



Village of Lemont

418 Main Street • Lemont, Illinois 60439

Village of Faith

VILLAGE BOARD MEETING

NOVEMBER 22, 2010 - 7:00 P.M.

Mayor
Brian K. Reaves

Village Clerk
Charlene M. Smollen

Trustees
Debby Blatzer
Paul Chialdikas
Clifford Miklos
Rick Sniegowski
Ronald Stapleton
Jeanette Virgilio

Administrator
Benjamin P. Wehmeier

Administration
phone (630) 257-1590
fax (630) 243-0958

Building Department
phone (630) 257-1580
fax (630) 257-1598

**Planning & Economic
Development**
phone (630) 257-1595
fax (630) 257-1598

Engineering Department
phone (630) 257-2532
fax (630) 257-3068

Finance Department
phone (630) 257-1550
fax (630) 257-1598

Police Department
14600 127th Street
phone (630) 257-2229
fax (630) 257-5087

Public Works
16680 New Avenue
phone (630) 257-2532
fax (630) 257-3068

www.lemont.il.us

AGENDA

- I. PLEDGE OF ALLEGIANCE.
- II. ROLL CALL.
- III. CONSENT AGENDA. (RC)
 - A. APPROVAL OF MINUTES.
 - B. APPROVAL OF DISBURSEMENTS.
- IV. MAYOR'S REPORT
 - A. PUBLIC HEARING - ORDINANCE AUTHORIZING ISSUANCE OF UP TO \$5,500,000 WATER & SEWER BONDS. (MOTIONS TO OPEN & CLOSE)(VV)
 - B. PUBLIC HEARING - AMENDMENT TO ANNEXATION AGREEMENT LEMONT VILLAGE SQUARE (MOTIONS TO OPEN & CLOSE)(VV)
 - C. AUDIENCE PARTICIPATION.
- V. CLERK'S REPORT
 - A. CORRESPONDENCE.
 - B. ORDINANCES
 1. ORDINANCE AMENDING THE ANNEXATION AGREEMENT FOR LEMONT VILLAGE SQUARE. (RC) (PLANNING & ED)(STAPLETON)(BROWN/JONES)
 2. ORDINANCE AMENDING CHAPTER 5.45 OF THE LEMONT MUNICIPAL CODE: LANDSCAPE MAINTENANCE CONTRACTORS. (RC) (ADMINISTRATION/BUILDING)(REAVES/STAPLETON)(WEHMEIER/BLONDIN/BUETTNER)
 3. ORDINANCE AUTHORIZING EXECUTION OF A LICENSE AGREEMENT WITH FRONT STREET CANTINA. (RC) (ADMINISTRATION)(REAVES)(WEHMEIER/SCHAFFER/BLONDIN)

4. **ORDINANCE AMENDING CHAPTER 10.12 OF THE LEMONT MUNICIPAL CODE: THROUGH, STOP AND ONE-WAY STREETS. (RC) (PUBLIC SAFETY)(MIKLOS)(SHAUGHNESSY)**
5. **ORDINANCE ADDING CHAPTER 10.16.023 AND AMENDING 10.16.062 OF THE LEMONT MUNICIPAL CODE: PARKING. (RC) (PUBLIC WORKS/PUBLIC SAFETY)(BLATZER/MIKLOS)(PUKULA/SHAUGHNESSY)**

C. RESOLUTIONS

1. **RESOLUTION ACCEPTING CERTAIN PUBLIC IMPROVEMENTS AND AUTHORIZING LETTER OF CREDIT REDUCTION - ROLLING MEADOWS SUBDIVISION. (RC) (PLANNING & ED)(STAPLETON)(BROWN/JONES)**
2. **RESOLUTION ACCEPTING DETENTION BASINS - MEADOWLARK SUBDIVISION. (RC) (PLANNING & ED)(STAPLETON)(BROWN/JONES)**
3. **RESOLUTION CONCERNING A FEASIBILITY STUDY AND HOUSING IMPACT STUDY AND MEETING FOR AMENDING THE VILLAGE OF LEMONT DOWNTOWN TAX INCREMENT FINANCE REDEVELOPMENT PLAN, REDEVELOPMENT PROJECT AND REDEVELOPMENT PROJECT AREA AND RELATED MATTERS. (RC) (ADMINISTRATION)(REAVES)(WEHMEIER)(SCHAFFER)**
4. **RESOLUTION SETTING THE TIME AND DATE OF THE PUBLIC INFORMATION MEETING CONCERNING THE AMENDMENT TO THE DOWNTOWN TIF DISTRICT - JANUARY 4, 2010, 7:00 P.M.(RC) (ADMINISTRATION)(REAVES)(WEHMEIER)(SCHAFFER)**
5. **RESOLUTION REJECTING THE INCLUSION OF BICYCLE FACILITIES ON MCCARTHY ROAD FROM EAST OF ARCHER AVENUE TO WEST OF DERBY ROAD FOR PROJECT M - 8003 (504). (RC) (PUBLIC WORKS/ENGINEERING)(BLATZER)(PUKULA/CAINKAR)**
6. **RESOLUTION REJECTION THE INCLUSION OF BICYCLE FACILITIES ON MCCARTHY ROAD AT ITS INTERSECTION WITH WALKER ROAD FOR PROJECT D-91-664-09. (RC) (PUBLIC WORKS/ENGINEERING)(BLATZER)(PUKULA/CAINKAR)**

VI. VILLAGE ATTORNEY REPORT.

VII. VILLAGE ADMINISTRATOR REPORT.

VIII. BOARD REPORTS.

IX. STAFF REPORTS.

X. UNFINISHED BUSINESS

- XI. NEW BUSINESS.**
- XII. MOTION FOR EXECUTIVE SESSION TO DISCUSS LAND ACQUISITION. (RC)**
- XIII. MOTION FOR EXECUTIVE SESSION TO DISCUSS THREATENED/PENDING LITIGATION. (RC)**
- XIV. MOTION FOR EXECUTIVE SESSION TO DISCUSS PERSONNEL. (RC)**
- XV. ACTION ON CLOSED SESSION ITEMS.**
- XVI. MOTION TO ADJOURN. (RC)**

MINUTES

VILLAGE BOARD MEETING November 8, 2010

The regular meeting of the Lemont Village Board was held on Monday, November 8, 2010 at 8:30 p.m., President Brian Reaves presiding. Roll call: Chialdikas, Miklos, Sniegowski, Stapleton, Virgilio; present. Trustee Blatzer absent.

III. CONSENT AGENDA

Motion by Chialdikas, seconded by Miklos, to approve the following items on the consent agenda by omnibus vote:

- A. Minutes
- B. Approval of Disbursements

Roll call: Virgilio, Chialdikas, Miklos, Sniegowski, Stapleton; ayes. Blatzer absent. Motion passed.

IV. MAYOR'S REPORT

Mayor Reaves announced that Thursday, November 11 is Veterans Day and mentioned the names of Village personnel who have served in the military. The Village will participate in the Veterans' Day tribute.

AUDIENCE PARTICIPATION - AGENDA ITEMS

V. CLERK'S REPORT

ORDINANCES

Ordinance O-84-10 - Ordinance Amending Chapter 2 of the Lemont Municipal Code Relating to Rules of Order for Village Board Meetings. Motion by Stapleton, seconded by Miklos, to adopt said Ordinance. Roll call: Virgilio, Chialdikas, Miklos, Sniegowski, Stapleton; ayes. Blatzer absent. Motion passed.

Ordinance O-85-10 - Ordinance Authorizing the Issuance of up to \$5,500,000 Waterworks & Sewerage Revenue Bonds and Alternate Revenue Source Bonds (in Lieu of Such Revenue Bonds) to Finance Waterworks and Sewerage Facility Improvements. Dan Simpson of Bernardi Securities gave a brief presentation to the Board on Build America tax credit bonds to reduce the debt service on the bond issue. The program expires December 31 so the Village must adhere to a timeline in order to participate. Motion by Chialdikas, seconded by Virgilio, to adopt said Ordinance. Roll call: Virgilio, Chialdikas, Miklos, Sniegowski, Stapleton; ayes. Blatzer absent. Motion passed.

Ordinance O-86-10 - Ordinance Authorizing Transfer from Working Cash Fund. Motion by Sniegowski, seconded by Chialdikas, to adopt said ordinance. Roll call: Virgilio, Chialdikas, Miklos, Sniegowski, Stapleton; ayes. Blatzer absent. Motion passed.

RESOLUTIONS

Resolution R-65-10 -Resolution Approving Signatures with MB Financial Bank. Motion by Sniegowski, seconded by Chialdikas, to adopt said Resolution. Roll call: Virgilio, Chialdikas, Miklos, Sniegowski, Stapleton; ayes. Blatzer absent. Motion passed.

Resolution R-66-10 - Resolution Approving Signatures with Illinois Funds Investment Pool. Motion by Chialdikas, seconded by Miklos, to adopt said Resolution. Roll call: Virgilio, Chialdikas, Miklos, Sniegowski, Stapleton; ayes. Blatzer absent. Motion passed.

VI. VILLAGE ATTORNEY REPORT

VII. VILLAGE ADMINISTRATOR REPORT

Village Administrator Ben Wehmeier announced that several Lemont restaurants and businesses are participating in the Values for Veterans promotion put together by Terri O'Neil of Hope and Friendship. A ceremony honoring veterans will be held at 11:00 a.m. on November 11 at the War Memorial on Main Street.

The Southwest Conference of Mayors has provided information on an Energy Assistance Grant Program for Cook County industrial and commercial businesses.

VIII. BOARD REPORTS

IX. STAFF REPORTS

Public Works Ralph Pukula, Public Works Director mentioned that sweepers are on the streets during leaf season. He asked residents not to rake leaves into the street because leaves clog drains and storm sewers leading to flooding during rain events.

