


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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: David A. Hulseberg, Village Manager
DATE: December 6, 2011 (B of T) Date: December 27, 2011
TITLE: PC 05-41: 1301 N. Lombard Road (O'Hare Business Center Planned Development)
SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a request for a fourth time extension of the conditional use approval granted by the Village Board. Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed project for an additional 2-year period from the date of the approval of the attached Ordinance (i.e., until January 5, 2014).

Please place this request on the December 27, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

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.



MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William Heniff, AICP
Director of Community Development *WH*

DATE: December 15, 2011

SUBJECT: **PC 05-41: 1301 North Lombard Road (O'Hare-DuPage Business Center Planned Development) – Fourth Time Extension**

The Board of Trustees approved Ordinance 5794 (PC 05-41) on January 5, 2006, which granted approval for a planned development amendment with exceptions to the permitted use list and for companion variations for the property at 1301 N. Lombard Road. The development rights have been extended several times with the most recent 24 month extension granted on January 7, 2010.

After being advised that the approved zoning relief would expire (January 7, 2012), the petitioner has submitted the attached letter requesting a further time extension of the conditional use approval granted by the Village Board. The request is to grant approval for another two-year period as market conditions have not been favorable to start the project. As the planned development ordinance does provide the Village with a number of development assurances, staff believes it is in the best interest of the Village to ensure that the previous development approvals remain in place.

A copy of Ordinances 5794, 5964, 6122 and 6432 are attached for your reference.

ACTION REQUESTED

Staff recommends that the Village Board approve an Ordinance extending the time period to start construction of the proposed project for an additional twenty-four month period from the date of the approval of the attached Ordinance (i.e., until January 5, 2014).

LFI

LOCATION FINDERS INTERNATIONAL, INC.

9440 Enterprise Drive, Mokena, IL 60448
(P) 708-478-7666 (F) 708-478-7667

November 29, 2011

Mr. Christopher Stilling
Assistant Director of Community Development
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148

RE: 1301 Lombard Road

Dear Mr. Stilling,

We are requesting that the Village of Lombard extend the time for the conditional uses and any other matters granted to the property owner in Ordinance 5974 and all others approved for the site. The request is for a two-year extension while we plan the development.

We continue to market this site for industrial development. The market conditions over the past 24 months have led to very few opportunities for the site. We do anticipate an increase in activity and still believe that the site provides a viable alternative for future development.

Your cooperation in this matter is appreciated.

Sincerely,



Martin T. Burke
Partner



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
MAR.03,2006 11:10 AM
OTHER 03-31-204-002
007 PAGES R2006-038996

ORDINANCE 5794

**GRANTING AN AMENDMENT TO ORDINANCE 5695, A
CONDITIONAL USE FOR A PLANNED DEVELOPMENT,
GRANTING AN AMENDMENT TO THE PERMITTED USE
LIST AND GRANTING A FENCE VARIATION**

PIN: 03-31-204-002 and 004

Address: 1301 N. Lombard Road, Lombard

Return To:

**Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148**

ORDINANCE NO. 5794

**AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 5695
GRANTING A CONDITIONAL USE FOR A PLANNED DEVELOPMENT
IN THE I LIMITED INDUSTRIAL DISTRICT,
GRANTING AN AMENDMENT TO THE PERMITTED USE LIST
AND GRANTING A FENCE VARIATION
TO THE LOMBARD ZONING ORDINANCE**

(PC 05-41: 1301 North Lombard Road)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois; and,

WHEREAS, on August 18, 2005, the President and Board of Trustees adopted Ordinance 5695, granting a conditional use for a planned development with deviations, variations and use exceptions for the property legally described herein pursuant to Title 15, Chapter 155, Section 155.501 et. seq. of the Code of Lombard (hereinafter the "Subject Property"); and

WHEREAS, the below described property is zoned IPD Limited Industrial District, Planned Development; and

WHEREAS, a petition has been received by the Village to amend the previously approved conditional use for a planned development, in the following respects:

