.

Action Requested

Corrib Construction is requesting the Village Board to proceed with the acceptance procedure regarding the public improvements completed at Maryknoll Townhomes II.

Recommendations

Consulting Village Engineer Bill McGurr has recommended acceptance of the improvements and the Bill of Sale.

Attachments

- Letter dated April 15, 2010 from McGurr Engineering
- Record Utility Drawing date stamped March 3, 2010
- Bill of Sale date stamped March 3, 2010 (attached to Resolution)
- Village Consulting Engineer's Certificate (attached to Resolution)
- Resolution

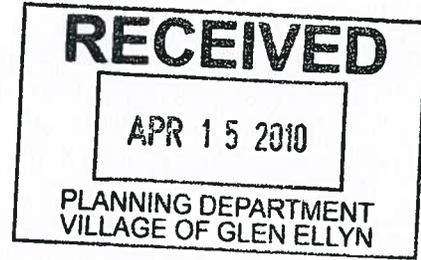
cc: Michael Conneely, Corrib Construction

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A. McGURR, Ltd., P.C.

consulting engineers

P. O. Box 308 • Wheaton, IL 60187-0308
630 / 665-1170 amcgurrltd@att.net



15 April 2010

Mr. Steve Jones
Village Manager
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

Re: Acceptance of Public Improvements
Maryknoll Townhomes II
Glen Ellyn, Illinois
AML File No. 007.386

Dear Mr. Jones:

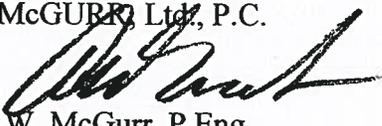
The public improvements constructed for the Maryknoll Townhouses II have been completed and are ready for acceptance by the Village Board.

The original Maryknoll Planned Unit Development was preliminarily approved on 14 August 1978. Subsequent to that the Planned Unit Development was amended several times. The Maryknoll Planned Unit Development consisted of three major components: single family, townhomes, and commercial (now Healthtrack and CDH Medical Offices). The amendment for Maryknoll Townhomes II was approved by the Village Board on 8 May 1995.

We recommend that the Village Board proceed with the acceptance procedure.

Sincerely yours,

A. McGURR, Ltd., P.C.



A. W. McGurr, P.Eng.
Village Engineer
Village of Glen Ellyn

Encl: Bill of Sale dated 2 Mar 2010 (Copy) w/Exhibit A

Cc: S. Hulseberg, Village of Glen Ellyn
R. Minix, Village of Glen Ellyn

McGURR, Ltd, P.C.
consulting engineers
P. O. Box 308 • Wheaton, IL 60187-0308
630 / 665-1170 amcgurrltd@att.net

Village Clerk
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

Re: Village Engineer's Certificate
Maryknoll Townhomes II
Glen Ellyn, Illinois
AML File No. 007.386

I hereby certify to the best of my knowledge and belief with respect to the Maryknoll II Townhomes, that:

1. The improvements required to be constructed with the approval of the amendment of the Maryknoll Planned Unit Development for said townhomes approved by the Village Board on 8 May 1995 have been fully completed and the construction or installation thereof has been approved by the undersigned, and
2. As-Built/Record Drawings dated 6 April 2010 and signed and sealed by a Licensed Professional Engineer on 9 April 2010 of these facilities have been received, and that these plans record layout of the line and grade of the public improvements to be in substantial accordance with the approved construction plans, indicating that the improvements have been completed, ready for dedication to the Village and that the developer has furnished evidence that these improvements are free and clear of any and all liens and encumbrances.

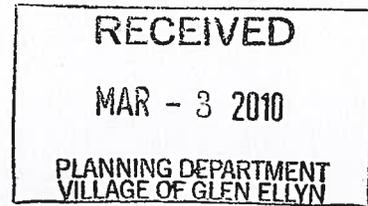
Dated this 15th day of April, 2010.



W. McGurr, P.Eng.
Village Engineer
Village of Glen Ellyn

Encl: Bill of Sale 2 Mar 2010 (Original)

Cc: S. Jones, Village of Glen Ellyn, w/copy, encl.
J. Caracci, Village of Glen Ellyn, w/copy of encl.
S. Hulseberg, Village of Glen Ellyn, w/copy of encl.

BILL OF SALE

Mary Knoll Townhome Subdivision
Glen Ellyn, Illinois

KNOW ALL ME BY THESE PRESENTS, that Corrib Construction, an Illinois corporation ("Developer") in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, does hereby grant, sell, transfer, and deliver unto the Village of Glen Ellyn ("Village"), an Illinois Municipality in DuPage County, Illinois, the following goods, chattels and other items of personal property, contained in the Mary Knoll Townhome Subdivision and improvements along Abbey Drive.

- 1) Each and every part and item of 2134 lineal feet of sanitary sewer (8-inch PVC sanitary), including 12 manholes, as per the Record Drawings, dated February 23rd, 2010, prepared by Hoefflerle-Butler Engineering, Inc., a copy of which is attached hereto as "Record Utility Drawing", for the purpose of the collection and transport of sanitary wastewater in the Mary Knoll Townhome Subdivision within the Village of Glen Ellyn.
- 2) Each and every part and item of 2226 lineal feet of 6-inch ductile iron watermain and 6 fire hydrants as per the Record Drawing dated February 23rd, 2010, as prepared by Hoefflerle-Butler Engineering, Inc., a copy of which is attached hereto as "Record Utility Drawing", for the purpose of providing water supply in the Mary Knoll Townhome Subdivision within the Village of Glen Ellyn.
- 3) Each and every part and item of 773 lineal feet of 24-inch, 184 lineal feet of 30-inch, 356 lineal feet of 36-inch, and 220 lineal feet of 42-inch storm sewer, including 11 manholes, catch basins and inlets, and 2 flared-end sections, as per the Record Drawing, dated February 23rd, 2010, as prepared by Hoefflerle-Butler Engineering, Inc., a copy of which is attached hereto as "Record Utility Drawing" for the purpose of the collection and drainage of storm water runoff in the Mary Knoll Townhome Subdivision within the Village of Glen Ellyn.

7. The object of this Bill of Sale is to grant, sell, transfer and deliver to the Village of Glen Ellyn, with the exceptions noted, the ownership in all items of personalty which comprise the sanitary sewers and manholes, water main, fire hydrants, water services, storm sewers and manholes, catch basins and inlets, ~~sidewalks and street improvements~~, installed at the direction of CORRIB, in the May Knoll subdivision within the Village of Glen Ellyn. CORRIB CONST. does hereby covenant that it is the lawful owner of the aforescribed goods, chattels, and personalty; that such items are free from all encumbrances that the Developer has the right to sell the same as aforesaid; and that CORRIB will defend the same against the claims and demands of all persons; and that the execution of this Bill of Sale is an authorized act of said corporation.

Dated at Downer, Illinois, this 2 day of March, 2010.

Corporate Seal

CORRIB CONST. CO.
An Illinois Corporation

By: [Signature]
(name of signer)

President MICHAEL CONNEELY

Notary:

Subscribed and sworn to before me this 2nd day of March, 2010

Notary Seal

[Signature]
Notary Public Signature

"OFFICIAL SEAL"
Orla C. Conneely
Notary Public, State of Illinois
My Commission Expires April 23, 2013

MEMORANDUM

TO: Steve Jones, Village Manager

FROM: Staci Hulseberg, Planning and Development Director
Michele Stegall, Village Planner *mjs* *SH* *A-7*

DATE: April 28, 2010

FOR: May 10, 2010 Village Board meeting

SUBJECT: 479-483 Roosevelt Road – Exterior Appearance and Sign Variations

Background. Wayne and Angela Rohalla, owners of property located at 479-483 Roosevelt Road, are requesting approval of Sign Variations and the Exterior Appearance associated with the proposed exterior remodeling of the existing building on the property and related site improvements. The subject site is located on the south side of Roosevelt Road between Main Street and Lambert Road in the C3 Service Commercial zoning district. In order to accommodate the project, the petitioners are specifically requesting approval of the following:

- A. Exterior Appearance approval in accordance with the Appearance Review Guidelines, Ordinance 5508.
- B. The following variations from the Glen Ellyn Sign Code:
 - 1. A variation from Section 4-5-12(E)1 to allow 3 primary signs per establishment in lieu of the maximum number of one primary sign permitted.
 - 2. A variation from Section 4-5-12(B) to allow each establishment 10.67 square feet of additional primary sign area.
 - 3. A variation from Section 4-5-8(A) to allow 12.4 square feet of address signage in lieu of the maximum area of 2 square feet permitted.