Police Mayor Reaves announced that Chief Kevin Shaughnessy has been honored as "Chief of the Year" by the Illinois Crime Prevention Association. Chief Shaughnessy reported on the attempted abduction on First Street. He provided tips for teaching children not to respond to adults who ask for directions or other information. The Public Works Department has instituted a Neighborhood Watch on Wheels program and Waste Management is also beginning an Eyes on the Street program to assist Police in crime prevention.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

Trustee Rick Sniegowski suggested that Legislators be contacted to revise FOIA regulations during the veto session to eliminate requests where the information is plainly published on a website. Many FOIA requests waste staff time looking up information that the requestor could find easily.

Mayor Reaves announced the opening of a new business, Deja Vu Rack, near the Aldi Store on State Street.

Following the Executive Session, Assistant Village Administrator George Schafer, apprised the Board of a \$5,000 claim from 92 year old resident Ruth Freehauf for water damage caused by a broken water main. The claim was submitted to IRMA and denied. Mrs. Freehauf attempted to have the claim covered under her homeowner's policy, but it was also denied. Since the damage was incurred due to the broken Village water main, the Village Board approved payment of the claim.

The Board briefly discussed the Town Hall Meeting held from 6:00 - 8:15 p.m. and agreed that further discussion is necessary on the connection of First and/or Fourth Streets.

XII. EXECUTIVE SESSION

Motion by Sniegowski, seconded by Miklos, to move into Executive Session for the purpose of discussing threatened litigation. Roll call: Virgilio, Chialdikas, Miklos, Sniegowski, Stapleton; ayes. Blatzer absent. Motion passed.

Motion by Miklos, seconded by Stapleton, to move into Executive Session for the purpose of discussing pending litigation. Roll call: Virgilio, Chialdikas, Miklos, Sniegowski; ayes. Motion passed.

XIII. ACTION ON CLOSED SESSION ITEMS

There being no further business, a motion was made by Stapleton, seconded by Miklos, to adjourn the meeting at 9:28 p.m. Voice vote: 5 ayes. Motion passed.

Committee of the Whole
November 15, 2010
7:00 p.m.

A meeting of the Village of Lemont Committee of the Whole was held on Monday November 15, 2010 in the Board Room of the Village Hall at 418 Main Street in Lemont, Illinois.

CALL TO ORDER

Mayor Reaves called the meeting to order at 7:00 p.m. and acknowledged that the following were present:

Trustees Paul Chialdikas, Ron Stapleton, Debbie Blatzer, Cliff Miklos, Rick Sniegowski, and Trustee Virgilio.

Also present were Village staff members Ben Wehmeier, Ralph Pukula, James Brown, Charity Jones, Ed Buettner, Chief Kevin Shaughnessy, George Schafer and Village Attorneys Dan Blondin and Jeffery Stein.

DISCUSSION ITEMS

Discussion of Bike/Pedestrian Requirement with Impact to Walker/McCarthy Project and Derby/Archer/McCarthy Project

Mr. Cainkar brought up a new procedure adopted by IDOT which would mandate bicycle and pedestrian accommodations within urban areas where construction takes place on IDOT maintained roadways. Since McCarthy Road is an IDOT maintained roadway this new mandate will likely affect the McCarthy and Walker project and the "triangle project". For Walker and McCarthy, additional ROW would be required and a redesign of the Phase I project scope. For the triangle project, additional ROW would be required from Cog Hill which would be difficult and time consuming. Since it is unlikely McCarthy Road will ever be widened east or west of the projects, it makes little sense to provide accommodations for bicycle facilities. In addition, inclusion of these mandates would delay the projects going forward. Staff is recommending passage of a resolution rejecting the inclusion of said bicycle facilities. Mayor Reaves stated that he is all for Bike facilities being incorporated into roadway plans if feasible. However, he doesn't feel that it is feasible for these projects because of the space limitations and the delays that would result. Trustee Stapleton also stated that he is in favor of bicycle facilities but not in this case if it draws the project on further into the future. Trustee Virgilio stated that she would hate to miss out on the opportunity to have bicycle facilities on this stretch of roadway. Mr. Wehmeier reiterated that this is a very compact area and it would be very difficult to obtain the additional ROW needed for the facilities. Discussion was closed. The item will up in front of the Village Board at the next Board Meeting.

Discussion of Amendment to Lemont Village Square Sign Plan

Brad Byarski, as a representative of OS Lemont Development is requesting an amendment to the Annexation Agreement for Lemont Village Square to amend the sign plan adopted therein. Staff finds

that the current plan requirements are too restrictive and vague. Based on an evaluation of the past, current and future tenant sign permits, standard UDO sign requirements and consideration of equal treatment among tenants, staff is recommending changes to the sign plan. These changes include changes to the number of signs, allowable sign area, and other minor changes. After showing the Board the recommended changes, there were no major issues. The item would be up in front of the board for formal approval at the next Board meeting.

