



VILLAGE OF LOMBARD

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May 17, 2012

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Village Clerk
Brigitte O'Brien

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

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

Muslim Community Association of the Western Suburbs
c/o Talha Ali
1261 South Lloyd Avenue
Lombard, IL 60148

Re: Lombard Connection to Public Utilities

Dear Mr. Ali:

This correspondence is being provided to you to provide direction to the Muslim Community Association of the Western Suburbs as it pertains to the connection to public utilities provided by the Village of Lombard.

As you are aware, the Village has expressed its desire to have your proposed religious institution connect to public water and sanitary sewer utilities. While your subject property is currently unincorporated, it is contiguous to and within the Village's ultimate municipal boundaries. The Village has noted that the property can be served by Village utilities provided that you extend the water and sanitary sewer service lines to your property. The Village staff has set forth a framework for connections to facilitate such connections. Through these discussions and recognizing financial constraints of your organization, the Village also raised the possibility of allowing for a temporary connection to the existing Glen Ellyn sanitary sewer lines on the north side of Roosevelt Road.

In discussion of a draft agreement with Village staff, there are several areas of concern as it pertains to the proposed agreement. In consideration of these matters, the Corporate Authorities of the Village provides your organization with the following representations that would need to be incorporated into the utility agreement. These include:

1. Sanitary Sewer Connection – The Village will require Pin Oak to connect to the Village sanitary sewer system within ten years of construction completion or when one of three other conditions set forth within the draft agreement are met, whichever comes first. This provision should provide the opportunity for your organization to provide an escrow agreement to pay for the utility connections upon the expiration of the ten year period, in lieu of constructing the improvements at this time.

2. Annexation – The Village will require that the agreement provide for the annexation of the property in the future. If you want assurances regarding zoning or other entitlements associated with annexation, we can explore those opportunities within a companion annexation agreement. However, consistent with past practice, we would not be supportive of removing the annexation provision from the agreement in its entirety.
3. Transfer of Ownership Provisions – The Village would want the utility connection provision to remain if the property ownership were to change, which is consistent with the approach we have taken for other properties when utility connections were not present at a site.
4. Material Changes to the Plan – The Village will want the agreement to tie the County approval to the utility connection. This is particularly the case if there were material changes to the plan that result in additional occupancy, additional structures or other improvements that increase the intensity or change the land use of the site. The Village can work with you to address modifications that do not change the use or increase the intensity of the site.
5. Legal Fees and Expenses – While we will require reimbursement for legal review of the document and the requirement to provide a defense in the event of litigation related to the agreement, we can provide for language to ensure that your liability concerns associated with the improvements themselves is addressed.

In closing, we do want to note our desire to work with you on the utility connections but we must also ensure that such connections are to mutual benefit. As such, we believe these representations can provide you with direction and clarity on our positions associated with this matter.

If you have additional questions regarding these representations, please feel free to contact me or William Heniff, Lombard Community Development Director.

Respectfully,

VILLAGE OF LOMBARD



William J. Mueller
Village President



Brigitte O'Brien
Village Clerk