Recommendation. The Architectural Review Commission considered the petitioners' requests at a public hearing and meeting on April 14, 2010. No members of the public spoke at the meeting either in favor of or in opposition to the requests. By a vote of 8-0, the Architectural Review Commission recommended approval of the proposed Exterior Appearance and requested Sign Variations 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 the April 14, 2010 Architectural Review Commission meeting.
- B. Upon replacement of the two rooftop units on the building that are to be painted a dark gray color, the new units shall be screened and such screening shall match the screening on the third unit as close as possible.

- C. Of the additional primary sign area permitted for each establishment, 4.67 square feet shall be located on the monument sign and up to 6 square feet shall be reserved for placement on the rear awning. No more than one square foot per lineal foot of establishment frontage shall be permitted on the wall sign.

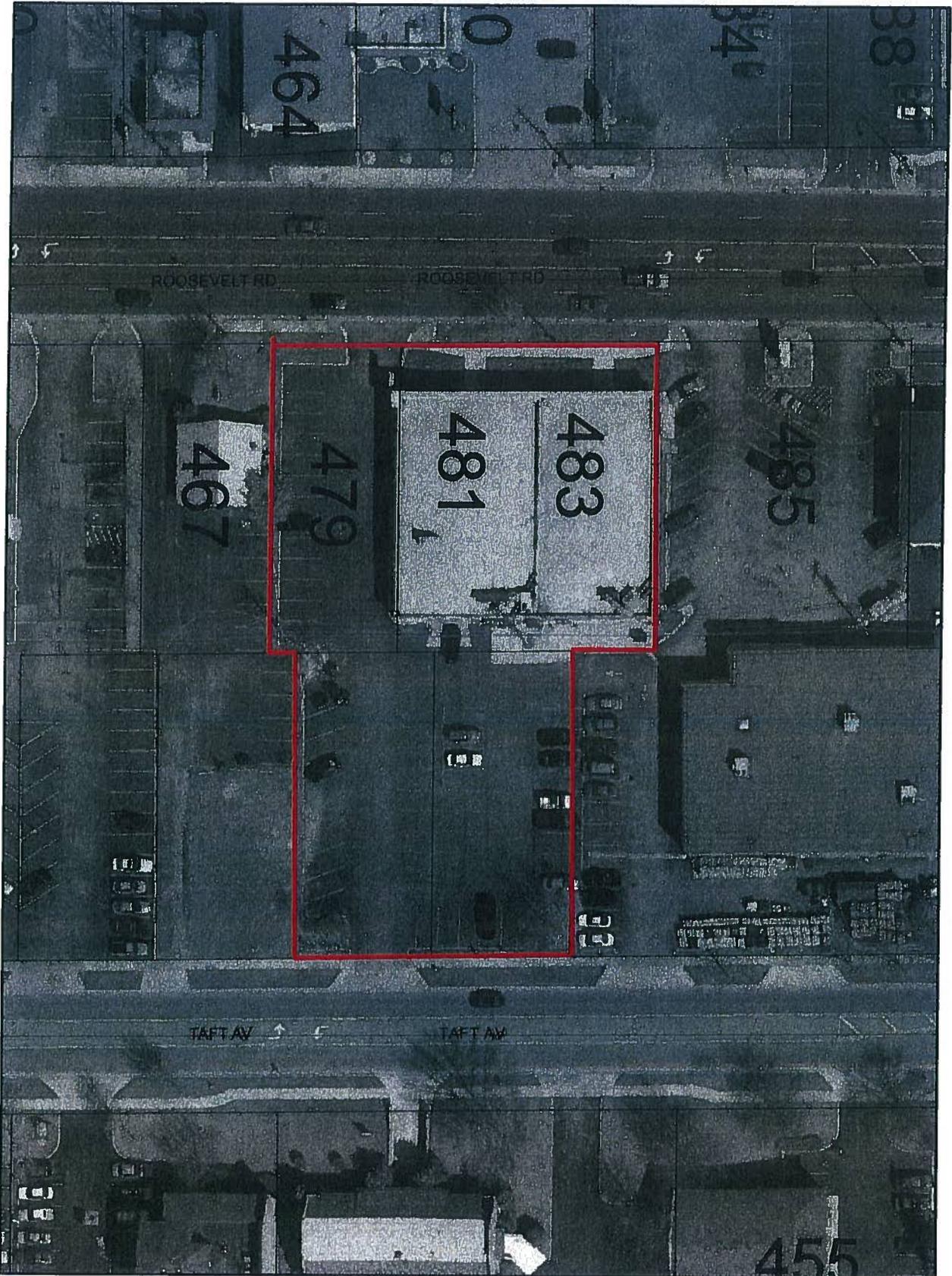
Action Requested. The Village Board may approve, approve with conditions or deny the petitioners' requests for approval of Sign Variations and the Exterior Appearance. Village Staff has prepared an Ordinance to approve the requests for consideration at the May 10, 2010 Village Board meeting.

Attachments.

- Aerial Photo/Location Map
- GIS Photos of Property
- Public Hearing Notice
- Draft Minutes from April 14, 2010 Architectural Review Commission Meeting
- Ordinance
- Petitioner's Application Packet

cc: Wayne and Angela Rohalla, Property Owners
David Kennedy, PPK Architects

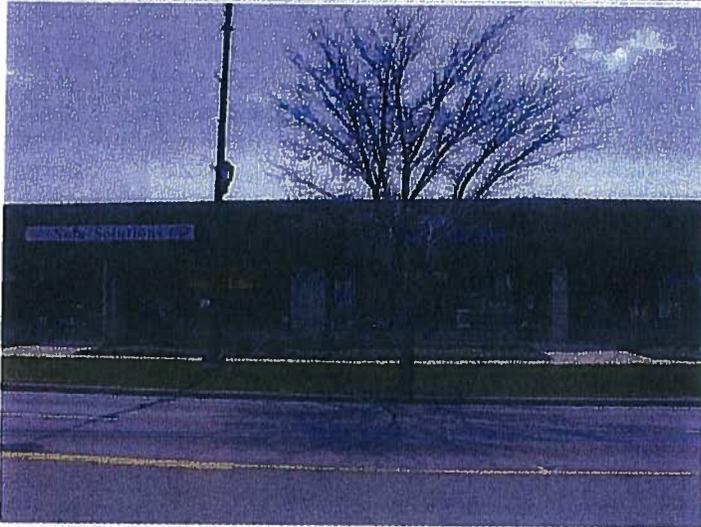
479-483 Roosevelt Road



Prepared By: Michele Stegall
Date Prepared: April 8, 2010
Aerial Photo Circa 2002

0 50 100 200 Feet





NOTICE OF PUBLIC HEARING

Wayne and Angela Rohalla owners of the property located at 479-483 Roosevelt Road are proposing to remodel the exterior of the multi-tenant building on the property and make related site improvements. In order to accommodate the project Wayne and Angela Rohalla are requesting approval of Sign Variations and the Exterior Appearance of the project. The subject site is located on the south side Roosevelt Road between Main Street and Lambert Road in the C3 Service Commercial zoning district.

The Architectural Review Commission must conduct a public hearing before the Village Board can consider the requested sign variations. The Architectural Review Commission will consider the requested Sign Variations at a public hearing on **Wednesday, April 14, 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 public hearing the Architectural Review Commission will specifically consider the petitioners' application for approval of the following variations from the Glen Ellyn Sign Code:

1. A variation from Section 4-5-12(E)1 to allow 3 primary signs per establishment on the property in lieu of the maximum number of 1 primary sign permitted.
2. A variation from Section 4-5-12(B) to allow each establishment to have 10.67 sq. ft. of additional sign area.
3. A variation from Section 4-5-8(A) to allow an address sign with an area of 12.4 sq. ft. in lieu of the maximum area of 2 sq. ft. permitted.

At this meeting, the Architectural Review Commission will also consider the proposed Exterior Appearance of the project.

The subject property is located in the Village of Glen Ellyn, County of DuPage and is legally described as follows:

LOTS 7, 8, 9, 16 AND 17 IN BLOCK 82 IN WHEATON ESTATES, BEING A SUBDIVISION OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPLE MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-23-101-004, 05-23-101-003, 05-23-101-012, and 05-23-101-013.

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. Plans related to the proposed project are 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 Christina Collison, Planning Intern, at 630-547-5246.

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

Christina Collison,
Planning Intern

(Published in The Glen Ellyn News on Thursday, March 25, 2010)

and described those changes. Ms. Stegall displayed photographs of existing landscaping on the property. She also displayed the proposed landscaping plan and described some of those changes. Ms. Stegall described the three (3) sign variations being requested by the petitioners. Ms. Stegall added that a condition recommended by staff that was not included in the staff report is to replace the garage door or re-paint it in a color other than white which is a discouraged color in the appearance review guidelines. Ms. Stegall referred the ARC to a review memorandum prepared by Pete Pointner, architectural consultant.

B. Petitioners' Presentation.

David Kennedy, architect with PPK Architects, 444 N. Main Street, Glen Ellyn, Illinois gave a power point presentation. Mr. Kennedy stated that the deteriorating wood façade on the building and the lack of signage to identify the tenants are issues that the petitioners would like to address. Mr. Kennedy displayed the proposed landscape plan and stated that signage is necessary in the front and the rear because the property is on a through-lot and many customers park in the rear and use the rear entrance into the store. The parking lot will be re-striped. Mr. Kennedy described the landscape plan and stated that the landscape is proposed to be lower in front of the building than the existing landscaping and that the islands in the rear will be landscaped. Planters are proposed on the south side of the building. Mr. Kennedy displayed the roof plan and stated that one of the three rooftop units overhangs the building footprint and, therefore, cannot be properly screened and a second unit is located on a slope, also making it difficult to screen. However, one of the units will be screened. The trash enclosure is three-sided brick with a wood gate. Mr. Kennedy displayed the proposed exterior elevations. The existing front façade will be covered with EIFS with signage bands for four potential tenants. The brick on the building will be stained and the top three header courses will be a darker stain. Mr. Kennedy indicated two color samples on display. Two stainless steel screens are proposed to be mounted to the west side of the building with ivy proposed to climb up the screens. Mr. Kennedy displayed a view of the proposed ivy plantings in approximately two years. Mr. Kennedy indicated proposed signage on the site plan and stated that the signage in the rear will be low and smaller than the signage in front which will be a monument sign. Mr. Kennedy displayed a rendering of a 3-D model of the proposed building and described some of the proposed materials that were on display for the ARC.

Mr. Kennedy addressed Mr. Pointer's concern regarding the use of wire ways by responding that using wire ways avoids patching and repairing dirty holes left by old letters on a façade. Mr. Kennedy then reviewed the requested sign variations. He stated that adding the proposed monument sign in the front is important for visibility purposes on Roosevelt Road and that the sign has been designed to match the architecture of the building. Mr. Kennedy also stated that the additional square footage on the four rear awnings is important for identity purposes because the stores have two entrances with the majority of the patrons entering from the south. He also stated that the additional square footage for an address sign is important for identity purposes because the businesses have two frontages.

C. Questions and Comments from the Commission.

Ms. Stegall responded to Chairman Burdett that in order to be considered a shopping center, a building must have a minimum of five (5) establishments and that a common identification sign is not allowed unless a building is a shopping center. Mr. Kennedy responded to Chairman Burdett that a unique circumstance regarding the sign variation requests is that the site is a two-fronted retail building, and hardships regarding the sign variation requests are that the building is one unit short of qualifying as a shopping center which has different sign requirements and that the current economy has created a situation where getting and retaining tenants is difficult. Mr. Kennedy explained for Commissioner Wussow how a wire way works and added that the wire ways at the subject site will be painted to blend in with the façade. Commissioner Wussow stated that EIFS is a discouraged material and asked why it was chosen for this project. Mr. Kennedy explained that EIFS was chosen because it is an impervious material that works well as a façade, EIFS is economical and EIFS can be colored many different colors. Commissioner Wussow asked if the EIFS will be open to the interior spaces of the building in the event a mold problem develops, and Mr. Kennedy replied no. He added that mold is a much less significant problem than it was many years ago because of improved material and installation techniques. When Mr. Kennedy responded to Commissioner Wussow that the parking lot would be re-stripped only, she encouraged the petitioners to resurface the parking lot. Mr. Kennedy responded to Commissioner Albrecht that the utility poles and pipes at the site are located in an easement and will remain. Commissioner Faganel expressed a concern regarding the freestanding sign's proximity to the Linden and Elm trees. Mr. Kennedy responded to Commissioner Keasler that the white garage door is pre-finished aluminum and that a new door is not in the budget. He explained that if the door is painted, maintenance issues will occur. Mr. Kennedy responded to Chairman Burdett that the cornices are broken up to add an interesting architectural element and to allow flexibility if tenants change. Pete Pointner, architectural consultant, Corporate Services Inc., 1015 Lexington, Wheaton, Illinois, stated that this issue is not covered in the guidelines but felt that the broken up look would actually look more dramatic if the top fascia line was not cut. He added that there is a guideline that states there should be a clear definition between the face of the building and the roof of the building. Mr. Kennedy responded to Commissioner Wussow that the trash enclosure gate is proposed to be wood for aesthetic and durability reasons. Mr. Pointner explained that metal was chosen over wood in the guidelines because wood boards warp and there is less maintenance long term. Ms. Stegall responded to Commissioner Wussow that the proposed façade height is within the code regulations.

Commissioner Burdett asked about the easement issue on the east side of the subject building, and Mr. Kennedy stated that it is not feasible to landscape another owner's property. He added that the narrow strip at that location is piled with snow in the winter which is detrimental to plantings. Ms. Stegall added that Ace Hardware has verbally agreed to landscape that strip of land.

Mr. Kennedy responded to Commissioner Gorz that the martial arts sign on the front of the building will be removed. Commissioner Faganel asked about the storefront window frames not being painted as proposed, and Ms. Stegall responded that the guidelines call for a darker accent color--not a bronze color as they currently are. Commissioner Wussow suggested that the petitioners consider using a color that imitates the EIFS color. Commissioner Dickie asked if

there are plans to replace the prominent mechanical equipment at the southeast corner of the building, and Mr. Kennedy responded that new equipment would not be much smaller. Mr. Kennedy also responded to Commissioner Dickie that because the roof is sloped, screening that equipment is structurally difficult. Mr. Kennedy responded to Commissioner Gorz that the awning in the back would not be illuminated.

D. Public Participation.

Brad Ament, tenant and franchisee, and his partner, Pete Stewart, from Batteries Plus, 811 Roosevelt Road, Glen Ellyn, Illinois, stated that they are currently developing a series of Batteries Plus locations in the western suburbs. Mr. Ament stated that he became interested in the subject site when he learned of the proposed changes. He feels that a monument sign is critical for visibility purposes from Roosevelt Road for a retail store and that rear signage is also very important for identification purposes.

E. Commission Deliberation.

The ARC was mostly in favor of the exterior improvements and materials proposed by the petitioners. The Commissioners were in favor of the sign variations and felt that the monument sign was necessary for identification purposes and because of the building's proximity to Roosevelt Road. One Commissioner commented that the monument sign was a great addition to the architecture of the building. They felt signage off of Taft Avenue was also necessary for identification purposes.

Commissioners Dickie, Wussow, Allen, Gorz and Albrecht were in favor of the broken cornice which Commissioner Dickie commented creates a contemporary look and provides good visual articulation. Chairman Burdett preferred the broken cornice but was okay with either option. Commissioners Keasler and Faganel were not in favor of the broken cornices.

Commissioners Dickie, Keasler and Albrecht were in favor of wood for the trash enclosure gate with Commissioner Dickie commenting that wood is easier to replace than metal. Chairman Burdett was in favor of the metal trash enclosure gate. Commissioner Wussow found the trash enclosure and the garage door slightly objectionable and requested that the petitioners re-surface the parking lot. Commissioner Allen was in favor of a light color trim on the storefront windows, and Commissioner Keasler suggested painting the trim a light color to complement garage door. Commissioner Wussow was in favor of a slightly warmer color on the front window framing. Chairman Burdett was also in favor of painting the garage door. Commissioner Wussow complimented the landscaping on the site. Commissioners Wussow, Keasler and Faganel liked the wire way for signage. Commissioners Faganel and Albrecht liked the stained brick. Chairman Burdett stated that unique circumstances regarding the site include the limited visibility off Roosevelt Road and the rear entrances.