Update – Downtown Business Parking/Parking on Stephen Street

At the Sept COW, the Committee discussed downtown parking regulation and the implementation of a downtown business employee parking area. Based on the discussion, staff has drafted a letter to the downtown businesses notifying them of the new program. Employees would have the opportunity to purchase an annual tag which would entitle them to park on the 4th and 5th floor of the parking garage. Cars displaying the tags in these spots would be exempt from the four hour parking restrictions. The parking garage would prohibit parking from 4-6 am to prohibit overnight parking. In addition, staff has been asked add two spaces on the south east corner of Illinois and Stephen for patrons of the Muffin shop. The Board had no issue with this request; the change would require a change to the municipal code, to be in front of the Board at the next meeting.

Discussion of Stop Sign – Eagle Crest Drive and Connaught

In response to public complaints and inquiries, the Police Department has recommended a four way stop at the intersection of Eagle Crest Drive and Connaught. A traffic study was conducted and traffic counts indicated the four-way stop is warranted. The Board agreed with the request and the item would be in front of the Board for formal approval at a future meeting.

Discussion of Front Street Cantina License Agreement

The Front Street Cantina has requested the use of Village property for a cooler located behind their facility. The cooler would infringe onto Village owned property approximately five feet. The license agreement discussed provides for appropriate annual liability insurance by Front Street Cantina throughout duration of agreement. Mr. Stein stated that the agreement would be revocable at anytime, and would be in effect as long as the use of the property is required by the restaurant. There was a question on what would happen if the cooler caused issues. Mr. Blondin suggested adding a statement saying the licensee has to abide by reasonable rules and regulation of the Village. The Board was in favor of the agreement; it would be in front of the Village Board at a future meeting.

Discussion of Revised Landscape Contractor's License

This amendment to the municipal code would require landscapers to be licensed with the Village before they can conduct any work in town. Mr. Stein stated that state statute does not allow for a fee to be charged for this licensing but that the Village could still require licensing. If contractors are doing work without the proper license, they could be issued citations after sufficient notice. The licensing of these workers will allow the Village to know who is working in town, and whether they have the proper documentation to do so. In addition, if they are doing more than just landscaping, they will be required to pay the fee for a normal license. There was no issue with the amendment; it would be in front of the Board at a future meeting.

Discussion of 6-month Budget Review

Mr. Wehmeier handed out the 6 month budget numbers to the entire board and staff in attendance. Revenues look pretty much in line with budgeted with some exceptions. Sales tax is up about 26k from the budgeted figure. Real estate taxes will be delayed due to late billing. Income tax is delayed 4-5 months per usual. On the expenditure side, most line items are tracking where they should be.

NEW BUSINESS

Subdivision Acceptance Policy

Mr. Brown brought up some subdivision acceptance requests the Village has received recently. Coming in front of the Village Board in the near future is an acceptance request from Rolling Meadows and Meadowlark. Rolling Meadows, although not completely built out, has had the majority of the infrastructure completed for years. The Village Board did not have an issue with accepting these improvements. There was further discussion on Meadowlark. Meadowlark is requesting the Village take over the detention ponds. With only a few of the homes built in the subdivision there is concern from the Board on accepting these ponds. Staff is looking for uniform guidance as these issues have become more prevalent lately. The Board suggested to extend the maintenance bond that is required if the Village is going to accept improvements. Staff will be working with these developers and will bring forward a recommendation to the Board.

Metra Budget

The Mayor was at a meeting where funding for rail projects was discussed, in particular for Metra. Metra is still waiting for a capacity study to be completed as they negotiate with CN Railway. Nothing new was discussed; the Village is still waiting to see how everything shakes out with the new director in regard to enhanced service on the rail line for the Village.

AUDIENCE PARTICIPATION

No Audience Participation

ADJOURNMENT

Mayor Reaves adjourned the meeting at 8:45 PM



Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Mayor Reaves #133-10
Village Board of Trustees

FROM: Charity Jones, Village Planner

THRU: James A. Brown, Planning & Economic Development Director

SUBJECT: Case 10-14 Lemont Village Square Sign Plan Amendment

DATE: November 16, 2010

SUMMARY

Brad Byarski, as a representative of OS Lemont Development, LLC, owner of the subject property, is requesting an amendment to the Annexation Agreement for Lemont Village Square to amend the sign plan adopted therein. The Planning & Zoning Commission and staff recommend approval of the amendment. The Committee of the Whole reviewed this request on November 15 and expressed approval of the proposed sign plan revisions. The attached annexation agreement amendment reflects that sign plan changes as discussed on November 15.

BOARD ACTION

Conduct a public hearing on the proposed annexation agreement amendment and vote on the attached ordinance. Approval by two-thirds of the corporate authorities is required for passage.

ATTACHMENTS

1. An Ordinance Authorizing the Execution of an Amended Annexation Agreement for the Lemont Village Square Shopping Center, Located at 1243 and 1251 State Street, in Lemont, IL.

