

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David Hulseberg, Village Manager

DATE: November 18, 2009 (COW) (B of T) **Date:** December 3, 2009

TITLE: Special Assessment 217C
(Kramer, Kaplan, Reskin & Parker)
Adoption of Ordinance

SUBMITTED BY: David A. Dratnol, P.E., Village Engineer *DA*

BACKGROUND/POLICY IMPLICATIONS:

Adoption of Ordinance for SA217C.

FISCAL IMPACT/FUNDING SOURCE:

Review (as necessary):

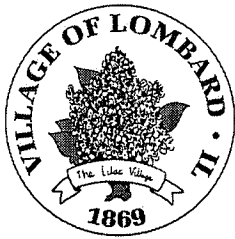
Village Attorney X _____ Date _____

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.

InterOffice Memo



To: David Hulseberg, Village Manager

Through: Carl Goldsmith, Director of Public Works *CG*

From: David A. Dratnol, P.E., Village Engineer *DD*

Date: November 18, 2009

Subject: SA 217C

(Kramer, Kaplan, Reskin & Parker)

Adoption of Ordinance

This project involves the construction of a fully improved roadway (full depth asphalt pavement, storm sewer and curb and gutter, sidewalk and street lighting). The project area includes Kramer Avenue (Villa Park/Lombard border to Kaplan Court), Kaplan Court (Kramer Avenue to Parker Drive), Reskin Road (Kramer Avenue to Parker Drive) and Parker Drive (Reskin Road to Sunset Avenue). Pending court confirmation of the assessment, the project is tentatively scheduled to start construction in late March of 2010.

On November 12, 2009 the Board of Local Improvements (BOLI) conducted a Public Hearing for Special Assessment 217C. Included as part of the BOLI agenda was the Second Resolution and the Recommendation of the Ordinance. BOLI voted to adopt the Second Resolution and signed the Recommendation of the Ordinance. The attached Ordinance is now being forwarded to the Village Board of Trustees for action. The item has been posted at Village Hall for inspection since November 13th. As more than the minimum of ten (10) calendar days for the posting of the proposed Ordinance has passed, the Village Board may now act upon the Ordinance.

Please place this item on the Board of Trustees agenda for the meeting scheduled on December 3, 2009. Upon adoption of the ordinance, documents will be forwarded to Village Counsel.

cc: File

RESOLUTION NO. _____

**SECOND RESOLUTION OF THE
BOARD OF LOCAL IMPROVEMENTS RECOMMENDING
THE PAVING AND IMPROVING OF PORTIONS OF
KAPLAN COURT, KRAMER AVENUE, PARKER DRIVE AND RESKIN ROAD
(SPECIAL ASSESSMENT NUMBER 217C)**

BE IT RESOLVED by the Board of Local Improvements of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: A public hearing was held by this Board on the 12th day of November, 2009, on the question of the necessity of the proposed improvement consisting of the paving and improving of portions of Kaplan Court, Kramer Avenue, Parker Drive and Reskin Road, and all appurtenant work, including all labor and materials, complete in place, all as described in the original Resolution adopted by this Board on October 15, 2009, and the revised Estimate of Cost of said improvement as attached hereto. All persons interested in said proposed improvement who desired to be heard were heard, and no sufficient reason or objection was given or made to the proposed improvement, and, based on the proof submitted to this Board, this Board finds that good and sufficient notices of said public hearing were given and mailed as required by law.

SECTION 2: That it is, therefore, recommended that the revised Estimate of Cost, as attached to this Resolution, be approved, and that the Village proceed with such improvement in accordance with the plans and revised Estimate of Cost, and that this Board transmit to the governing body of the Village of Lombard its recommendation that the proposed improvement be made, together with an Ordinance therefor, as

prescribed by law, and this Board hereby approves the proposed draft of an Ordinance attached hereto providing for such an improvement.

ADOPTED by the Board of Local Improvements of the Village of Lombard, Illinois, this 12th day of November, 2009, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 12th day of November, 2009.

President of the Board of Local Improvements

ATTEST:

Secretary for the Board of Local Improvements

ORDINANCE NO. _____

**AN ORDINANCE PROVIDING FOR THE
PAVING AND IMPROVING OF PORTIONS OF
KAPLAN COURT, KRAMER AVENUE, PARKER DRIVE AND RESKIN ROAD
(SPECIAL ASSESSMENT NUMBER 217C)**

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

SECTION 1: That a Local Improvement shall be made in the Village of Lombard, DuPage County, Illinois, the nature, character, locality and description of which are as follows:

Pavement removal, curb and gutter removal, sidewalk removal, hot-mix asphalt surface removal and replacement, earth excavation; and removal and disposal of unsuitable material, porous granular embankment, subbase granular material, full depth hot-mix asphalt pavement, combination concrete curb and gutter, Portland cement concrete sidewalk, hot-mix asphalt and concrete driveway replacement, storm sewer and appurtenances for pavement drainage purposes, street lighting, water main, and adjust deficient portions of the existing sanitary sewer;