F. Motion.

Commissioner Faganel moved, seconded by Commissioner Allen, to recommend that the Village Board approve the exterior appearance and sign variations associated with the proposed

remodeling of the building at 479-483 Roosevelt Road. 1. With regard to the petitioners' requests for variations to allow 3 primary signs per establishment in lieu of the maximum number of one primary sign permitted and to allow 10.67 square feet of additional primary sign area per establishment, the Architectural Review Commission made the following findings of fact: a. The requested variations comply with the purpose of the Glen Ellyn Sign Code because the additional signs and primary sign area allows for more effective communication to potential customers about the location of the establishments. b. The requested variations will not alter the essential character of the locality because many businesses located along Roosevelt Road have both freestanding and wall signs. c. The petitioners have demonstrated a practical difficulty and particular hardship as a result of adhering to the strict letter of the regulations of the Sign Code because the shallow front yard setback of the building creates difficulty for motorists on Roosevelt Road in identifying the tenants and the rear awning signs are needed since many customers may enter the site from Taft Avenue and access the establishments from the rear parking lot. d. 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 requested variations will assist the owner in being able to obtain new tenants in the building which has been only 25% occupied for some time. 2. With regard to the petitioners' request to allow 12.4 square feet of address signage in lieu of the maximum area of 2 square feet permitted, the Architectural Review Commission made the following findings of fact: a. The requested variation complies with the purpose of the Glen Ellyn Sign Code because the requested variation allows the property to be more readily identified by motorists on Taft Avenue, thereby reducing confusion and improving public safety. b. The requested variation will not alter the essential character of the locality because the proposed sign will be low to the ground and will not clutter the streetscape. c. The petitioner has demonstrated a practical difficulty and particular hardship as a result of adhering to the strict letter of the regulations of the Sign Code because the property is a through lot and a 2-square foot sign on the building may be difficult for motorists on Taft Avenue to see. Therefore, additional address signage is needed to assist motorists on Taft Avenue in identifying the site. d. The plight of the owner is due to unique circumstances because the property is a through lot and the building is significantly set back from Taft Avenue.

The recommendation for approval of the requested Sign Variations and proposed Exterior Appearance was subject to the following conditions: 1. The project shall be constructed and maintained in substantial conformance with the plans as submitted and the testimony presented at tonight's meeting. 2. Upon replacement of the two rooftop units on the building that are to be painted, the new units shall be screened and such screening shall match the screening on the third unit as closely as possible. 3. Of the additional primary sign area permitted for each establishment, 4.67 square feet shall be located on the monument sign and up to 6 square feet shall be reserved for placement on the rear awning. No more than one square foot per lineal foot of establishment frontage shall be permitted on the wall sign.

The motion carried unanimously with eight (8) "yes" votes as follows: Commissioners Faganel, Allen, Albrecht, Dickie, Gorz, Keasler, Wussow and Chairman Burdett voted yes.

IV. Chairman's Report.

Chairman Burdett welcomed new ARC member Rae Keasler.

V. Trustee Report.

Trustee Comerford reviewed the status of the budget currently in process.

VI. Staff Report.

Ms. Stegall reviewed upcoming ARC projects. She also announced that the ARC secretary has resigned.

VII. Adjournment.

Commissioner Faganel moved to adjourn the meeting at 9:00 p.m. and Commissioner Gorz seconded the motion. The motion carried unanimously by voice vote.

Submitted by:

Barbara Utterback, Recording Secretary

Reviewed by:

Michele Stegall, Village Planner

Village Of Glen Ellyn

Ordinance No. _____

**An Ordinance Granting Approval of
Sign Variations and the Exterior Appearance for
Property Commonly Known as 479-483 Roosevelt Road
Glen Ellyn, Illinois**

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

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
Sign Variations and the Exterior Appearance for
Property Commonly Known as 479-483 Roosevelt Road
Glen Ellyn, Illinois**

Whereas, Wayne and Angela Rohalla, owners of property located at 479-483 Roosevelt Road, have petitioned the Village President and Board of Trustees for approval of the following:

1. Exterior Appearance approval in accordance with the Appearance Review Guidelines, Ordinance 5508.
2. The following variations from the Glen Ellyn Sign Code:
 - a. A variation from Section 4-5-12(E)1 to allow 3 primary signs per establishment in lieu of the maximum number of one primary sign permitted.
 - b. A variation from Section 4-5-12(B) to allow each establishment 10.67 square feet of additional primary sign area.
 - c. A variation from Section 4-5-8(A) to allow 12.4 square feet of address signage in lieu of the maximum area of 2 square feet permitted.

all to allow the exterior remodeling of the existing building on the property and related site improvements; and

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

LOTS 7, 8, 9, 16 AND 17 IN BLOCK 82 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTIONS 22 AND 23, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 1925 AS DOCUMENT 197514, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-23-101-004, 05-23-101-003, 05-23-101-012, and 05-23-101-013; and

Whereas, following due and proper publication of notice in the Glen Ellyn News not less than fifteen (15) nor more than thirty (30) days prior thereto, the Architectural Review Commission

conducted a public hearing to consider the requested Sign Variations on April 14, 2010, at which hearing the petitioners presented evidence, testimony, and exhibits relative to the requested Sign Variations and no persons spoke either in favor of or in opposition to these requests; and

Whereas, based upon the evidence, testimony, and exhibits presented at the April 14, 2010 Architectural Review Commission public hearing and meeting, by a vote of eight (8) “yes” and zero (0) “no”, the Architectural Review Commission recommended approval of the proposed Exterior Appearance and requested Sign Variations as set forth in the April 14, 2010 minutes of the Architectural Review Commission, a draft of which is attached hereto as Exhibit “A”; and

Whereas, the Village President and Board of Trustees have reviewed the evidence, exhibits, and materials presented at the April 14, 2010 Architectural Review Commission public hearing and meeting and have considered the findings of fact and recommendations of the Architectural Review Commission; and

Whereas, the President and Board of Trustees have determined that approving the Exterior Appearance of the proposed project is consistent with the recommendations of the Glen Ellyn Appearance Review Guidelines and that granting the requested Sign Variations is consistent with the goals of the Glen Ellyn Sign 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 April 14, 2010 Architectural Review Commission meeting, 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 April 14, 2010 public hearing and meeting of the Architectural Review Commission.

Section Two: Based upon the findings of fact and recommendations of the Architectural Review Commission, as adopted herein, and the findings of fact and conclusions set forth in the preambles above, the Village President and Board of Trustees hereby grant approval of the requested Sign Variations and proposed Exterior Appearance to allow the exterior remodeling of the existing building located at 479-483 Roosevelt Road and related site improvements.

Section Three: This grant of approval of the requested Sign Variations and proposed Exterior Appearance is subject to the following conditions:

1. The project shall be constructed in substantial conformance with the plans submitted and the testimony presented at the April 14, 2010 public hearing and meeting of the Architectural Review Commission and with the petitioners' application packet with a cover sheet dated March 30, 2010, including the following plans and documents referenced below, as though they were attached to this Ordinance:
 - a. Exterior Appearance Application signed September 1, 2009
 - b. Application for Sign Variation signed February 11, 2010
 - c. Letter from David Kennedy dated March 30, 2010
 - d. Letter from David Kennedy dated February 11, 2010
 - e. Project Narrative dated March 30, 2010
 - f. Memorandum from David Kennedy dated February 11, 2010
 - g. Plat of Survey dated November 13, 1986
 - h. Site Plan prepared by PPK Architects dated March 30, 2010
 - i. Roof Plan/Site Details prepared by PPK Architects dated March 30, 2010
 - j. Floor Plan prepared by PPK Architects dated March 30, 2010
 - k. Existing North and South Building Elevations prepared by PPK Architects dated March 30, 2010
 - l. Existing East and West Building Elevations prepared by PPK Architects dated March 30, 2010
 - m. Proposed North and South Building Elevations prepared by PPK Architects dated March 30, 2010
 - n. Proposed East and West Building Elevations prepared by PPK Architects dated March 30, 2010
 - o. Proposed North and South Color Building Elevations prepared by PPK Architects dated March 30, 2010
 - p. Proposed East and West Color Building Elevations prepared by PPK Architects dated March 30, 2010
 - q. Sign Elevations prepared by PPK Architects dated March 30, 2010
 - r. Tree Survey/Existing Conditions, Transplant and Removal Plan prepared by Ives/Ryan Group, Inc. dated March 12, 2010
 - s. Final Landscape Plan prepared by Ives/Ryan Group, Inc. dated March 12, 2010

- t. Final Landscape Plan Details and Notes prepared by Ives/Ryan Group, Inc. dated March 12, 2010
- u. Final Landscape – Plant List prepared by Ives/Ryan Group, Inc. dated March 12, 2010
- v. List of Building Materials prepared by PPK Architects dated March 12, 2010
- w. Bega Light Fixture Cut Sheet (no date)
- x. Envisor Rooftop Equipment Screen (no date)
- y. Sign Plan prepared by PPK Architects dated March 30, 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.