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDED ANNEXATION
AGREEMENT FOR THE LEMONT VILLAGE SQUARE SHOPPING CENTER, LOCATED AT
1243 AND 1251 STATE STREET, IN LEMONT, IL**

(Lemont Village Square PUD)

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT**

THIS 22nd DAY OF NOVEMBER, 2010

**Published in pamphlet form by
authority of the President and
Board of Trustees of the Village
of Lemont, Cook, DuPage, and Will
Counties, Illinois this 22nd
day of November, 2010.**

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDED ANNEXATION AGREEMENT FOR THE LEMONT VILLAGE SQUARE SHOPPING CENTER, LOCATED AT 1243 AND 1251 STATE STREET, IN LEMONT, IL

(Lemont Village Square PUD)

WHEREAS, OS Lemont Development, LLC (hereinafter referred to as the “Petitioner”) is the owner of the subject property located at 1243 and 1251 State Street (PINs# 22-32-200-008 and 22-32-200-029); and

WHEREAS, the subject property was previously annexed pursuant to a certain Annexation Agreement dated February 14, 2005 as Ordinance No. O-10-05 and recorded as Document No. 0530027085 with the Cook County Recorder of Deeds; and

WHEREAS, the Petitioner is desirous of amending the Annexation Agreement dated February 14, 2005 as Ordinance No. O-10-05 and recorded as Document No. 0530027085 with the Cook County Recorder of Deeds regarding the development and use of the subject property; and

WHEREAS, the statutory procedures provided for in the Illinois Municipal Code for the execution of said agreement amendment have been fully complied with.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lemont, Counties of Cook, DuPage, and Will, State of Illinois, as follows:

Section 1. That the President be and is hereby authorized and directed, and the Village Clerk is directed to attest to a document known as the “Amendment to the Annexation Agreement – Lemont Village Square PUD,” a copy of which is attached hereto and made a part hereof.

Section 2. That this ordinance shall be in force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, DUPAGE AND WILL, ILLINOIS, ON THIS 22nd DAY OF NOVEMBER, 2010.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Debby Blatzer				
Paul Chialdikas				
Clifford Miklos				
Ron Stapleton				
Rick Sniagowski				
Jeanette Virgilio				

Approved by me this 22nd day of November, 2010

BRIAN K. REAVES, Village President

Attest:

CHARLENE M. SMOLLEN, Village Clerk

**AMENDMENT TO THE ANNEXATION AGREEMENT – LEMONT
VILLAGE SQUARE PUD**

ARTICLE

TITLE

I

Sign Plan Amendment

II

Execution of Amendment

EXHIBIT

TITLE

A

Legal Description

B

Lemont Village Square Shopping Center Sign Plan, revised
November 8, 2010.

**AMENDMENT TO THE ANNEXATION AGREEMENT – LEMONT VILLAGE
SQUARE PUD**

THIS AMENDMENT TO THE ANNEXATION AGREEMENT, is made and entered into this ___ day of ____, 2010, between the Village of Lemont, a municipal corporation of the Counties of Cook, DuPage and Will, in the State of Illinois (hereinafter referred to as "the VILLAGE"), and OS Lemont Development, LLC (hereinafter referred to as "OWNER"). The VILLAGE and the OWNER are hereinafter sometimes referred to individually as a "Party" and collectively as the "Parties"; and,

WHEREAS, OWNER is the owner of record of the real estate (hereinafter referred to as the "TERRITORY"), the legal description of which is attached hereto as Exhibit A and by this reference made a part hereof; and

WHEREAS, the OWNER/DEVELOPER and the VILLAGE agree that they will be bound by the terms of this Amendment; and

WHEREAS, the TERRITORY was previously annexed and identified as the TERRITORY pursuant to a certain Annexation Agreement dated February 14, 2005 as Ordinance No. O-10-05 and recorded as Document No. 0530027085 with the Cook County Recorder of Deeds; and,

WHEREAS, the OWNER is desirous of Amending the Annexation Agreement Annexation Agreement dated February 14, 2005 as Ordinance No. O-10-05 and recorded as Document No. 0530027085 with the Cook County Recorder of Deeds regarding the development and use of the SUBJECT PROPERTY; and

WHEREAS, pursuant to the provisions of the Statute, the corporate authority of the VILLAGE has taken all steps legally required, including but not necessarily limited to providing notice and a hearing regarding the proposed Amendment to the Amended and Restated Annexation Agreement; and

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants hereinafter contained, the Parties agree as follows:

I

SIGN PLAN AMENDMENT

A portion of Exhibit C to the Annexation Agreement dated February 14, 2005 as Ordinance No. O-10-05 and recorded as Document No. 0530027085 with the Cook County Recorder of Deeds, titled "Retail Center, Lemont, IL: Retail Signage Requirements" revised December 22, 2004 is hereby repealed and replaced with "Lemont Village Square Shopping Center Sign Plan" revised November 8, 2010, attached hereto and incorporated herein as Exhibit B.

