

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: William T. Lichter, Village Manager

DATE: May 26, 2005 (B of T) Date: June 2, 2005

TITLE: PC 04-07: 309 & 315 W. St. Charles Road (Walgreens)

SUBMITTED BY: Department of Community Development *WTL*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance amending Ordinance No. 5556 vacating a portion of the Elizabeth Street right-of-way south of St. Charles Road and an Ordinance amending Ordinance 5532 granting a variation of the Lombard Code of Ordinances Chapter 151 "Flood Control"; Subsection 151.55 "Retention/Detention Basins.

Staff recommends approval of this request.

Staff is requesting waiver of first reading.

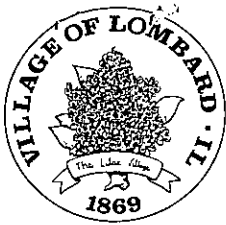
Please place this item on the June 2, 2005 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____	Date _____
Finance Director X _____	Date _____
Village Manager X <i>William T. Lichter</i>	Date <u>5/27/05</u>

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:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP, Director of Community Development *DH*

**DATE:** June 2, 2005

**SUBJECT:** **309 & 315 W. St. Charles Road (Walgreens) – Amendments to Previously Approved Ordinances**

Staff is bringing forth two amendments to Ordinances associated with the proposed Walgreen's Development at 309 & 315 W. St. Charles Road. These amendments consist of the following:

### **Elizabeth Street Right-of-Way Vacation**

The attached Ordinance corrects the dollar amount associated with the sale of the twenty-foot Elizabeth Street right-of-way immediately east and abutting the proposed development. The previously approved Ordinance 5556 established the appraisal value of right-of-way based upon the sale value of the Walgreen's property.

After the Ordinance was approved, it was determined that the sale value of the adjacent property was based upon inaccurate square footages and sale prices. Rather than setting the fair market value of the right-of-way at \$123,972 as noted in the original Ordinance, the corrected fair market value of the right-of-way vacation should be \$111,312 (i.e., sale price of abutting property per square foot of \$28.94 multiplied by 3,846.30 square feet in area).

Attached is an Ordinance that corrects the final dollar amount for the subject vacation.

### **Stormwater Ordinance Fee Amendment**

Also attached for consideration is an amendment to Ordinance 5532 granting approval of fee in lieu of detention for the proposed project. Based upon amendments to the County Stormwater and Development Ordinance and subsequent amendment to the Village Code, the dollar amounts required for the development are subsequently reduced from \$82,770 to \$34,170. Attached is an Ordinance that amends the final dollar amount accordingly.

### **ACTION REQUESTED**

Attached are amendments to Ordinances 5556 and 5532 for the property at 309 & 315 West St. Charles Road. To effectuate the closing on the properties, staff also recommends a waiver of first reading of the attached Ordinances.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 5556  
VACATING A PORTION OF THE ELIZABETH STREET  
RIGHT-OF-WAY SOUTH OF ST. CHARLES ROAD**

**WHEREAS**, the Village of Lombard (hereinafter the "VILLAGE") maintains a right-of-way of eighty feet (80') in width for that portion of Elizabeth Street which is located within the corporate limits of the VILLAGE; and

**WHEREAS**, the Corporate Authorities of the VILLAGE adopted Ordinance No. 5556 on September 16, 2004 that set forth the terms and conditions associated with the vacation of twenty feet (20') of the Elizabeth Street public right-of-way as described in Section 2 below (hereinafter referred to as the "SUBJECT RIGHT-OF-WAY") immediately adjacent 309-315 W. St. Charles Road, Lombard; and

**WHEREAS**, Section 1. B of the aforementioned Ordinance sets forth the fair market value of the SUBJECT RIGHT-OF-WAY based upon the sale value of the abutting property; and

**WHEREAS**, the square footage and market value of the adjacent property was incorrectly calculated within the Ordinance 5556; and

**WHEREAS**, an amendment to Ordinance 5556 is set forth to accurately reflect the fair market value of the adjacently property and hence the SUBJECT RIGHT-OF-WAY; and

**WHEREAS**, the Corporate Authorities of the VILLAGE deem it to be in the best interest of the Village of Lombard to authorize said amendment;

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

**SECTION 1:** The President and Board of Trustees find that Section 1 B of Ordinance 5556 should be amended to read as follows:

- B. That the fair market value of that portion of Elizabeth Street as described in Section 3 below is \$ 111,312 (i.e., sale price of abutting property per square foot of \$28.94 multiplied by 3846.30 square feet in area).