1. Amend Ordinance 5695 to allow for temporary retail sales associated with warehouse/distribution activities located on the subject property.
2. Grant a variation to Section 155.205 (A)(3)(c)(1) of the Zoning Ordinance to allow for a twelve-foot (12') solid fence where a maximum ten-foot (10') high fence is permitted.
3. Pursuant to Ordinance 5695, grant site plan approval for the development on the Subject Property, based upon the petitioner's submitted plans; and

WHEREAS, Title 15, Chapter 155, Sections 155.504 and 155.103(F)(13) allow for ordinance amendments granting a conditional use for a planned development and for previously established conditional uses after a public hearing before the Village's Plan Commission; and

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the amendment described herein; and,

ORDINANCE 5794

WHEREAS, a public hearing on such application have been conducted by the Village of Lombard Plan Commission on November 21, 2005 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the amendment to the conditional use for a planned development and the variation and use exceptions as described herein; and

WHEREAS, the President and Board of Trustees approve and adopt the findings and recommendations of the Plan Commission and incorporate such findings and recommendations herein by reference as if they were fully set forth herein; and

WHEREAS, the President and Board of Trustees of the Village of Lombard have reviewed the request and find it would be in the best interest of the Village to grant said conditional use amendment, variations and use exceptions, subject to the terms and conditions established by this ordinance; and

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS as follows:

SECTION 1: That this ordinance is limited and restricted to the property generally located at 1301 North Lombard Road, Lombard, Illinois, and legally described as follows:

Lot 1 in Lombard Business Center, Unit Two, being a subdivision of that part of the east ½ of the west ½ of the northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, lying south of the southerly right-of-way of the Illinois Central Railroad (except the south 210 feet thereof), according to the plat thereof recorded November 6, 1974 as Document R74-56524, in DuPage County, Illinois; also

A tract of land legally described as follows: Commencing at the southeast corner of Lot 1 in Lombard Business Center, Unit Two, being a subdivision of that part of the east ½ of the west ½ of the northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, lying south of the southerly right-of-way of the Illinois Central Railroad, according to the plat thereof recorded November 6, 1974 as Document R74-56524, in DuPage County, Illinois, thence east along the south line of said Lot 1, a distance of 624.98 feet, thence south 210.0 feet to a point along the south line of the northeast ¼ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, thence westerly along the south line of the northeast ¼ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, a distance of 624.98 feet, thence north 210.0 feet to a point of beginning, in DuPage County, Illinois; also

That part of Lombard Road lying south of the south line of the Illinois Central Railroad Right-of-Way and north of the north line of the Commonwealth Edison Right-of-Way, in the Northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County,

Ordinance No. 5794

Re: PC 05-41

Page 3

Illinois; and

That part of Lombard Road lying south of the north line of the Commonwealth Edison Right-of-Way and north of the south line of the Commonwealth Edison Right-of-Way, in the Northeast ¼ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois.

Parcel Numbers: 03-31-204-002 and 004

Hereinafter the "Subject Property"

SECTION 2: That Exhibit A to Ordinance 5695 shall be amended to allow for temporary retail sales activity associated with warehouse/distribution activities on the Subject Property, subject to compliance with the conditions set forth in Section 5 below.

SECTION 3: That a variation to Section 155.205 (A)(3)(c)(1) of the Zoning Ordinance to allow for a twelve-foot (12') solid fence where a maximum ten-foot (10') high fence is permitted is hereby granted on the subject Property, subject to compliance with the conditions set forth in Section 5 below.

SECTION 4: That Site Plan Approval for the Subject Property is hereby granted, subject to the conditions in Section 5.

SECTION 5: The amendment to Ordinance 5695 to include the fence variation, use exception and the site plan approval are hereby granted relative to the Subject Property, subject to the conditions set forth below:

1. The petitioner shall develop the site in conformance with the submitted site plan, prepared by Jacob & Hefner Associates, P.C., dated November 2, 2005, the building elevations, prepared by Harris Architects, Inc., submitted November 9, 2005 and the landscape plan, prepared by Walsh Landscape Construction, dated November 9, 2005 and made a part of this petition, except as varied by the final engineering approval for the property.
2. The petitioner shall satisfactorily address all comments raised within the inter-departmental review report as part of their building permit application.
3. The petitioner shall apply for and receive a building permit for any development activity on the subject property.