II

EXECUTION OF AMENDMENT

This Amendment shall be signed last by the VILLAGE and the President of the VILLAGE shall affix the date on which he signs this Amendment on page 1 hereof which date shall be the effective date of this Amendment.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the day and year first above written.

VILLAGE OF LEMONT
an Illinois Municipal Corporation

By: _____
Village President

ATTEST:

By: _____
Village Clerk

OWNER:
OS Lemont Development, LLC

By: _____

Title of Officer

NOTARY CERTIFICATES

STATE OF ILLINOIS)

) SS

COUNTY OF COOK)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that BRIAN K. REAVES, personally known to me to be the President of the Village of Lemont, and CHARLENE M. SMOLLEN, 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

My commission expires on _____, 20____.

STATE OF _____)

) SS

COUNTY OF _____)

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named _____, 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 acknowledged that they signed and delivered the said instrument as their own free and voluntary act for the uses and purposes therein set forth.

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

My commission expires on _____, 20____.

Notary Public

Exhibit A

The subject properties are located at 1243 and 1251 S. State Street in Lemont, Illinois and are legally described as follows:

1243 STATE STREET:

THE SOUTH 100 FEET OF THE WEST 225 FEET OF THE NORTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

1251 S. STATE STREET

THE NORTH $\frac{1}{4}$ OF THE SOUTH $\frac{1}{4}$ OF THE NORTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

THE SOUTH HALF OF THE SOUTH $\frac{1}{4}$ OF THE NORTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

Exhibit B

**Lemont Village Square Shopping Center
Sign Plan**

Revised November 8, 2010

1. Definitions

Façade. For the purposes of this sign plan, a façade shall be defined as “that exterior side of a building that faces and is most closely parallel to a public street, a customer parking lot, or pedestrian promenade.”

2. Conflicts with the UDO

Where conflicts exist between the requirements of the Unified Development Ordinance and this sign plan, this sign plan shall apply. Where no conflict exists, or where this sign plan is silent, the requirements of the Unified Development Ordinance shall apply.

3. Monument Sign

All requirements for the Lemont Village Square monument sign shall remain as approved by O-71-07.

4. Wall Signs – Primary Building

A. Number of Signs

1. Each tenant shall be permitted one sign per retail unit occupied (e.g. a tenant occupying three spaces is allowed three wall signs).
2. Tenants in corner units shall be allowed one sign per façade.

B. Allowable Sign Area

1. Each tenant shall be permitted one square foot of signage per linear foot of storefront façade, up to a maximum of 96 square feet.
2. Corner units may transfer allowable square footage from one façade to another, provided that the total sign area does not exceed the maximum set in 4.B.1 above (e.g. a corner unit with two 30’ wide facades to have one 60 square foot sign or two 30 square foot signs).

5. Wall Signs – Outbuilding

A. Number of Signs

1. Each tenant shall be allowed one sign per façade.

B. Allowable Sign Area

1. Each tenant shall be permitted one square foot of signage per linear foot of storefront façade, up to a maximum of 96 square feet.
2. Corner units may not transfer allowable square footage from one façade to another.

6. Awnings

Awning signs are prohibited.

Village Board

Agenda Memorandum

Item

to: Mayor Brian K. Reaves
Board of Trustees

from: Ben Wehmeier, Village Administrator

subject: Licensing for Landscape Contractors

date: November 16, 2010

BACKGROUND/HISTORY

The attached ordinance amending the Municipal Code adds Chapter 5.45 requiring Landscape Maintenance Contractors to obtain a license to perform work in the Village. It has been practice, but not specifically included in the Municipal Code that Landscape Contractors engaged in cutting grass and performing other yard maintenance activities require licensing.

PROS/CONS/ALTERNATIVES

For the protection of the resident, the Village and the contractor, licensing, bond and insurance is required by thee provisions.

RECOMMENDATION

Staff recommends approval of the attached Ordinance.

ATTACHMENTS (IF APPLICABLE)

Ordinance Amending Chapter 5 of the Lemont Municipal Code Relating to Licensing of Landscapers.

VILLAGE BOARD ACTION REQUIRED

Vote on the attached ordinance.

ORDINANCE NO. 2010-_____

**An Ordinance Amending Chapter 5 of the Lemont, Illinois Municipal Code
Relating to Licensing of Landscapers**

WHEREAS, the Village of Lemont (“Village”) is an Illinois Municipal Corporation pursuant to the Illinois Constitution of 1970 and the Statutes of the State of Illinois;

WHEREAS, the Village has the authority to regulate certain businesses; and,

WHEREAS, the Illinois Municipal Code grants the authority to the Village to regulate and license persons and entities in the landscape maintenance business or in the business of generating landscape waste (65 ILCS 5/11-42-14);

WHEREAS, the Village President and Board of Trustees find that it is the best interests of the health, safety and welfare of the community to require the registration of landscapers operating and working within the Village limits

