



## MEMORANDUM

**TO:** David A. Hulseberg, Village Manager

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

**DATE:** May 19, 2011

**SUBJECT:** 1 E. St. Charles Road Temporary Construction Easement

### **BACKGROUND**

In May, 2008, the Village Board approved a temporary construction easement to allow the Village to construct an eight-foot high decorative wall on the property at 1 E. St. Charles Road. This wall, which mimics the design of the seat walls found throughout the downtown, provides screening along the railroad embankment immediately west of the Dunkin Donuts tenant space and gives a much more attractive appearance to this highly prominent location. Construction of the wall was completed in the Fall of 2008. As noted in the easement agreement (attached), upon completion of the wall, the Village transferred ownership of the wall to the property owner of 1 E St. Charles, MAJR, Inc.

On January 29, 2011, a vehicle that was parking in the Dunkin Donut's parking lot struck a section of the wall and damaged an entire panel. Attached as Exhibit A is the police report filed by the property owner. Staff has communicated with the property owner who has indicated that they are talking with the driver's insurance company for reimbursement of the damages. Subsequent to the accident, another panel was also partially damaged and is in now disrepair. This additional damage is unrelated to the accident outlined in the police report.

### **ACTION REQUESTED**

In order to facilitate the repair to both damaged panels, staff is requesting that the Village Board authorize the Village President and Village Clerk to sign the attached temporary construction easement. Staff has received bids to repair the wall and the total cost for the repairs is \$18,852, which can be paid for by using TIF dollars. Staff will also be installing bollards along the north side of the wall to protect against future damages from vehicles parking in the adjacent spaces. The Village Attorney has reviewed the attached document and has added language stating that the property owner shall transfer any insurance proceeds relative to the damage to the wall to the Village.

### **RECOMMENDATION**

Staff recommends that the Village Board authorize the Village President and Village Clerk to sign the attached agreement.