

MEMORANDUM

TO: William T. Lichter, Village Manager

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

DATE: September 29, 2005

SUBJECT: BOT 01-08: Vacation of a Portion of Grace Street Right-of-Way Ordinance 4992

On July 19, 2001, the Board of Trustees approved the above-captioned ordinance. The developer had requested reimbursement of \$22,453 under provisions of Section 6 of this agreement.

Section 6 provides:

“That in the event that the compensation as required by Section 4 above has been provided in full, and the owner of the aforementioned Lot 1 in Grace-Roosevelt Assessment Plat proceeds with a redevelopment of said property and the vacated street right-of-way, which includes improvements within the abutting Roosevelt Road right-of-way, within **two years** from the adoption of this ordinance, the Village agrees to reimburse the property owner for any improvements made along the Roosevelt Road right-of-way, as approved and authorized by the Village.”

As you will note this request is being made after the expiration date specified in the agreement. The developer did not receive his occupancy permit until February 24, 2004. This item failed to be addressed until it was followed up by the company owner. The owner indicated that he thought all necessary paperwork had been filed previously with the Village. A review of our records revealed an incomplete file.

The developer has since resubmitted the necessary documentation and now seeks reimbursement. The developer has worked with the Village quite closely and in a very professional manner. The end product of his project was quite favorable and received Village recognition.

RECOMMENDATION:

Staff recommends that the Board of Trustees amend Ordinance 4992, approving the vacation of a portion of Grace Street right of way Section 6, to provide the following change:

“that in the event that the compensation as required by Section 4 above has been provided in full, and the owner of the aforementioned Lot 1 in Grace-Roosevelt Assessment Plat proceeds with a redevelopment of said property and the vacated street right-of-way, which includes improvements within the abutting Roosevelt Road right-of-way, within ~~two years~~ fifty-two months from the adoption of this ordinance, the Village agrees to reimburse the property owner for any improvements made along the Roosevelt Road right-of-way, as approved and authorized by the Village.”

DAH/jd

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