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT and BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, as follows:

SECTION ONE: The Lemont, Illinois Municipal Code (“Village Code”), as amended, is hereby further amended by adding in its entirety the new section 5.45.010 *et. seq.* as indicated as follows:

**VILLAGE OF LEMONT
ORDINANCE NO. _____**

**An Ordinance Amending Chapter 5 of the Lemont, Illinois Municipal Code
Relating to Licensing of Landscapers**

**ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT
THIS 22nd DAY OF November, 2010**

**Published in pamphlet form by
Authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will and
DuPage, Illinois, this 22nd day of November, 2010.**

Chapter 5.45

LANDSCAPE MAINTENANCE

Sections:

5.45.010 Definitions.

5.45.020 License--Required.

5.45.030 License--Term.

5.45.040 License--Fees.

5.45.050 License--Revocation conditions.

5.45.060 Compliance with Village ordinances.

5.45.010 Definitions.

The following terms used in this chapter have the following meanings unless the context otherwise requires:

- A **“Landscape Maintenance Services”** means the improvement and/or maintenance of the appearance of an area of land by planting and/or maintaining trees, shrubs, grass, or other plants and lawn ornaments, or by altering the contour of the ground. In addition, Landscape Maintenance Services shall include the providing of services in the nature of cultivation or beautification of gardens; the trimming, cutting, or pruning of hedges, plants, and/or grass; the raking, sweeping, or gathering for removal of landscape waste and other yard debris; or other activities similar in nature to the foregoing.
- B **“Landscape”** means any Person or Business engaged in the business of providing Landscape Maintenance Services within the Village. This definition shall not apply to Persons while and to the extent that they are acting as Landscaping Contractors.

5.45.020 License--Required.

A. It is unlawful to engage in business as a Landscaper or to otherwise provide Landscape Maintenance Services as a business within the Village without first having obtained a landscaper license, as hereinafter provided.

5.45.030 License--Term.

The Village Clerk shall issue a license upon proper application and compliance with this chapter. All Landscaper licenses shall expire on December 31st of each year.

5.45.040 License--Fees

There shall be no fee for the licensing of Landscapers.

5.45.050 License--Revocation conditions.

Any Landscaper license may be revoked or suspended by the Village Administrator for violations of any law relating to landscaping, or any other ordinance of the Village relating to the

work performed by such landscaper. Provided, except in emergency the Village Administrator shall provide the Landscaper with notice and an opportunity to respond prior to any such suspension or revocation. Provided further, a Landscaper which has had its license revoked or suspended in excess of 10 days may appeal such action to the corporate authority. Such suspension or revocation may be in addition to any fine imposed for violating this chapter.

5.45.060 Compliance with Village ordinances.

It shall be the duty of all landscapers to comply with all ordinances relating to landscaping and all laws or ordinances pertaining to or regulating the activities engaged in.

SECTION TWO: Publication. That the Village Clerk of the Village of Lemont be and is directed hereby to publish this Ordinance in pamphlet form.

SECTION THREE: Effective Date. This Ordinance shall be in full force and effect from its passage, approval and publication as provided by law, and shall be applicable at all meetings held on or after January 1, 2011.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DUPAGE, ILLINOIS, on this 22nd day of November, 2010.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN
Debby Blatzer	_____	_____	_____	_____
Paul Chialdikas	_____	_____	_____	_____
Clifford Miklos	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Jeanette Virgilio	_____	_____	_____	_____

BRIAN K. REAVES
President

ATTEST:

CHARLENE M. SMOLLEN
Village Clerk

Village Board

Agenda Memorandum

Item

to: Mayor Brian K. Reaves
Board of Trustees

from: Ben Wehmeier, Village Administrator

subject: License Agreement with Front Street Cantina

date: November 16, 2010

BACKGROUND/HISTORY

The License Agreement is the standard mechanism used by municipalities to grant permission for the use of public property by another entity. Front Street Cantina is requesting such permission to locate its industrial on public property directly connected to the restaurant at 301 Front Street.

PROS/CONS/ALTERNATIVES

The License Agreement provides for appropriate annual liability insurance provided by Front Street Cantina during the duration of the Agreement. The Agreement does not provide for an end date, and will remain in effect as long as the use of the public property is required by the restaurant.

RECOMMENDATION

Staff recommends approval of the attached Ordinance.

ATTACHMENTS (IF APPLICABLE)

- 1) Ordinance Authorizing Execution of a License Agreement Between Village of Lemont and Water Bar Investments, LLC d/b/a Front Street Cantina.
- 2) License Agreement (Exhibit A)

VILLAGE BOARD ACTION REQUIRED

Vote on the attached ordinance.

