

MEMORANDUM

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Director of Community Development

DATE: June 7, 2006

**SUBJECT: 300 S. MAIN STREET – AUTHORIZATION,
ACKNOWLEDGMENT AND INDEMNIFICATION FOR GROUND
PENETRATION AND REMEDIATION WORK AND
TEMPORARY ACCESS AGREEMENT**

Background:

The property formerly operated as a gas station/auto service/repair establishment and car wash. The underground storage tanks leaked in years past resulting in the Village right-of-way becoming contaminated. Gap Development, developer of the property, made a \$3,000 prepayment to the Village of Lombard which began the process of reviewing the Highway Authority Agreement which was subsequently approved by the Village Board of Trustees at their April 6, 2006 meeting by Resolution R60-06.

Staff has now received, for Village Board consideration, an Acknowledgment and Indemnification for Ground Penetration and Remediation Work and Temporary Access Agreement which gives the developer access and rights to the Village's property for the purpose of performing remediation as well as to take all necessary steps to have the impacted contaminated soils treated and/or removed within 12 months of the execution of this Agreement. The intent of the Agreement is to satisfy concerns raised by the Illinois Environmental Protection Agency which were originally raised in the Highway Authority Agreement and previously approved by the Village Board. The Highway Authority Agreement has now been revised to reflect those issues being addressed. Village Counsel drafted these agreements.

Recommendation:

Staff recommends that the Village Board of Trustees approve a resolution authorizing the signatures of the Village President and Clerk on an Acknowledgment and Indemnification for Ground Penetration and Remediation Work and Temporary Access Agreement as well as on a Highway Authority Agreement for the property located at 300 S. Main Street.

/jd

h:\worduser\director\haa\300 S. Main\botmemo2