

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *DAH*

DATE: November 12, 2008 (B of T) Date: November 20, 2008

TITLE: 141 W. St. Charles Road and 1 S. Lincoln Avenue

SUBMITTED BY: Department of Community Development *DAH*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a resolution authorizing signature of Village President and Village Clerk on a Temporary Construction Easement for the purpose of providing and installing a decorative bicycle rack on the Lincoln Place property. (DISTRICT #1)

Staff recommends approval of this request.

Please place this item on the November 20, 2008 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

David A. Hulseberg

Date

Date

Date

11/13/08

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: David A. Hulseberg, AICP, ICMA-CM, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development *WH*

DATE: November 20, 2008

SUBJECT: 141 W. St. Charles Road/1 S. Lincoln Ave Temporary Construction Easement

BACKGROUND

As requested by the owner of Contours Express (located at 141 W. St. Charles Road, Suite C), staff has secured a temporary construction easement to allow the Village to provide and install a decorative bicycle rack on the Lincoln Place property. This bicycle rack, which is designed to give the appearance of four standing bicycles, will give customers of Contours Express and other downtown businesses a place to secure their bicycles while maintaining an attractive, orderly appearance at this prominent location.

The bicycle rack was discussed at the June 2008 ECDC meeting and the ECDC expressed support for the proposal.

RECOMMENDATION

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

RESOLUTION
R _____
09

**A RESOLUTION AUTHORIZING SIGNATURE OF THE VILLAGE
PRESIDENT AND VILLAGE CLERK ON A TEMPORARY CONSTRUCTION
EASEMENT FOR THE PROPERTY LOCATED AT 141 W. ST. CHARLES
ROAD AND I. S. LINCOLN AVE, LOMBARD, IL**

WHEREAS, the Corporate Authorities of the Village of Lombard has received a
Temporary Construction Easement from _____

for the purpose of the Village providing and installing a decorative bicycle rack on the
property at 141 West St. Charles Road (P.I.N. 06-07-209-025) and 1 South Lincoln
Avenue (P.I.N. 06-07-230-001 through 06-07-230-082) as attached hereto and marked
Exhibit "A"; and

WHEREAS, the Corporate Authorities deem it to be in the best interest of the
Village of Lombard to approve this Temporary Construction Easement.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD
OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS
as follows:

Section 1: That the Village President be and hereby is authorized to sign on
behalf of the Village of Lombard said Temporary Construction Easement as attached
hereto.

Section 2: That the Village Clerk be and hereby is authorized to attest said
Temporary Construction Easement as attached hereto.

Adopted this _____ day of _____, 2008.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2008.

William J. Mueller
Village President

Attest:

Brigitte O'Brien
Village Clerk

TEMPORARY CONSTRUCTION EASEMENT

WHEREAS, the Village of Lombard (hereinafter the "VILLAGE") has agreed to provide and install a decorative bicycle rack (hereinafter the "Bicycle Rack") at the northeast corner of the properties commonly known as 141 West St. Charles Road (P.I.N. 06-07-209-025) and 1 South Lincoln Avenue (P.I.N. 06-07-230-001 through 06-07-230-082) (hereinafter the "Subject Property"); and

WHEREAS, the owner of the Subject Property (hereinafter the "Owner") desires that the VILLAGE construct said Bicycle Rack and thereafter convey ownership of said Bicycle Rack to the Owner; and

WHEREAS, the VILLAGE needs a temporary easement over the Subject Property, at the location where the Bicycle Rack is to be installed, so as to be able to install the Bicycle Rack; and

WHEREAS, the VILLAGE has agreed to install the Bicycle Rack at no cost to the Owner; and

WHEREAS, the VILLAGE has agreed to restore the Subject Property to its pre-construction condition after completing the installation of the Bicycle Rack;

NOW, THEREFORE, _____, as Owner of the Subject Property, hereby grants a temporary easement to the VILLAGE, and its officers, agents, employees and contractors, to facilitate the installation of the Bicycle Rack on the Subject Property, with title to said Bicycle Rack, upon completion thereof, to be transferred to Owner, by the VILLAGE, pursuant to a Bill of Sale, with the Owner being thereafter solely responsible for the maintenance and repair of said Bicycle Rack, as owner thereof. This temporary easement shall expire one (1) year from the latest date set forth below, or upon completion of the Bicycle Rack installation and transfer of title thereto to the Owner, pursuant to a Bill of Sale, whichever occurs first.

VILLAGE OF LOMBARD

ATTEST:

By: _____

Village President

Village Clerk

DATED:

OWNER:

By: _____

Print Name _____

Title _____

ATTEST: _____

Print Name _____

Title _____

DATED: _____

ACKNOWLEDGMENTS

STATE OF ILLINOIS)
) SS
)
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that William J. Mueller, personally known to me to be the President of the Village of Lombard, and Brigitte O'Brien, personally known to me to be the Village Clerk of said municipal corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Village Clerk, they signed and delivered the said instrument and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the Board of Trustees of said municipal corporation, as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this _____ day of _____, 20____, _____
Notary Public

STATE OF ILLINOIS)
) SS
)
(COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named _____ and _____

_____, are personally known to me to be the _____ Secretary of _____ and _____

_____, and also personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such _____ and _____

_____, respectively, and that they appeared before me this day in Person and severally acknowledged that as such _____ President and _____

Secretary they signed and delivered the said instrument, pursuant to authority given by the Board of Directors of said Corporation as their free and voluntary act, and as the free and voluntary act and deed of said Corporation, for the uses and purposes therein set forth, and the said _____, then and there acknowledged that said _____

Secretary as custodian of the corporate seal of said Corporation caused said seal to be affixed to said instrument as said _____ Secretary's own free and voluntary act

and as the free and voluntary act of said Corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this _____ day of _____,

_____ Commission expires _____

Notary Public

STATE OF ILLINOIS)
) SS
)
COUNTY OF DUPAGE)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named _____ and _____

_____, are personally known to me to be the _____, President and Secretary of _____

and also personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such _____ and _____

respectively, and that they appeared before me this day in Person and severally acknowledged that as such _____ President and _____

Secretary they signed and delivered the said instrument, pursuant to authority given by the Board of Directors of said Corporation, for the free and voluntary act, and as the free and voluntary act

and deed of said Corporation, for the uses and purposes therein set forth, and the said _____, then and there acknowledged that said _____

Secretary as custodian of the corporate seal of said Corporation caused said seal to be affixed to said instrument as said _____ Secretary's own free and voluntary act

and as the free and voluntary act of said Corporation, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this _____ day of _____,

_____ Commission expires _____

Notary Public