

DISTRICT 2

**VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda**

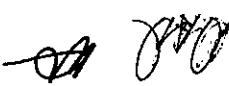
Resolution or Ordinance (Blue) _____
Waiver of First Requested Recommendations of Boards, Commissions & Committees (Green) _____
Other Business (Pink) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: August 24, 2007 (COW) (B of T) **Date:** September 6, 2007

TITLE: Main Street STP
Lombard Pines – Temporary Easement

SUBMITTED BY: David A. Dratmol, P.E., Village Engineer 

BACKGROUND/POLICY IMPLICATIONS:

(See attached memo)

FISCAL IMPACT/FUNDING SOURCE:

None

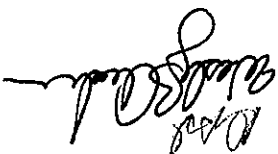
Review (as necessary):

Village Attorney	X	Date	
Finance Director	X	Date	
Village Manager	X	Date	8/29/07

NOTE:

All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.

Interoffice Memo



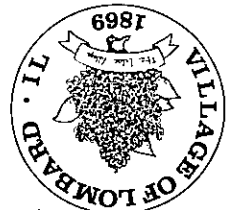
William T. Lichter, Village Manager
David A. Dramol, P.E., Village Engineer
Wes Anderson, Director Of Public Works

August 24, 2007

Main Street S.T.P.

Lombard Pines Plaza - Temporary Easement

To:
From:
Through:
Date:
Subject:



In order to accommodate the proposed improvements on Main Street, the Village needs a temporary easement on the property of the Lombard Pines shopping center by the Morris Avenue and Edward Street entrances. Both entrances are being modified as required by the Illinois Department of Transportation (IDOT).

Because of the federal funding involved in the roadway construction, federal procedures must be followed regarding acquisition of and compensation for any easement. As part of the real estate negotiations, Santacruz Associates (the firm hired by the Village for easement acquisition services) and the Department of Public Works, met with the property owners (Sackers Inc.) and came to an agreement in principal. As part of the final agreement, Sacker Inc. wishes a side letter agreement to further clarify construction project issues not in the conveyance documents.

Attached is the proposed side letter agreement. The letter (including the indemnification language) has been reviewed and approved by the Village Attorney. If the side letter is approved by the Village Board, the letter will be forwarded to Sacker Inc. as part of the easement acquisition process. This item pertains to the side letter agreement only. The item for the approval of compensation for the easement will be addressed by separate action at a later date.

Attachment: Final Draft of Letter



VILLAGE OF LOMBARD

255 E. Wilson Avenue
Lombard, IL 60148-3931
(630) 620-5700 FAX: (630) 620-8222
TDD: (630) 620-5811
www.villageoflombard.org

Village President
William J. Mueller

Village Clerk
Brigitte O'Brien

Michael D. Sackar
Sackar Inc.
945 W. George Street, Suite 207
Chicago, IL 60657

RE: Lombard Pines Plaza
Route: Main Street (FAU 2611)
Section: 03-00148-00-PV
Job No.: R-55-001-97
County: DuPage
Parcel: 0001 & TE-A & TE-B

Trustees
Greg Alan Gron, Dist. 1
Richard J. Tross, Dist. 2
John "Jack" T. O'Brien, Dist. 3
Dana L. Moreau, Dist. 4
Laura A. Fitzpatrick, Dist. 5
Rick Soderstrom, Dist. 6

In response to your correspondence dated July 19, 2007 to Mr. Steve Santacruz, I am replying to address your concerns and requests.

Please note that the attached legal descriptions which are being used as attachments to the conveyance documents were prepared by a consultant hired by the Village of Lombard ("Lombard") for the benefit of Lombard.

1. It is Lombard's policy to diligently pursue the completion of any construction project and the Main Street project will be no exception. Lombard shall diligently pursue completion of the project in good faith and prosecute performance so as to cause a minimum interference with your property.

2. All paving, curbing, sod replacement and irrigation system repair costs within the right-of-way and temporary easement will be undertaken by Lombard.

3. It is the policy of Lombard to maintain continued access to all properties during the construction period except for extremely minor inconveniences caused by work immediately adjacent to the driveway or for the apron of such driveway involving new pavement for the driveway or for the apron of such driveway would be staged so that only one-half of the driveway would be closed at any time.

In accordance with this policy, Lombard shall not allow the contractor to work on the Morris Street and Edward Street driveways simultaneously.

4. Contractors are advised that they have no right to park construction vehicles or equipment on any private land. The contractor must arrange for such space legally through lease arrangements with property owners, if necessary. Any breach of private property rights should be brought to the attention of the resident engineer or project manager so that immediate action can be taken.

"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."

Lombard Pines Plaza
Temporary Easement
Main Street (FAU 2611)

September 6, 2007
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5. Lombard shall indemnify, defend and hold harmless Lombard Pines Limited Partnership, and its partners, shareholders, officers, directors, beneficiaries, employees and agents, with respect to any claim or loss, including but not limited to attorney's fees, costs and expenses of litigation, claims and judgments in connection with any and all claims for damages of any kind which may arise, either directly or indirectly, out of the acts or omissions of the Lombard, or its officers, agents, employees or contractors, and relating to the construction of the Main Street project using the temporary easement area.

If you have any further questions concerning this matter, please do not hesitate to contact Ray Schwab (Civil Engineer/Project Manager) or David Dramol, P.E. (Village Engineer).

Best Regards,

Wesley Anderson
Director of Public Works

encl.

cc: J. Steve Santacruz, Santacruz Associates
Tom Bayer, Village Attorney, Klein, Thorpe & Jenkins