Making a pavement twenty-eight feet (28') wide as measured between the back of curbs on and along:

Parker Drive from a point approximately six hundred thirty feet (630') north of the centerline of Sunset Avenue, southerly a distance of five hundred ninety-seven feet (597') to a point approximately thirty-three feet (33') north of the centerline of Sunset Avenue;

Kramer Avenue from a point approximately one thousand fifty feet (1050') north of the centerline of Kaplan Court, southerly a distance of one thousand fifty feet (1050') to the centerline of Kaplan Court;

Kaplan Court from a point approximately two hundred ten feet (210') west of the centerline of Kramer Avenue, easterly a distance of two hundred ten feet (210') to the centerline of Kramer Avenue;

Installation of street lighting along both sides of all aforementioned reconstructed streets for a total length of approximately one thousand seven hundred seventy feet (1770');

Reskin Road from a point approximately one hundred forty-one feet (141') west of the centerline of Kramer Avenue, easterly a distance of one hundred twenty-seven feet (127') to a point approximately fourteen feet (14') west of the centerline of Kramer Avenue will be replaced with topsoil and sod as a result of the proposed Parker Drive cul-de-sac;

and all other incidental and appurtenant work necessary to complete the improvement as shown and described in the construction documents.

SECTION 2: All materials of every kind and character to be used in the construction of this improvement will be first class quality, suitable for the purpose for which they are to be used, and subject to the inspection and approval of the Village of Lombard.

All work shall be constructed in a workmanlike manner.

The quantities and types of materials to be used are as set forth in the plans and specifications for the project and are incorporated herein by reference as if fully set forth herein and are approved.

All construction methods and materials used in construction of the improvements herein provided for shall conform with the requirements of the *Standard Specifications for Road and Bridge Construction*, issued by the State of Illinois Department of Transportation, adopted effective January 1, 2007, and the most recent edition of the *Standard Specifications for Water and Sewer Main Construction in Illinois*, published by the Illinois Society of Professional Engineers, copies of which are on file with the Village Clerk in the Village of Lombard.

SECTION 3: The quantities and types of materials to be used are as set forth in the revised Estimate of Cost, attached hereto and incorporated herein by reference.

SECTION 4: The Recommendation of the Board of Local Improvements, the revised Estimate of Cost thereof and the plans all hereto attached and/or incorporated herein by reference, be and the same are hereby approved.

SECTION 5: That said improvement shall be made and the cost thereof, which is estimated to be \$2,086,228.24, shall be paid for by special assessment in accordance with 65 ILCS 5/9-2-1 through 5/9-2-144, as supplemented by the Special Assessment Supplemental Bond and Procedures Act, 50 ILCS 460/1 through 460/65, which the Village hereby elects to be applicable to this Special Assessment. An amount not exceeding \$125,173.69 is hereby provided for to apply towards the payment of all lawful costs and expenses incurred in making, levying and collecting the assessment for said improvement.

SECTION 6: The aggregate amount herein ordered to be assessed and each individual assessment shall be divided into fifteen (15) installments which shall bear interest at the rate of nine percent (9%) per annum until paid, subject to reduction upon issuance of the special assessment bonds, all in the manner and in accordance with the provisions of 65 ILCS 5/9-2-1 through 5/9-2-144, as supplemented by the provisions of 50 ILCS 460/1 through 460/65.

SECTION 7: For the purposes of anticipating the collection of the installments of said assessment for said improvement, bonds and/or vouchers shall be issued payable out of said installments, bearing interest at the rate of not more than nine percent (9%) per annum, payable annually, and signed by the President of the Village and attested by the Village Clerk, under the corporate seal of the Village. The bonds shall be issued in

accordance with, and shall in all respects conform to, the provisions of 65 ILCS 5/9-2-1 through 5/9-2-144, as supplemented by 50 ILCS 460/1 through 460/65.

SECTION 8: David A. Hulseberg, Village Manager for the Village of Lombard, is designated as the person to file a petition in the Circuit Court for the Eighteenth Judicial Circuit, DuPage County, Illinois, as provided by law in the name of the Village, praying that steps may be taken to levy a special assessment for said improvement in accordance with the provisions of this Ordinance and in the manner prescribed by law.

SECTION 9: This Ordinance, having been previously published in pamphlet form, from November 13, 2009 to the date of its passage, in accordance with law, shall be in full force and effect from and after its passage and approval.

Passed on first reading this _____ day of _____, 2009.

First reading waived by action of the Board of Trustees this 3rd day of December, 2009.

Passed on second reading this 3rd day of December, 2009, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2009.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk