

**ORDINANCE NO. 7556**

**AN ORDINANCE  
REPEALING ORDINANCE NO. 6698, ADOPTED MARCH 15, 2012,  
AND TERMINATING THE LANDMARK SITE DESIGNATION GRANTED TO  
305 EAST MORNINGSIDE AVENUE, LOMBARD, ILLINOIS,  
PURSUANT TO SAID ORDINANCE**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** The President and Board of Trustees (the "Village Board") of the Village of Lombard (the "Village") hereby find as follows:

- A. That, pursuant to Lombard Ordinance No. 6698, adopted March 15, 2012, and recorded with the DuPage County Recorder's Office on April 3, 2012 as document number R2012-042942, the following-described property was designated as a Landmark Site as provided for in Section 32.079 of the Lombard Village Code:

Lot 1 in G.H. Morton's Subdivision, being a subdivision in Section 8, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded October 21, 1949 as Document 578811, in DuPage County, Illinois;

P.I.N.: 06-08-323-001;

Common Address: 305 East Morningside Avenue,  
Lombard, Illinois 60148;

(the "Subject Property").

- B. That, subsequent to the Landmark Site designation being granted relative to the Subject Property, Strategic Realty Fund, L.L.C. (the "Current Owner") became the owner of the Subject Property pursuant to a special warranty deed, recorded with the DuPage County Recorder's Office on March 17, 2017 as document number R2017-026323.
- C. That, in October of 2017, the Current Owner was notified by the Village that replacement windows had been installed in the single-family residence on

the Subject Property without a permit, and without obtaining a certificate of appropriateness from the Village, in light of the Landmark Site status of the Subject Property.

- D. That, on April 11, 2018, the Current Owner submitted an application for a building permit for the replacement windows for the single-family residence on the Subject Property to the Village.
- E. That, on April 17, 2018, the Lombard Historic Preservation Commission: (1) reviewed the building permit application for the replacement windows, relative to the Subject Property, at its regularly scheduled meeting; (2) found that the replacement windows did not meet the criteria established in Section 32.079(E) of the Lombard Village Code, as the replacement windows resulted in changes in the exterior appearance of a building designated as a Landmark Site, which destroyed its original architectural integrity; and (3) determined that a certificate of appropriateness should not be issued relative to the replacement windows.
- F. That, by letter dated April 19, 2018 to the Current Owner, the Village staff advised the Current Owner of the decision of the Lombard Historic Preservation Commission, and further advised the Current Owner that the Current Owner had to either replace the replacement windows with appropriate windows that match the design and materials of the original windows or apply for a review of the Lombard Historic Preservation Commission's decision by the Village Board pursuant to Section 32.079(G) of the Lombard Village Code.
- G. That, pursuant to a letter dated May 7, 2018 from the Current Owner, which was received by the Village Clerk's Office on May 9, 2018, the Current Owner filed a timely appeal of the Lombard Historic Preservation Commission's decision, as set forth above, and requested the removal of the Landmark Site designation for the Subject Property.
- H. That, pursuant to the notice of appeal and request for removal of the Landmark Site designation for the Subject Property, as referenced above,

the matter was scheduled for review by the Village Board at the Village Board's June 21, 2018 Village Board meeting.

**SECTION 2:** That, based on the foregoing, and the fact that the Current Owner, unlike the owner in 2012, does not desire to have a Landmark Site designation for the Subject Property:

- A. Provided the Current Owner obtains the necessary building permit for the replacement windows, and pays the appropriate fee to the Village in relation thereto, the replacement windows can remain in place in the building on the Subject Property;
- B. In light of Section 2.A. above, and the Lombard Historic Preservation Commission's finding as set forth in Section 1.E. above, the Landmark Site designation for the Subject Property is hereby removed; and
- C. Lombard Ordinance No. 6698, adopted March 15, 2012, is hereby repealed.

**SECTION 3:** That the Village Clerk is hereby authorized and directed to take the following actions:

- A. Forward a copy of the Notice attached hereto as Exhibit A, and made part hereof, to the Village's Bureau of Inspectional Services;
- B. Forward a copy of the Notice attached hereto as Exhibit A, and made part hereof, to the Lombard Plan Commission;
- C. Forward a copy of the Notice attached hereto as Exhibit A, and made part hereof, along with a certified copy of this Ordinance, by certified mail, return receipt requested, to the Current Owner;
- D. File a certified copy of this Ordinance with the DuPage County Assessor's Office; and
- E. Record a certified copy of this Ordinance with the DuPage County Recorder's Office.

**SECTION 4:** That, pursuant to Section 32.079(G)(3) of the Lombard Village Code, any Landmark Site plaque issued by the Village, in relation to the Subject

Property, shall be returned to the Village, by the Current Owner, within thirty (30) days of the date of the mailing of the Notice attached hereto as Exhibit A, and made part hereof, to the Current Owner, as referenced in Section 3.C. above.

**SECTION 5:** That this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Passed on first reading this 21<sup>st</sup> day of June, 2018.

First reading waived by action of the Board of Trustees this \_\_\_ day of \_\_\_, 2018.

Passed on second reading this 19<sup>th</sup> day of July, 2018, pursuant to a roll call vote as follows:

AYES: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware

NAYS: None

ABSENT: None

**APPROVED** by me this 19<sup>th</sup> day of July, 2018.

  
Keith Giagnorio, Village President

**ATTEST:**

  
Sharon Kuderna, Village Clerk

**Exhibit A**

**NOTICE OF THE REMOVAL OF LANDMARK SITE DESIGNATION  
BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS**

To: Jon O. Freeman  
Managing Member  
Strategic Realty Fund, LLC  
4300 Stevens Creek Blvd.  
#275  
San Jose, CA 95129

Bureau of Inspectional Services  
Village of Lombard  
255 East Wilson Avenue  
Lombard, Illinois 60148

Plan Commission  
Village of Lombard  
255 East Wilson Avenue  
Lombard, Illinois 601458

Please be advised that, pursuant to Ordinance No. \_\_\_\_\_, adopted July 19, 2018, the President and Board of Trustees of the Village of Lombard have officially removed the Landmark Site designation, as provided for by Lombard Ordinance No. 6698, adopted March 15, 2012, relative to the following-described property, and have repealed said Ordinance No. 6698:

Lot 1 in G.H. Morton's Subdivision, being a subdivision in Section 8, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded October 21, 1949 as Document 578811, in DuPage County, Illinois.

P.I.N.: 06-08-323-001.

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Sharon Kuderna  
Village Clerk  
Village of Lombard, Illinois