**SECTION 2:** The following described SUBJECT RIGHT-OF-WAY:

THAT PART OF ELIZABETH STREET LYING EASTERLY AND ADJACENT TO LOTS 1 AND 3 OF MARQUARDT'S RESUBDIVISION DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER

OF SAID LOT 3 IN MARQUARDT'S RESUBDIVISION, THENCE NORTH ALONG THE EAST LINES OF SAID LOTS 3 AND 1 IN MARQUARDT'S RESUBDIVISION 202.28 FEET, THENCE SOUTHEASTERLY AT AN ANGLE 51 DEGREES 02 MINUTES 58 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE 25.72 FEET; THENCE SOUTHPARALLEL WITH THE EAST LINES OF SAID LOTS 3 AND 1 IN MARQUARDT'S RESUBDIVISION 182.88 FEET TO THE NORTHERLY PART OF THE RIGHT OF WAY LINE OF CHICAGO AND NORTH WESTERN RAILROAD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN RAILROAD 20.18 FEET TO THE POINT OF BEGINNING IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DU PAGE COUNTY, ILLINOIS CONTAINING 3846.30 SQUARE FEET (OR 0.0883 ACRES) MORE OR LESS;

as shown on the plat attached hereto as Exhibit "A" and designated "area to be vacated" be and the same hereby is vacated subject to the conditions listed in Ordinance 5556 and subject to the amendment set forth in Section 1 above.

SECTION 3: As set forth in Ordinance 5556, pursuant to 65ILCS 5/11-91-1, the following parcel(s) shall acquire title to that portion of the vacated SUBJECT RIGHT-OF-WAY that lies immediately adjacent thereto:

Parcel Identification Numbers: 06-07-208-016 and 022

SECTION 4: That the ABUTTING PROPERTY OWNER is in agreement with the terms and conditions of this Ordinance, as evidenced below:

We, the undersigned, being the developer of Walgreens, 309-315 W. St. Charles Road, which abuts the SUBJECT RIGHT-OF-WAY described in Section 2 above, hereby state that I have read this Ordinance amendment and voluntarily agree to the conditions stated herein, and the associated compensation for said street vacation as set forth herein.

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\_\_\_\_\_  
\_\_\_\_\_

SECTION 5: That the Department of Community Development is hereby directed to record a certified copy of this Ordinance, along with the original Plat of Vacation, with the DuPage County Recorder of Deeds, subject to the restriction set forth in Section 3 of Ordinance 5556.

SECTION 6: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

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

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005, pursuant to a roll call vote as follows:

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

ABSENT \_\_\_\_\_

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
William J. Mueller  
Village President

ATTEST:

\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 5532,  
ADOPTED AUGUST 19, 2004,  
GRANTING A VARIATION OF THE LOMBARD CODE OF ORDINANCES CHAPTER  
151 "FLOOD CONTROL";  
SUBSECTION 151.55 "RETENTION/DETENTION BASINS"

(BOT 04-11: 309 & 315 W. St. Charles Road, Lombard, IL)

WHEREAS, the President and Board of Trustees of the Village of Lombard have heretofore adopted the Code of Lombard, Illinois, and;

WHEREAS, on August 19, 2004, the Village President and Board of Trustees adopted Ordinance No. 5532, granting a variation of the Lombard Code of Ordinances Chapter 151; Subsection 151.55 to allow payment of a fee in lieu of providing on-site stormwater detention for the development at 309 & 315 W. St. Charles Road; and

WHEREAS, the Village President and Board of Trustees passed Ordinance No. 5616 on March 3, 2005 to amend Chapter 151; Subsection 151.55 reduce the stormwater detention requirement from the 100-yr rainfall event to the 2-yr rainfall event for properties that are at least 80% impervious.

WHEREAS, the properties at 309 & 315 W. St. Charles Road are currently 86% impervious and the 2-yr rainfall event detention volume for the proposed development has been determined to be 0.21 acre-foot, as reviewed and approved by Village staff; and

WHEREAS, The detention fee due to the Village based on 0.21 acre-foot is \$34,020.00, based on the rate of \$162,000 per acre-foot, as required by Chapter 151; Subsection 151.57; and

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

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 the fee in-lieu-of detention required by Ordinance No. 5532 per Subsection 151.57 is hereby amended to \$34,020.00, based on 0.21 acre-foot of volume at a rate of \$162,000, and shall be deposited into the Village's Stormwater Fund for the East Branch DuPage River Watershed.

Section 2: That the \$150.00 administrative fee required by Ordinance No. 5532 is still required and shall be deposited into the Village's Stormwater Fund for the East Branch DuPage River Watershed.

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 \_\_\_\_\_, 2005.

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

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

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Brigitte O'Brien, Village Clerk