2. Upon replacement of the two rooftop units on the building that are to be painted a dark gray color, the new units shall be screened and such screening shall match the screening on the third unit as close as possible.
3. Of the additional primary sign area permitted for each establishment, 4.67 square feet shall be located on the monument sign and up to 6 square feet shall be reserved for placement on the rear awning. No more than one square foot per lineal foot of establishment frontage shall be permitted on the wall sign.

Section Four: The Building and Zoning Official is hereby authorized to issue all necessary building and occupancy permits pursuant to the Sign Variations and the Exterior Appearance approved herein, provided that all the conditions set forth hereinabove have been met and that the applicant complies with all other applicable laws and ordinances of the Village of Glen Ellyn. This grant of approval of the aforementioned requests shall expire and become null and void within 24 months of the date of this Ordinance unless an occupancy permit is applied for within said time period, provided, however, that the Village Board, by motion, may extend the period during which an occupancy permit must be applied for.

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

Section Six: 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 Seven. 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 _____.)

X:\Plandev\PLANNING\DEVELOPMENT PROJECTS\Roosevelt\Roosevelt 479-483, EA\Ordinance.doc



perkins pryde + kennedy

444 N. Main Street - Suite 200
Glen Ellyn, IL 60137
Ph: (630) 489-0888
Fax: (630) 489-0871
www.ppkarchitects.com

March 30, 2010

List of Submittals: 479-83 Roosevelt Rd. Facade Renovation

Cover letters (PPK, dated 3/30/10 and IRG dated 2/11/10)

1. Application Form
2. Application Fee (previously submitted)
3. Proof of Ownership
4. Affidavit of Authorization (2)
5. Project Narrative
6. Memorandum describing the Compliance with Appearance Review Guidelines
7. Survey
8. Architectural Drawings:
 - A-1 Site Plan
 - A-2 Roof Plan/ Site Details/ Sign Elevations/ Trash enclosure details
 - A-3 Floor Plan
 - A-4 Existing Elevations
 - A-5 Existing Elevations
 - A-6 Proposed Elevations
 - A-7 Proposed Elevations
 - A-8 Colored Elevations
 - A-9 Colored Elevations
 - A-10 Colored Sign Elevations
9. Landscape Plans:
 - L-1 Existing Conditions/ Tree Survey/ Transplant and Removal Plan
 - L2 Landscape Plan
 - L-3 Landscape Details/ Trellis (example) photos
 - L-4 Plant List/ Planter Detail
10. Photos of existing building (4 views)
11. List of Building Materials/ colors
12. Light fixture cut sheet (ground light for front monument sign)
13. Specifications for rooftop screening
14. Sign Variation Application
 - a. Application form
 - b. Sign Table
 - c. S-1 Sign Plan

Note: proposed sign elevations part of ARC submittal



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March 30, 2010

Ms. Christina Collison
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, IL 60137

Re: Exterior Appearance Review
479-83 Roosevelt Road, Glen Ellyn, IL

Please note the following response to the letters we received from you on October 27, 2009 and March 1, 2010. The numbers correspond to the staff comments in the letter.

1. Floor Plan: We have added a Floor Plan to the revised set of drawings as required. The proposed work does not effect the building plan (interiors).
2. Elevations: We have added several dimensions to the exterior elevations as requested.
3. Rooftop Equipment: The plans have not changed; the screening of all three roof top units is not feasible in this facade renovation. Please see the Project Narrative for additional information.
4. Landscaping: Please see the separate response letter from the Landscape Architect.
5. Signage:
 - a. A separate Variation Application is being submitted for the proposed signs.
 - b. The address sign for the rear entrance has been modified to a smaller size with the use of individually mounted letters which will allow this sign to be constructed without a variation.
 - c. The free standing sign proposed for the front of the building has been moved to the center of the property to eliminate the need for a variation.
6. The planting bed widths have been added to the Site Plan.
7. Building Materials and Colors:
 - a. The color and material list has been updated; adding detail for clarity.
 - b. We have added colored building and sign elevations to the submittal.
 - c. Material samples will be brought to the ARC meeting.
8. The following responses address the comments made by Pete Pointner, Village Architectural Consultant:
 - We will bring brick samples to the ARC meeting that will be used as a control sample for the two proposed stain colors for the building.
 - We propose the wire ways behind the individual letter signs. The wire ways will be semi-recessed and painted similar to the primary EIFS color. We will bring examples (photos) of this application to the meeting.

Ms. Christina Collison
Village of Glen Ellyn
479-83 Roosevelt Road ARC Application
March 30, 2010

- The explanation on the mechanical equipment treatment is included in the project narrative.
- We also wish to maintain the projected roof elements on the facade. We can demonstrate all of the various tenant configurations can be worked out with the stepped facade. The Owner wants to enhance the visual character of the building and get away from the static, horizontal wood fascia that currently exists.
- We understand that the east side of the building will be enhanced by the adjacent property owner with landscaping. We believe that the brick staining (including the horizontal banding) will improve the aesthetic of this wall. The suggested solid screen was not desired due to costs and future maintenance issues with this installation.
- The cost of utility relocation (underground) is prohibitive.

We believe that we have adequately addressed your questions. We look forward to presenting the design to the Architectural Review Commission.

Please call if you have any questions.

Sincerely,



David M. Kennedy AIA LEED AP
Principal PPK Architects, P.C.

Copy: W. Rohalla
file

Enclosures: Letter from Ives/ Ryan Group, Landscape Architect
(35) copies of revised submittal (see separate submittal checklist)



IRG
Ives/Ryan
Group, Inc.

February 11, 2010

Ms. Christina Collison, Planner
 Village of Glen Ellyn
 535 Duane Street
 Glen Ellyn, IL 60137

RE: 479-483 Roosevelt Road- LANDSCAPE RESPONSES TO REVIEW COMMENTS (L1809-8133A)

Dear Ms. Collison:

We have reviewed staff comments (Review Letter, dated 10/27/09) for the captioned project and have updated the Landscape Plans accordingly. Additional changes & modifications also reflect items discussed at a meeting involving the Village and Project Architect (PPK) on 11-16-09. Below is an itemized list responding to the Review Letter:

4. Landscaping

a. The previously submitted plans were noted as preliminary and intended for review. The plans are now in final format with additional detail as requested.

b. The Tree Survey now includes an 'X' to more clearly indicate removals.

c. Landscape Islands-

- i. The timber curbs are being replaced with concrete curbs.
- ii. The trash enclosure has been relocated.
- iii. The Owner & Architect do not wish to add additional islands at the end of the interior row of parking. They feel the other site improvements are very significant and will greatly improve the overall site.
- iv. Planters have been added along the south foundation of the building. These will be planted with a seasonal rotation of annuals.
- v. The existing tree in the southwest island is now being preserved with the relocation of the monument sign.

d. Trees number 5 & 7 are now being preserved and tree number 6 is noted for removal.

e. This area in question is owned by Ace Hardware and the Village should approach Ace should they want to address the noted changes. This area will be screened by cars for most of the day and any plants in this area will be highly susceptible to snow & salt damage.

Should you have any additional comments or questions please feel free to contact me at 630.717.0726.

Sincerely,

IVES/RYAN GROUP, INC.
Matthew Thumm

Matthew A. Thumm, ASLA
 Project Manager

1801-A North Mill Street

Naperville, IL 60563-1274

Phone (630) 717-0726

Fax (630) 717-0875

Land Planning

Landscape Architecture

Park & Recreation Design

Golf Course Architecture

Community Planning

www.ivesryangroup.com

**EXTERIOR APPEARANCE REVIEW
APPLICATION**

Please complete and return this form to the Planning and Development Department, 535 Duane St.,
Glen Ellyn, IL 60137. If you have questions, please phone: 630.547.5250

I. APPLICATION INFORMATION:

A. Date Filed: _____ B: Application No. _____
C. Project Name: 479-83 ROOSEVELT FACADE RENOVATION
D. Project Description: FACADE RENOVATION, NEW SIGNAGE AND LANDSCAPING
E. Address of Property: 479-83 ROOSEVELT RD.
F. Permanent Index No.: 05-23-101-008/004
-012/013 G. Zoning: C-3
H. Name of Applicant: WAYNE ROHALLA
I. Address of Applicant: 4 SOMERSET HILLS CT. HAWTHORN WOODS, IL 60047
J. Phone No. (Business): _____ (Home) 847.438-5427
K. Fax No. (Business): _____ (Home) _____
L. E-mail Address of Applicant: wrohalla@aol.com
M. Name of Property Owner: SAME AS APPLICANT
N. Address of Property Owner: " " "
O. Phone No. (Business): _____ (Home) _____
P. E-Mail Address of Property Owner: SAME AS APPLICANT

II. CONFORMANCE WITH APPEARANCE REVIEW GUIDELINES:

(You may attach separate sheets as needed to answer any of the following questions)

Q. Please explain why the proposed architectural style was chosen. THIS IS NOT AN HISTORIC STRUCTURE, PROPOSED RENOVATION UPDATES EXISTING IMAGE / FINISHES

R. Provide information about the architectural style and exterior materials of the buildings in the surrounding area: THERE IS NO CONSISTENT ARCHITECTURAL STYLE IN SURROUNDING AREA; VARIES BETWEEN SOME NEOCLASSICAL (BACK) TO 1970'S RESIDENTIAL TO OFFICE / INDUSTRIAL 'MODERN'

S. Please explain how the project complies with the Appearance Review Guidelines: SEE ATTACHED

T. Please explain why any deviations from the Appearance Review Guidelines are proposed: WE ARE USING THE GUIDELINES FOR THIS RENOVATION, SEE ATTACHED

Signature:  Date: 9-1-09

QUIT CLAIM DEED
Statutory (ILLINOIS)
(Individual to Individual)

CAUTION: Consult a lawyer before using or acting under this form. Neither the publisher nor the seller of this form makes any warranty with respect thereto, including any warranty of merchantability or fitness for a particular purpose.

88-05-379

THE GRANTOR, RO-BAR INVESTMENTS, an Illinois partnership,

of the Village of Itasca County of DuPage State of Illinois for the consideration of TEN AND NO/100 (\$10.00) DOLLARS, and other valuable consideration, in hand paid, CONVEY and QUIT CLAIM to WAYNE ROHALLA 47 Lagoon Drive, Hawthorn Woods, Illinois

(The Above Space For Recorder's Use Only)

(NAME AND ADDRESS OF GRANTEE)

all interest in the following described Real Estate situated in the County of DuPage in the State of Illinois, to wit:

Lots 7, 8, 9, 16 and 17 in Block 82 in Wheaton Estates, being a subdivision in Sections 22 and 23, Township 39 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded August 7, 1925 as Document 197514, in DuPage County, Illinois.

Exempt under provisions of Paragraph e, Section 4, Real Estate Transfer Tax Act.

Dated 7/1/88 Wayne Rohalla Buyer, Seller, Representative

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

05-23-101-004 (Lot 7 and 8)
05-23-101-003 (Lot 9)
05-23-101-012 (Lot 16)
05-23-101-013 (Lot 17)

Permanent Real Estate Index Number(s):

Address(es) of Real Estate: 479 Roosevelt Road, Glen Ellyn, IL 60137

DATED this 1st day of July 1988

RO-BAR INVESTMENTS
PLEASE PRINTOR BY: Lawrence J. Bartell, General Partner (SEAL)
TYPE NAME(S) BELOW Wayne Rohalla, General Partner (SEAL)
SIGNATURE(S)

State of Illinois, County of Cook ss. I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that LAWRENCE J. BARTELL and WAYNE ROHALLA, General Partners

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

Given under my hand and official seal, this 1st day of July 1988

Commission expires 19 Marshall E. Winokur NOTARY PUBLIC

This instrument was prepared by JOHN D. KELLER, 125 South Bloomingdale Road Bloomingdale, IL 60108 (NAME AND ADDRESS)

Charge CTIC

MAIL TO: Mr. E. Winokur (Name)
111 E Chestnut, Apt 56F (Address)
Chicago, Ill. 60611 (City, State and Zip)

SEND SUBSEQUENT TAX BILLS TO:

Wayne Rohalla (Name)
47 Lagoon Drive (Address)
Hawthorn Woods, IL 60047 (City, State and Zip)

OR RECORDER'S OFFICE BOX NO. _____

AFFIX "RIDERS" OR REVENUE STAMPS HERE

RECORDER DU PAGE COUNTY

88-073478

88 JUL -7 PM 3:45

AFFIDAVIT OF AUTHORIZATION

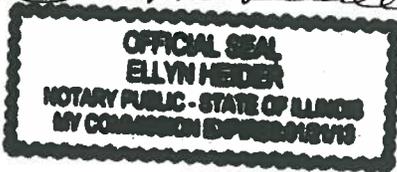
I, Wayne Rohalla owner of the property described as

479-483 W. Roosevelt Rd
Glen Ellyn, IL

verify that PKS Architects, Ltd and/or David M. Kennedy
is duly authorized to apply and represent my interests before the Glen Ellyn Architectural Review Commission, Plan Commission, Village Board and/or Zoning Board of Appeals. Owner acknowledges that any notice given applicant is actual notice to owner.


OWNER


NOTARY

AFFIDAVIT OF AUTHORIZATION

I, Angela Rohalla owner of the property described as

479-483 W. Roosevelt Rd
Glen Ellyn, IL

verify that PPKS Architects, LLC and/or David M. Kennedy
is duly authorized to apply and represent my interests before the Glen Ellyn Architectural Review Commission, Plan Commission, Village Board and/or Zoning Board of Appeals. Owner acknowledges that any notice given applicant is actual notice to owner.

Ellyn Heider
NOTARY

Angela Rohalla
OWNER





perkins pryde + kennedy

444 N. Main Street - Suite 200
Glen Ellyn, IL 60137
Ph: (630) 489-0888
Fax: (630) 489-0871
www.ppkarchitects.com

March 30, 2010

479-83 Roosevelt Road: Facade Renovation

Project Narrative

The existing building is a single story commercial/ retail building with approximately 9,700 GSF. The primary retail entrances are on the north side of the building, facing Roosevelt Road. The lot is a through lot, with the south property line on the Taft Avenue right of way. The property has surface parking on both the west and south sides; the west parking area is accessed from an existing Roosevelt Rd. curb cut and the south parking area is accessed from a curb cut on Taft Avenue. The parking areas are connected at the southwest corner of the building and our revised plan calls for a total of 49 spaces on the property.

The proposed facade renovation will address all sides of the building. The existing facade on the north elevation (facing Roosevelt) consists of a glass storefront separated by stone piers and a horizontal wood fascia with diagonal siding. The retail signs are mounted to the wood fascia. The building is designed to allow for four tenants but may be divided into any number of tenants (one to four). The Owner presently only has one tenant that has leased the west unit.

The existing style is difficult to identify but it is a relatively modern design with a strong horizontal (fascia) component. The proposed renovation will update the materials on the north facade and break up the horizontal banding to some extent with vertical projections. This updated design will bring some historic detail to the building with the use of a projecting cornice and individual illuminated letter signs. The remaining three sides of the building are currently common brick and we are proposing staining the brick with a darker color to give the building an updated appearance. The brick stain will be applied in two colors, and a darker color will accent the top three existing header courses to enhance the appearance. We are proposing the installation of two metal trellises on the west facade to allow the new landscaping to "grow" on the building. The plans call for new landscaping throughout the site. The adjacent property owner to the east (Len's Ace Hardware) has agreed to address the landscaping along the west side of his lot which will benefit the appearance of the East Elevation of the 479-83 building.

The plans call for a new metal screen for the western most roof top mechanical unit. The other two roof top units will be painted a (dark gray) color to blend with the proposed screen on the west unit. The owner may be replacing these units in the near future and new screens would be demolished with this mechanical upgrade. Furthermore, the roof top unit on the southeast corner projects beyond the building foot print, making a screen impractical.

We comply with the Village of Glen Ellyn Exterior Appearance Gridlines as noted in the attached memorandum.



perkins pryde + kennedy

444 N. Main Street - Suite 200
Glen Ellyn, IL 60137
Ph: (630) 488-0888
Fax: (630) 488-0871
www.ppkarchitects.com

MEMO

February 11, 2010

TO: Christina Collison Village of Glen Ellyn
FROM: David M. Kennedy PPK Architects, PC
PROJECT NO.: 2009-028
PROJECT NAME: 479-83 Roosevelt Road, Glen Ellyn, IL
RE: Compliance with Appearance Review Guidelines

Please note the following response to the compliance with the Glen Ellyn Appearance Review Guidelines:

1. The renovation proposes enhancing the existing brick on the East, South and West Elevations with a stain to give the common brick a darker color.
2. The landscaping will be enhanced following the Village's recommended planting list and Landscape Guidelines.
3. The existing roof top equipment will be painted (in locations where they are too close to be screened) and we propose screening the RTU on the west side.
4. We propose a new trash enclosure constructed of masonry to match the building materials. The current dumpster is not screened.
5. The building Signage Standards will be changed as follows:
 - a. A ground mounted sign will replace the existing pole sign on the west side of the building.
 - b. We propose landscaping at the base of the new ground mounted signs.
 - c. Individual (illuminated) letter signs are proposed for the primary (North) elevation.
6. Fabric awnings are proposed for the South Elevation, above all six doors.



479-83 ROOSEVELT RD.

NORTH ELEVATION:

EXISTING CONDITIONS

PPK ARCHITECTS 9.28.09

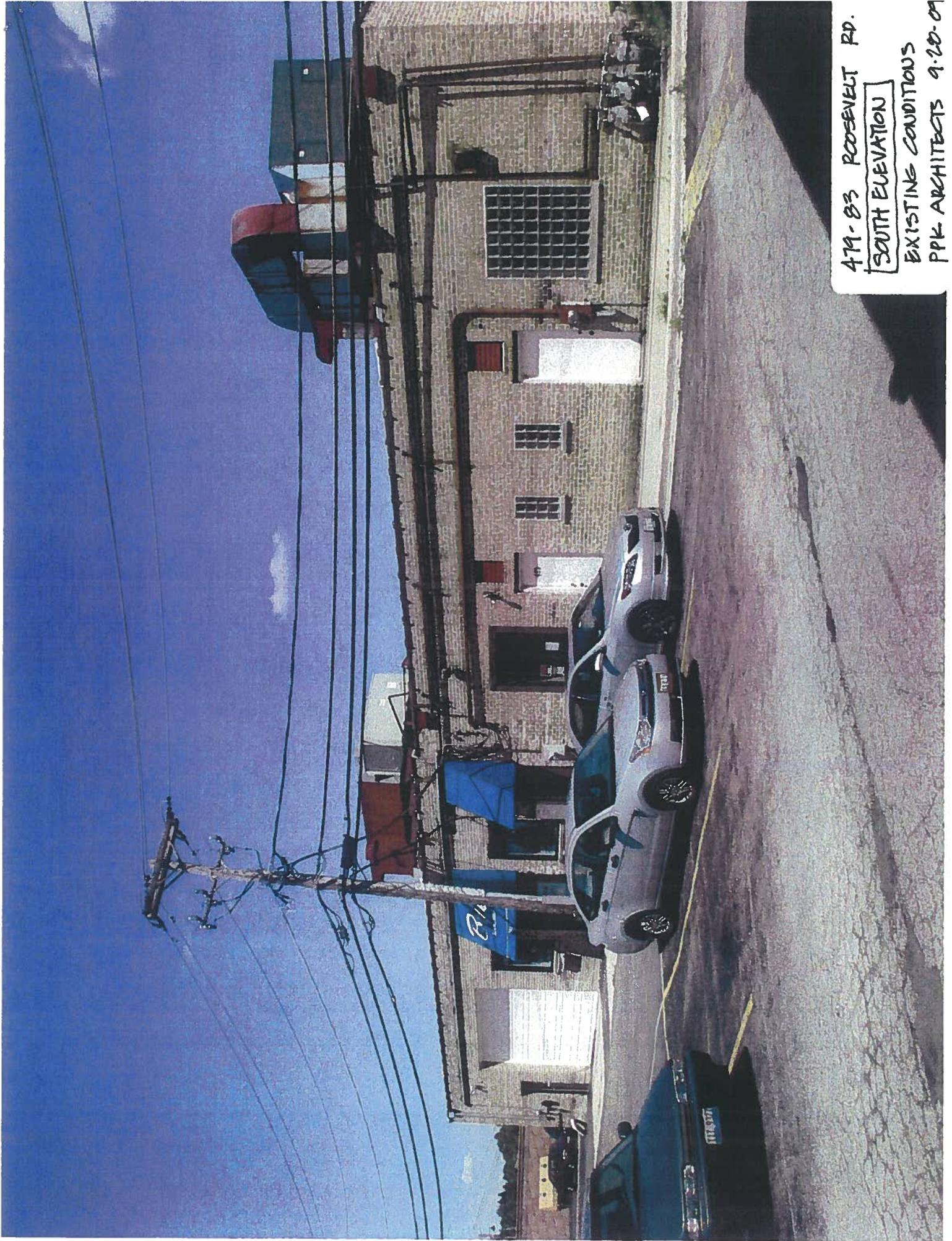


419-83 ROOSEVELT RD.

EAST ELEVATION

EXISTING CONDITIONS

PPK ARCHITECTS 9.28.0



479-83 ROOSEVELT RD.
SOUTH ELEVATION
EXISTING CONDITIONS
PPK ARCHITECTS 9.20.09



479-83 ROOSEVELT RD.

WEST ELEVATION

PPK ARCHITECTS 9-28-09



perkins pryde + kennedy

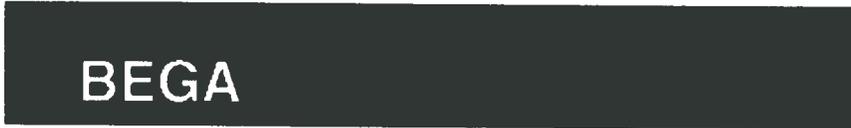
444 N. Main Street - Suite 200
Glen Ellyn, IL 60137
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March 12, 2010

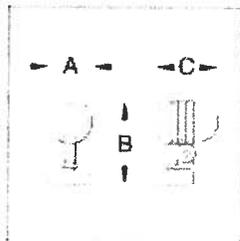
479-83 Roosevelt Road: Facade Renovation

Building Materials

North Elevation:	Stone bulkhead and piers Glass/ aluminum storefront EIFS sign band EIFS sign accent Aluminum Wireway Aluminum Coping Stair Railing	(existing) (existing to be painted off white) color 1: Senergy # 3063 Frappe (Sahara finish) color 2: Senergy # 3105 Sandman (Sahara finish) color 3: Benjamin Moore OC-16 Cedar Key color 4: Castle Metal Products "Sierra Tan" black
East, West, South Elevations	Brick stain color a: Brick stain color b: Piping and roof top equip. Awnings (South Elevation) Window and door frames Trash enclosure doors: Overhead door HVA/C equipment	similar to Interstate Brick Copperstone similar to Interstate Brick Monterey (paint) color c: Ben Moore # 1230 Oregon Trail fabric color 1: Sunbrella # 4606 Maroon medium bronze (existing anodized aluminum) or painted to match semi-opaque stain: oak color existing to remain (pre-finished alum.: white) dark gray to match screen (on west RTU)



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Floodlight - small scale with mounting canopy

Designed for floodlighting applications for interior and exterior locations. Small scale with optional symmetrical and asymmetrical distribution. Glare shield, multiple color filters and spread lenses available.

Floodlight luminaires with die-cast aluminum swivel and canopy. Fully adjustable with 85° vertical and 350° horizontal rotation.

U.L. listed, suitable for wet locations.

Protection class: IP65

Finish: Standard BEGA colors.

- Technical Information**
 - [Specification Sheet](#)
 - [Installation Instructions](#)
 - [Catalog Spread](#)
 - [FAQ](#)
- Submittal Drawings**
 - [Download PDF](#)
 - [Download DXF](#)
- Photometry**
 - [Download IES File](#)
 - [Download ISO-Template](#)
 - [Download IES Library](#)
- Application Photos**
- Estimated Lead Time**

7514MH	Mtg. Plate	Lamp	β	LEED	Lumen	A	B
		(1) 39W T4 G8.5 MH	20°		3300	6 1/8	11 1/4
Accessories		Description					
130		Color Filter Green					
131		Color Filter Blue					
132		Color Filter Yellow					
265		180° glare shield					
316		Round spread lens					
315		Elliptical spread lens					

[View Product Family](#)

[† Back to Product Overview](#)



Product Features

No Rooftop Penetration

Pre-Engineered Screening System

Screening Code Solution

Attractive Alternative to Parapet Walls

Multiple Panel Designs

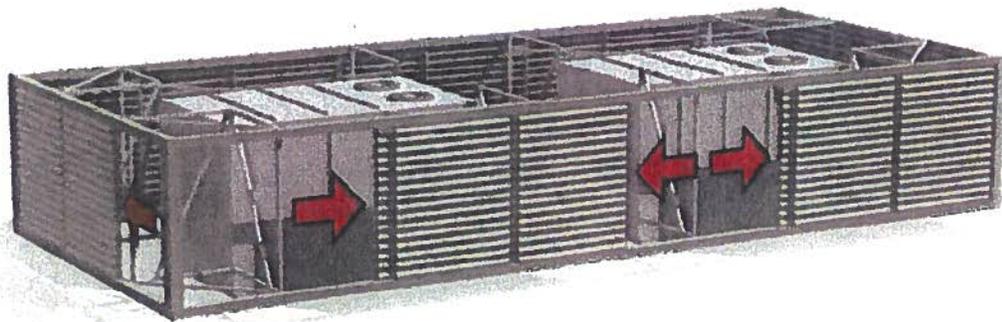
Designer Top Trim Accents

Vertical or Canted Designs

Wide Range of Designer Colors

Panels Slide for Easy Service Access

Custom Design Capabilities



Our panels are designed to slide side-to-side in either direction for easy access to the equipment for servicing and routine maintenance.

