

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: Scott Niehaus, Village Manager
DATE: April 8, 2015 (BoT) DATE: April 16, 2015
TITLE: Groundwater Use Prohibition Code Amendment – 435 W. Roosevelt Rd
SUBMITTED BY: David P. Gorman, Asst. Director of Public Works *DPG*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Public Works transmits for your consideration an ordinance to amend Title 5, Chapter 51, Section 51.02 of the Village Code regarding groundwater use prohibition related to soil contamination at 435 W. Roosevelt Road.

FISCAL IMPACT/FUNDING SOURCE

Review (as necessary):

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

NOTE: Materials must be submitted to / approved by the Village Manager's Office by 12:00 pm, Wednesday, prior to the Agenda Distribution.

ORDINANCE NO. _____

**AN ORDINANCE
AMENDING TITLE 5, CHAPTER 51, SECTION 51.02
OF THE LOMBARD VILLAGE CODE IN REGARD TO
GROUNDWATER USE PROHIBITIONS**

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

SECTION 1: That Title 5, Chapter 51, Section 51.02 of the Lombard Village Code is amended by adding a new subsection (G) thereto, which shall read in its entirety as follows:

“(G) Notwithstanding anything to the contrary contained in this Code, except for uses or methods in existence before the effective date of this subsection (G) prohibiting such use, the use or attempt to use, as a potable water supply (any water used for human or domestic consumption including, but not limited to, water used for drinking, bathing, swimming, washing dishes or preparing foods), groundwater from within the boundaries of the property legally described below, by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the Village of Lombard:

The North 215 feet of the West 265 feet, as measured on the West and North lines of the West half of the Northeast quarter of Section 19, Township 39 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois (except therefrom the part dedicated for public roads recorded as Document R67-30910 and that part taken by condemnation in Case 86ED77 recorded as Document R88-243350).

Also being described as:

Lot 1 of Mobil's Roosevelt and Finley Subdivision of the North 700 feet to the West 770 feet, of the Northeast 1/4 of Section 19, Township 39 North, Range 11, East of the Third Principal Meridian, Lombard, DuPage County, Illinois, described as:

Beginning at the Northeast corner of said Lot 1, said point being on the South right-of-way line of Roosevelt Road (Illinois Route 38) (100 feet wide); thence South 02 degrees 17 minutes 41 seconds East 165.00 feet along the East line of said Lot 1 to the Southeast corner of said Lot 1; thence South 87 degrees 42 minutes 46 seconds West 215.00 feet along the South line of said Lot 1 to the Southeast corner of said Lot 1, said point being on the East right-of-way line of Finley Road (100 feet wide); thence North 02 degrees 17 minutes 41 seconds West 150.00 feet along said East right-of-way and West line of said Lot 1; thence North 42 degrees 42 minutes 32 seconds East 21.21 feet along said East right-of-way and West line of said Lot 1 to the Northwest corner of said Lot 1, said point being on the South right-of-way line of Roosevelt Road (Illinois Route 38); thence North 87 degrees 42 minutes 46 seconds East 200.00 feet along said South right-of-way line and North line of said Lot 1 to the place of beginning.

And

Lot 2 of Mobil's Roosevelt and Finley Subdivision, except the West 260 feet of the East 410 feet of the North 150 feet, being a subdivision in the West 1/2 of the Northeast 1/4 of Section 19, Township 39 North, Range 11, East of the Third Principal Meridian, according to the Plat recorded on February 27, 1990 as Document Number R1990-024288, in DuPage County, Illinois.

PINs: 06-19-200-009 and 06-19-200-013.”

SECTION 2: That 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 _____, 2015.

First reading waived by action of the Board of Trustees this ____ day of _____, 2015.

Passed on second reading this _____ day of _____, 2015,
pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2015.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2015.

Sharon Kuderna, Village Clerk