Ordinance No. 5794

Re: PC 05-41

Page 4

4. As part of the requisite permit for the site improvements, the petitioner shall provide a copy of the final landscape plan that incorporates the approved wetland plantings for the property.
5. The petitioner shall apply for a building permit denoting the proposed parking lot lighting for the site. The light poles shall be of a uniform design and shall meet Village specifications for parking lot lighting.
6. The eastern parking lot shall be reconfigured to allow for a direct access aisle linking the southern access driven aisle to the entrance drive proposed south of the building.
7. All provisions associated with Ordinance 5695 and/or the approved development agreement for the subject property not amended by this petition shall remain in full force and effect.

SECTION 6: The Corporate Authorities hereby agree to amend the development agreement incorporated into Ordinance 5695 to include the amendments as set forth herein and authorize the Village President and Village Clerk are authorized to sign said agreement.

SECTION 7: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this 1st day of December, 2005.

First reading waived by action of the Board of Trustees this _____ day of _____, 2005.

Passed on second reading this 5th day of January, 2006

Ayes: Trustees Gron, Tross, O'Brien, Sebby, Florey and Soderstrom

Nays: None

Absent: None

Approved this 5th day of January, 2006

Ordinance No. 5794

Re: PC 05-41

Page 5



William J. Mueller, Village President

ATTEST:



Brigitte O'Brien, Village Clerk



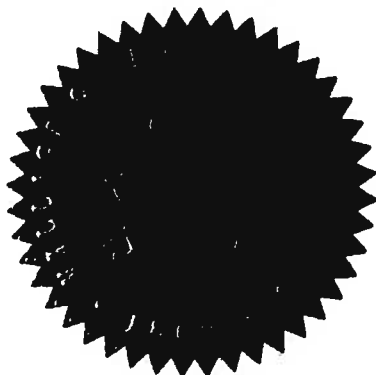
I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

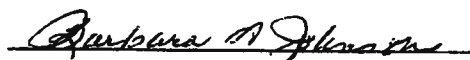
I further certify that attached hereto is a true and correct copy of ORDINANCE 5794

AN ORDINANCE GRANTING AN AMENDMENT TO ORDINANCE 5695, A CONDITIONAL USE FOR A PLANNED DEVELOPMENT, GRANTING AN AMENDMENT TO THE PERMITTED USE LIST AND GRANTING A FENCE VARIATION FOR THE PROPERTY LOCATED AT 1301 NORTH LOMBARD ROAD, LOMBARD, DUPAGE COUNTY, ILLINOIS, PIN # 03-31-204-002 AND 004

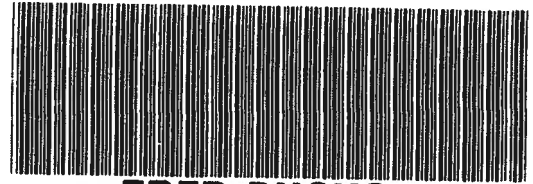
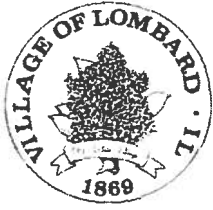
of the said Village as it appears from the official records of said Village duly passed on January 5th, 2006.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 28th day of February, 2006.





Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
JAN. 29, 2008 3:40 PM
OTHER 03-31-204-002
005 PAGES R2008-015424

ORDINANCE 6122

**GRANTING A SECOND TIME EXTENSION TO
ORDINANCE 5794, RELATIVE TO THE O'HARE/DUPAGE
BUSINESS PARK PLANNED DEVELOPMENT**

PIN: 03-31-204-002 and 004

ADDRESS: 1301 N. Lombard Road, Lombard, Illinois

Return To:

**Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148**

ORDINANCE NO. 6122

**AN ORDINANCE GRANTING
A SECOND TIME EXTENSION TO ORDINANCE 5794, RELATIVE TO THE
O'HARE/DUPAGE BUSINESS PARK PLANNED DEVELOPMENT**

(PC 05-41: 1301 North Lombard Road
O'Hare/DuPage Business Park Planned Development)

WHEREAS, on January 5, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5794, which granted approval of an amendment to a conditional use for a planned development with companion use exceptions and fence variations for the property at 1301 North Lombard Road, commonly referred to as the O'Hare/DuPage Business Park planned development; and

WHEREAS, pursuant to Section 155.103 (F)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, on January 4, 2007, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5964, which granted approval of time extension for the previously approved conditional use for a planned development for a one year period.

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinances 5794 and 5964; and,

WHEREAS, the Village has received a letter requesting an additional time extension of said Ordinances; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: Ordinances 5794 and 5964 are hereby further amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twenty-four (24) months of the date of adoption of this Ordinance (i.e., January 3, 2010).

SECTION 2: That all other provisions associated with Ordinances 5794 and 5964, not amended by this Ordinance, shall remain in full force and effect.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2007.

First reading waived by action of the Board of Trustees this 6th day of December, 2007.

Passed on second reading this 6th day of December, 2007, pursuant to a roll call vote as follows:

Ayes: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick and Soderstrom

Nays: None

Absent: None

Approved by me this 6th day of December, 2007,



William J. Mueller, Village President

ATTEST:



Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this 10th day of December, 2007



Brigitte O'Brien, Village Clerk

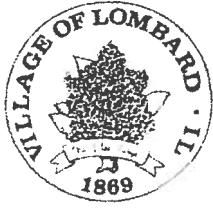
Lot 1 in Lombard Business Center, Unit Two, being a subdivision of that part of the east $\frac{1}{2}$ of the west $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, lying south of the southerly right-of-way of the Illinois Central Railroad (except the south 210 feet thereof), according to the plat thereof recorded November 6, 1974 as Document R74-56524, in DuPage County, Illinois; also

A tract of land legally described as follows: Commencing at the southeast corner of Lot 1 in Lombard Business Center, Unit Two, being a subdivision of that part of the east $\frac{1}{2}$ of the west $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, lying south of the southerly right-of-way of the Illinois Central Railroad, according to the plat thereof recorded November 6, 1974 as Document R74-56524, in DuPage County, Illinois, thence east along the south line of said Lot 1, a distance of 624.98 feet, thence south 210.0 feet to a point along the south line of the northeast $\frac{1}{4}$ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, thence westerly along the south line of the northeast $\frac{1}{4}$ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, a distance of 624.98 feet, thence north 210.0 feet to a point of beginning, in DuPage County, Illinois; also

That part of Lombard Road lying south of the south line of the Illinois Central Railroad Right-of-Way and north of the north line of the Commonwealth Edison Right-of-Way, in the Northeast $\frac{1}{4}$ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois; and

That part of Lombard Road lying south of the north line of the Commonwealth Edison Right-of-Way and north of the south line of the Commonwealth Edison Right-of-Way, in the Northeast $\frac{1}{4}$ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois.

Parcel Numbers: 03-31-204-002 and 004



I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

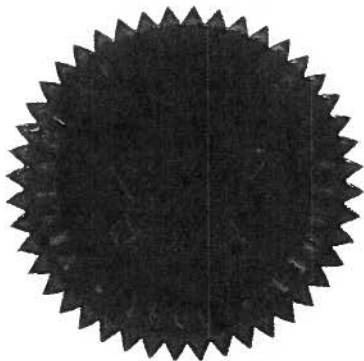
I further certify that attached hereto is a
copy of ORDINANCE 6122

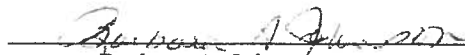
GRANTING A SECOND TIME EXTENSION TO
ORDINANCE 5794, RELATIVE TO THE
O'HARE/DUPAGE BUSINESS PARK PLANNED
DEVELOPMENT