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

APPLICATION FOR SIGN VARIATION

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.

The undersigned hereby petitions the Village of Glen Ellyn, Illinois, for one or more variations from the Glen Ellyn Sign Code, as described in this application.

I. APPLICANT INFORMATION

Name: WAYNE ROHALLA
Address: 4 SOMERSET HILLS CT. HAWTHORN WOODS, IL. 60047
Phone No.: 847-438-5427 Fax No.: _____
E-mail: wrohalla@aol.com
Ownership Interest in the Property in Question: OWNER
Name and address of the legal owner of the property (if other than the applicant):
SAME AS APPLICANT

II. PROPERTY INFORMATION

Common address: 479-83 ROOSEVELT Permanent tax index number: 05-23-101-003/004
Zoning classification: C-3 Present use: RETAIL 05-23-101-014/013

III. INFORMATION REGARDING THE VARIATION(S) REQUESTED

List of the variation(s) requested, including identification of the Sign Code provisions from which the variation is sought:

- 1) SECTION 4-5-12 (E)1 : TO ALLOW THREE PRIMARY SIGNS PER ESTABLISHMENT IN LIEU OF ONE
- 2) SECTION 4-5-12 (B) : TO ALLOW EACH ESTABLISHMENT TO HAVE 10.67 SF OF SIGN AREA (4.67 SF EA. SIDE) ON MONUMENT SIGN AND 6 SF ON REAR AWNING
- 3) SECTION 4-5-8 (A): TO ALLOW ADDRESS SIGN ON TAPP AVENUE (12.4 SF EA. SIDE)

1

IV. EVIDENCE RELATING TO SIGN CODE STANDARDS FOR A VARIATION

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

A. Standards Applicable to All Variations Requested

1. Indicate how you believe the request variation conforms to the Statement of Purpose in Section 4-5-2 of the Sign Code:

THE PROPOSED VARIATION ADDS CLARITY AND MORE EFFECTIVE COMMUNICATION FOR POTENTIAL CUSTOMERS. THE SIGNS ENHANCE AND ARE COMPLIMENTARY TO THE UPDATED ARCHITECTURE (FACADE RENOVATION)

2. Provide evidence that there are practical difficulties or particular hardship for the applicant/owner in carrying out the strict letter of the Sign Code:

THE BUILDING LOCATION ON THE SITE CAUSES DIFFICULTY IN IDENTIFYING TENANTS FROM STREET TRAFFIC. THE TAPT AVE. SIGNS ARE NEEDED SINCE MANY CUSTOMERS MAY ENTER THE SITE FROM THE SOUTH.

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

THESE VARIATIONS WILL (HOPEFULLY) ASSIST IN OBTAINING NEW TENANTS - BUILDING IS ONLY 25% OCCUPIED. AT THE TIME OF THE ORIGINAL APPLICATION

OR

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

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

WE BELIEVE THAT WE ARE ADDING/ENHANCING THE CHARACTER TO THE SITE WITH LANDSCAPING AND AESTHETIC IMPROVEMENTS TO THE BUILDING AND SIGNAGE.

B. For the purpose of supplementing the above standards, the ARC, in making its recommendation that there are practical difficulties or particular hardships, may 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 Sign Code were to be carried out:

THE BUILDING NEEDS THE ADDITIONAL SIGNAGE TO COMPETE IN THIS MARKET. THIS SITE IS ALSO UNIQUE BEING A "THROUGH" SITE WITH TWO "FRONTS" CALLING FOR ADDITIONAL SIGNAGE

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:

MOST OTHER PROPERTIES HAVE ADDITIONAL SETBACK OR MORE FRONTAGE (WIDTH) TO ALLOW BETTER VISIBILITY. MANY OTHER COMMERCIAL PROPERTIES ALONG ROOSEVELT PD. (NORTH SIDE) DO NOT HAVE REAR ACCESS.

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:

THE OWNER NEEDS TO IMPROVE THE IMAGE OF THE BUILDING TO ATTRACT TENANTS
THE OWNER ALSO WANTS TO UPDATE AND MAKE GENERAL IMPROVEMENTS TO THE PROPERTY.

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.

THIS IS AN EXISTING CONDITION FROM THE ORIGINAL BUILDING CONSTRUCTION AND SITE CONFIGURATION

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

THE PROPOSED SIGNS ARE DESIGNED TO FIT IN WITH THE ARCHITECTURE. THEY ARE PLACED ON THE SITE TO CAUSE THE LEAST AMOUNT OF ISSUES WITH TRAFFIC CIRCULATION, ETC.

6. Provide evidence that the proposed variation will not:
- a. Impair an adequate supply of light and air to adjacent property;
SIGNS WILL NOT CAUSE ISSUES WITH LIGHT AND AIR TO ADJACENT PROPERTY. THEY ARE SET BACK FROM ALL PROPERTY LINES.
 - b. Substantially increase the hazard from fire or other dangers to the property in question or adjacent property;
SIGNS ARE NON-COMBUSTIBLE AND HAVE SUFFICIENT SETBACKS.
 - c. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Village;
WE BELIEVE THE NEW SIGNAGE ENHANCES THE LOCATION IN THE VILLAGE
 - d. Diminish or impair property values within the neighborhood;
THE SIGNS MAY INCREASE VALUES.
 - e. Unduly increase traffic congestion in the public streets and highway;
THE SIGNS ARE PLACED TO ALLOW FOR GOOD VISIBILITY FOR VEHICULAR TRAFFIC AND DO NOT OBSTRUCT CURRENT TRAFFIC PATTERNS.
 - f. Create a nuisance; or
SIGNS DO NOT CREATE A NUISANCE
 - g. Results in an increase in public expenditures.
NO PUBLIC FUNDS ARE NEEDED TO CONSTRUCT OR MAINTAIN THE SIGNS.
7. Provide evidence that the variation is the minimum variation that will make possible the reasonable use of the land, building or structure.
WE HAVE REDUCED BOTH FREESTANDING SIGN HEIGHTS AS MUCH AS POSSIBLE AND STILL ALLOW FOR VISIBILITY FOR MOTORISTS.
8. Please add any additional comments which you believe may assist the ARC in reviewing this application.
-
-
-
-

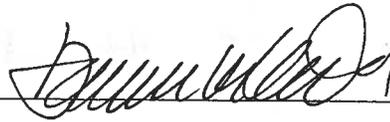
VIII. CERTIFICATIONS, CONSENT AND SIGNATURE(S)

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 Sign Variation Request Package and applicable provisions of the Glen Ellyn Sign Code.

I (We) understand that this application will not be submitted to the Review Boards and Commissions until all items on the attached list are reviewed by Village staff.



KEN WAYNE POTTALCA

Signature of Applicant(s)

2/11/10

Date filed

SIGN TABLE

- ALL EXISTING AND PROPOSED SIGNS -

Conforms

<u>Key Words</u> <u>Yes/No</u>	<u>Height</u>	<u>Size</u>	<u>Sq. Ft.</u>	<u>Existing</u> <u>or</u> <u>Proposed</u>	<u>Type</u> <u>as per</u> <u>Village</u> <u>Sign Code*</u>	<u>Village</u> <u>Sign</u> <u>Code</u>
(1) FRONT. GRND. MTD. SIGN	12'	5' x 1' =				
	w/ (A)	4' x 1'-2" =	4.67	PROPOSED	PRIMARY	4-5-12(E)1
		' x ' =				
2) REAR. GRND MTD. SIGN	3'	5'-4" x 1' =	12.4	PROPOSED	ADDRESS	4-5-12 (B)
		' x ' =				
		' x ' =				
(3) AWNING SIGNS	9'-3"	1'-6" x 4' =	6	PROPOSED	PRIMARY	4-5-12(E)1
		' x ' =				
		' x ' =				
		' x ' =				

LOCATE ALL SIGNS (Existing & Proposed) ON ATTACHED SITE PLAN AND A FAÇADE DRAWING.

*Primary = P

Shopping Center = SC

Incidental = I

Other = O – Identify as per the Village Sign Code