

**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)		
X	Other Business (Pink)		

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager

DATE: April 23, 2007 (COW) (B of T) **Date:** May 03, 2012

TITLE: Temporary Construction Easement at 930 E. Roosevelt for Westmore-Meyers Road CDBG Sidewalk Project.

SUBMITTED BY: David A. Dratnol, P.E., Village Engineer *ADW*

BACKGROUND/POLICY IMPLICATIONS:

This item is to procure a temporary construction easement to reconstruct driveway entrances at the Shell gas station at 930 E. Roosevelt Road in conjunction with constructing a Public sidewalk along the west side of Westmore-Meyers Road from Roosevelt Road to Norton Street.

FISCAL IMPACT/FUNDING SOURCE:

HTE Project: 1205 PW Project: ST-12-06
HTE Account: 7110.809450

Review (as necessary):

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

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.

Interoffice Memo



To: David A. Hulseberg, Village Manager
Through: Carl S. Goldsmith, Director of Public Works *CS*
From: David A. Dratnol, P.E., Village Engineer *DAD*
Date: April 23, 2012
Subject: Authorization to pay for Temporary Easement at 930 E. Roosevelt for Westmore-Meyers Road CDBG Sidewalk Project

As part of the sidewalk project along the west side of Westmore-Meyers Road from Norton Street to Roosevelt Road, it is necessary to remove, re-grade, and replace the driveway entrances at the Shell gas station.

Two designs were proposed. The first was to install a 6 foot wide sidewalk along the back of curb. The second design was to install a 6 foot sidewalk along the edge of the gas station parking lot. Installing the sidewalk along the parking lot avoided having to remove existing landscaping and installing a retaining wall between the gas station driveways. Staff preferred the second design. The sidewalk would have required a permanent easement as well as a temporary construction easement. As part of the State requirement for easement procurement, staff had the easements appraised and sent the information to Circle K as part of a voluntary acquisition letter. They rejected granting the Village a permanent easement on their property both because the Village was not offering compensation for the easement and because they did not want the liability of having the Public sidewalk on their property. In order to install the sidewalk at the back of curb, a temporary construction easement is required to re-grade the gas station driveway aprons. Circle K has stated that they would grant a temporary construction easement for compensation in the amount of \$4,000.00.

Please place this item on the Board of Trustees agenda for the regularly scheduled meeting on May 3, 2012. Staff requests authorization to compensate Circle K/RDK Ventures, LLC \$4,000.00 for the construction easement to modify their driveways at 930 E. Roosevelt Road (the Shell Gas Station).

DAD/pk

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By U.S. Mail and Email

KuehnlenzP@villageoflombard.org

April 23, 2012

Mr. Paul F. Kuehnlenz
Village of Lombard
255 E. Wilson Avenue
Lombard, Illinois 60148

Re: Public Sidewalk Easement and Temporary Construction Easement
930 E. Roosevelt Road, Lombard, Illinois

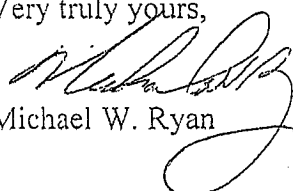
Dear Mr. Kuehnlenz:

I write in response to the letter to Mr. Jeffrey D. Erdman of Circle K Midwest/RDK Ventures LLC dated March 15, 2012. RDK Ventures LLC is unwilling to provide the Village of Lombard with any property rights for either of the proposed sidewalk improvement alternatives without compensation. Additionally, it is RDK Ventures LLC's position that the Village of Lombard's preferred proposed sidewalk improvement concept is unsafe given the onsite traffic circulation and access drives. RDK does not want the liability associated with the Village's plan to mix pedestrian and vehicular traffic.

The Village of Lombard's alternative plan uses existing right of way and appears safer for pedestrian traffic. Provided the Village moves forward with this plan, RDK Ventures LLC is willing to provide the Village with a temporary easement for the sum of \$4,000.

Please call me at your convenience if you would like to discuss this matter.

Very truly yours,


Michael W. Ryan

cc: Mr. Jeffrey D. Erdman, via email only

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Dale J. Kleszynski, MAI, SRA
President
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March 7, 2012

Mr. Paul F. Kuehnlenz, P. E.
Civil Engineer
Department of Public Works
Village of Lombard
1051 S. Hammerschmidt Avenue
Lombard, Illinois 60148-3926

**Re: The NWC of Roosevelt Road
and Westmore-Meyers Road
Lombard, Illinois**

Dear Mr. Kuehnlenz:

The purpose of this letter is to communicate the conclusions formulated while completing an appraisal of the above referenced property. In this matter, the Village of Lombard seeks to acquire a perpetual surface easement and a temporary construction easement along the west side of Westmore-Meyers Road at Roosevelt Road to accommodate the construction of a public sidewalk.

The whole subject property consists of a gasoline sales facility that is owned by Equilon Enterprises, LLC. The site is zoned B-4, "Corridor Commercial District" and the current use of the property is reported to be legal within this zoning classification.

The perpetual easement to be impressed on the subject site is an irregular-shaped parcel of land that is located to the west right of way line of Westmore-Meyers Road and north of the right of way line of Roosevelt Road. The perpetual easement is reported to have 1,483 square feet or 0.034 acres. The area to be impressed with the perpetual easement is improved with asphalt and concrete paved driveway and parking area. The portion of the whole property that is improved with landscaping is not impacted by the acquisition.

Based on my analysis, the estimated value of the area to be impressed with a perpetual easement, as of January 25, 2012 is \$22,500.

The temporary easement to be impressed on the subject site is an irregular-shaped parcel of land that is located adjacent to and west of the perpetual easement that is described above (west of the right of way line of Westmore-Meyers Road and the north right of way line of Roosevelt Road). The temporary easement is reported to have 1,791 square feet or 0.041 acres. It assumed that the easement will be impressed on the site for a period of 1-year or until the project is complete, whichever occurs first. The area to be impressed with the temporary easement is improved with asphalt paving.

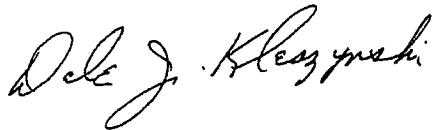
Based on my analysis, the estimated value of the area to be impressed with a temporary easement, as of January 25, 2012 is \$4,000.

In addition to the analysis of the property to be acquired, I am to address the issue of damages to the remainder parcel, if any, that may be caused by the taking and project. According to the supplied information and my inspection of the property, three parking spaces are located within the area to be impressed with the perpetual easement. The client reports that the three parking spaces, located within the easement area, will be relocated on the subject site during the construction period and that the drive aisle servicing the east elevation of the property will not be adversely impacted during the development of the proposed sidewalk. It should be further noted that the three parking spaces, presently servicing the east elevation of the site will be repositioned to their current location when construction is complete. Based on the above referenced factors I conclude that the subject remainder parcel will not sustain any damages after construction is complete.

Total compensation due the owner of this property in this matter, as of January 25, 2012, is estimated at \$26,500.

Please review these conclusions and contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, reading "Dale J. Kleszynski". The signature is written in a cursive style with a large, stylized initial "D".

Dale J. Kleszynski, MAI. SRA
President