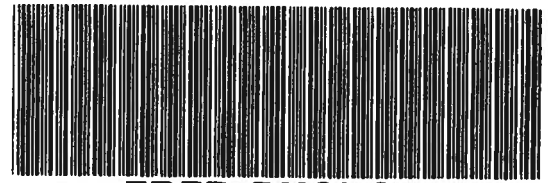
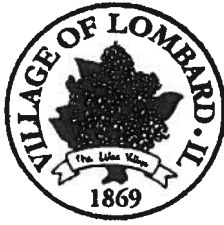
ADDRESS: 1301 N. LOMBARD ROAD., LOMBARD, IL
PIN: 03-31-204-002 AND 004

of the said Village as it appears from the official records of
said Village duly approved December 6, 2007.

In Witness Whereof, I have hereunto affixed my official signature and the
Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this
18th day of January, 2008.




Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois



FRED BUCHOLZ
DUPAGE COUNTY RECORDER
FEB.08,2010 11:09 AM
OTHER 03-31-204-002
006 PAGES R2010-018230

ORDINANCE 6432

**GRANTING A THIRD TIME EXTENSION TO ORDINANCE
5794, RELATIVE TO THE O'HARE/DUPAGE BUSINESS
PARK PLANNED DEVELOPMENT**

PIN: 03-31-204-002 and 004

Address: 1301 N. Lombard Rd., Lombard, IL

**Return To:
Village of Lombard
255 E. Wilson Avenue
Lombard, IL 60148**

ORDINANCE NO. 6432

**AN ORDINANCE GRANTING
A THIRD TIME EXTENSION TO ORDINANCE 5794, RELATIVE TO THE
O'HARE/DUPAGE BUSINESS PARK PLANNED DEVELOPMENT**

(PC 05-41: 1301 North Lombard Road
O'Hare/DuPage Business Park Planned Development)

WHEREAS, on January 5, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5794, which granted approval of an amendment to a conditional use for a planned development with companion use exceptions and fence variations for the property at 1301 North Lombard Road, commonly referred to as the O'Hare/DuPage Business Park planned development; and

WHEREAS, pursuant to Section 155.103 (E)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, on January 4, 2007, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5964, which granted approval of time extension for the previously approved conditional use for a planned development for a one year period.

WHEREAS, on January 3, 2008, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6122, which granted approval of time extension for the previously approved conditional use for a planned development for a two year period.

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinances 5794, 5964 and 6122; and,

WHEREAS, the Village has received a letter requesting an additional time extension of said Ordinances; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: Ordinances 5794, 5964 and 6122 are hereby further amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twenty-four (24) months of the date of adoption of this Ordinance (i.e., January 7, 2012).

SECTION 2: That all other provisions associated with Ordinances 5794, 5964 and 6122, not amended by this Ordinance, shall remain in full force and effect.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this 7th day of January, 2010.

First reading waived by action of the Board of Trustees this _____ day of _____, 2010.


Passed on second reading this 21st day of January, 2010.

Ayes: Trustees Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

Nays: None

Absent: None

Approved this 21st day of January, 2010.


William L. Mueller
Village President

ATTEST:


Brigitte O'Brien
Village Clerk

Ordinance No. 6432
Re: PC 05-41 – Third Time Extension
Page 3

Published by me in pamphlet from this 22nd day of January, 2010



Brigitte O'Brien
Village Clerk

COPY

Lot 1 in Lombard Business Center, Unit Two, being a subdivision of that part of the east $\frac{1}{2}$ of the west $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, lying south of the southerly right-of-way of the Illinois Central Railroad (except the south 210 feet thereof), according to the plat thereof recorded November 6, 1974 as Document R74-56524, in DuPage County, Illinois; also

A tract of land legally described as follows: Commencing at the southeast corner of Lot 1 in Lombard Business Center, Unit Two, being a subdivision of that part of the east $\frac{1}{2}$ of the west $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, lying south of the southerly right-of-way of the Illinois Central Railroad, according to the plat thereof recorded November 6, 1974 as Document R74-56524, in DuPage County, Illinois, thence east along the south line of said Lot 1, a distance of 624.98 feet, thence south 210.0 feet to a point along the south line of the northeast $\frac{1}{4}$ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, thence westerly along the south line of the northeast $\frac{1}{4}$ of Section 31 Township 40 North, Range 11 East of the Third Principal Meridian, a distance of 624.98 feet, thence north 210.0 feet to a point of beginning, in DuPage County, Illinois; also

That part of Lombard Road lying south of the south line of the Illinois Central Railroad Right-of-Way and north of the north line of the Commonwealth Edison Right-of-Way, in the Northeast $\frac{1}{4}$ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois; and

That part of Lombard Road lying south of the north line of the Commonwealth Edison Right-of-Way and north of the south line of the Commonwealth Edison Right-of-Way, in the Northeast $\frac{1}{4}$ of Section 31, Township 40 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois.

Parcel Numbers: 03-31-204-002 and 004



I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

I further certify that attached hereto is a
copy of

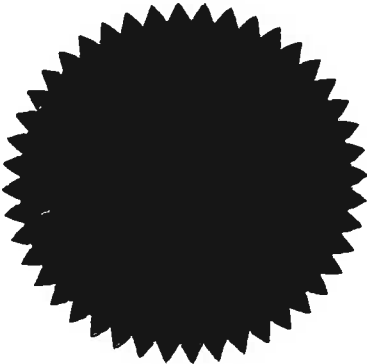
ORDINANCE 6432
GRANTING A THIRD TIME EXTENSION TO
ORDINANCE 5794, RELATIVE TO THE
O'HARE/DUPAGE BUSINESS PARK PLANNED
DEVELOPMENT.

PIN: 03-31-204-002 and 004

Address: 1301 N Lombard Road, Lombard, IL 60148

of the said Village as it appears from the official records of said Village duly approved this 21st day of January, 2010.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 1st day of February, 2010.



Barbara A. Johnson
Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois

ORDINANCE NO. _____

**AN ORDINANCE GRANTING
A THIRD TIME EXTENSION TO ORDINANCE 5794, RELATIVE TO THE
O'HARE/DUPAGE BUSINESS PARK PLANNED DEVELOPMENT**

(PC 05-41: 1301 North Lombard Road
O'Hare/DuPage Business Park Planned Development)

WHEREAS, on January 5, 2006, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5794, which granted approval of an amendment to a conditional use for a planned development with companion use exceptions and fence variations for the property at 1301 North Lombard Road, commonly referred to as the O'Hare/DuPage Business Park planned development; and

WHEREAS, pursuant to Section 155.103 (F)(11) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, conditional uses are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, on January 4, 2007, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5964, which granted approval of time extension for the previously approved conditional use for a planned development for a one year period.

WHEREAS, on January 3, 2008, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6122, which granted approval of time extension for the previously approved conditional use for a planned development for a two year period.

WHEREAS, on January 7, 2010, the President and Board of Trustees of the Village of Lombard adopted Ordinance 6432, which granted approval of time extension for the previously approved conditional use for a planned development for a two year period.

WHEREAS, construction has not commenced and no building permit has been issued for the development granted by Ordinances 5794, 5964, 6122 and 6432; and,

WHEREAS, the Village has received a letter requesting an additional time extension of said Ordinances; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension.

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NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: Ordinances 5794, 5964, 6122 and 6432 are hereby further amended and extended and shall be null and void unless a building permit is obtained and the project is substantially underway within twenty-four (24) months of the date of adoption of this Ordinance (i.e., January 5, 2014).

SECTION 2: That all other provisions associated with Ordinances 5794, 5964, 6122 and 6432 not amended by this Ordinance, shall remain in full force and effect.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2012.

First reading waived by action of the Board of Trustees this ____ day of _____, 2011.

Passed on second reading this ____ day of _____, 2012.

Ayes: _____

Nays: _____

Absent: _____

Approved this ____ day of _____, 2012.

William J. Mueller
Village President

ATTEST:

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Brigitte O'Brien
Village Clerk

Published by me in pamphlet from this _____ day of _____, 2012

Brigitte O'Brien
Village Clerk