VILLAGE OF LEMONT

ORDINANCE _____

**ORDINANCE AUTHORIZING EXECUTION OF A LICENSE AGREEMENT
BETWEEN VILLAGE OF LEMONT AND
WATER BAR INVESTMENTS, LLC
d/b/a FRONT STREET CANTINA**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT**

This 22nd day of November, 2010

**Published in pamphlet form by
authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will, and
DuPage, Illinois this 23rd day
of November, 2010**

ORDINANCE _____

**ORDINANCE AUTHORIZING EXECUTION OF A
LICENSE AGREEMENT BETWEEN VILLAGE OF LEMONT
AND WATER BAR INVESTMENTS, LLC
d/b/a FRONT STREET CANTINA**

WHEREAS, the Village of Lemont (Grantor) seeks to enter into a License Agreement with Water Bar Investments, LLC d/b/a Front Street Cantina (Grantee) for use of Village property directly connected to the commercial business known as Front Street Cantina at the property located at 301 Front Street, in Lemont, Illinois; and

WHEREAS, the terms and conditions of the License Agreement are attached hereto as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Lemont, Cook, Will and DuPage Counties, Illinois, as follows:

Section One: The Village President of the Village of Lemont is hereby authorized to execute the License Agreement attached hereto as Exhibit A between the Village of Lemont and Water Bar Investments, LLC d/b/a Front Street Cantina.

Section Two: The Village Clerk of the Village of Lemont shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

Section Three: This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL AN DU PAGE, ILLINOIS, on this 22nd day of November, 2010.

	<u>AYES</u>	<u>NAYS</u>	<u>PASSED</u>	<u>ABSENT</u>
Debby Blatzer				
Paul Chialdikas				
Clifford Miklos				
Rick Sniegowski				
Ronald Stapleton				
Jeanette Virgilio				

BRIAN K. REAVES, Village President

Attest:

CHARLENE SMOLLEN, Village Clerk

LICENSE AGREEMENT

WHEREAS, WATER BAR INVESTMENTS, LLC, an Illinois Limited Liability Company d/b/a FRONT STREET CANTINA, (hereinafter referred to as "**Grantee**"), has requested permission of the Corporate Authorities of the VILLAGE OF LEMONT, Illinois (hereinafter referred to as "**Grantor**" or "**Village**") to place an industrial cooler, (make, model number) (hereinafter referred to as "**Cooler**") on the public property directly connected to the commercial business known as Front Street Cantina at the property located at 301 Front Street, Illinois; and

NOW, THEREFORE, upon the mutual covenants and agreements here-inafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the **Grantor** hereby grants a License, without Warranty of Title and without grant of any possessory estate or interest or rights in the land described below, unto the **Grantee**, to install, construct, operate, maintain, repair, and remove, the **Cooler** to be located on the public property directly connected to the commercial business known as Front Street Cantina at the property located at 301 Front Street, Illinois, legally described as follows:

(insert legal here)

which license is granted, however, subject to the following terms, covenants, and conditions:

1. At any future time after the date hereof, the **Grantor** may revoke this license contained herein at will and without notice to the **Grantee** and without cost to either the **Grantor** or its successors or assigns.

2. Upon such revocation of this license by the **Grantor**, the **Grantee** shall not remove the **Cooler** installed and constructed by it pursuant to the terms of this license, unless requested to do so by the **Grantor**. In the event the **Grantor** requests removal of such **Cooler**, the **Grantee** shall undertake such removal within thirty (30) days of such request and accomplish same within thirty (30) days after commencing such removal.

3. Upon completion of its work (installation, construction, maintenance, repair, or removal, as the case may be) the **Grantee** shall removed from the public property all other materials and shall replace all remaining unused public property in a neat and workmanlike manner. **Grantee** shall at all times, and under all circumstances, indemnify, protect, and hold harmless the **Grantor**, its grantees, licensees, agents, lessees and invitees, from and against any and all damages, losses, claims, demands, actions and causes of action whatsoever (including any reasonable costs, expenses and attorneys' fees which may be incurred in connection therewith) whether or not the claim, demand, or action asserted be meritorious, and which results from or is alleged to arise out of or in connection with, the installation, construction, reconstruction, operation, maintenance, alteration, repair, replacement, removal or existence of the **Cooler** upon the public property, or the existence of the license granted **Grantee** herein; provided, however, that in the event any such claim, damage, loss, demand, action, or cause of action is asserted against the **Grantor**, or its agents, **Grantor** shall furnish **Grantee** with written notification thereof and **Grantee** shall conduct the defense thereof before any court, board,

commission or other governmental body exercising jurisdiction therein. No settlement or compromise of any such claim, damage, loss, demand, action or cause of action against **Grantor** shall be made unless agreed to by **Grantor**.

4. **Grantee** agrees to pay **Grantor**, its grantees, licensees, agents, lessees and invitees for any and all damage or injury (including death) to person(s) or property or any expense which they, or any of them, may sustain resulting from or arising out of or in connection with, the installation, construction, reconstruction, operation, maintenance, alteration, repair, replacement, removal, or existence of the **Cooler** upon public property, or the existence of the license granted **Grantee** hereunder. The **Grantee** shall, at its own expense, within fifteen (15) days of the date hereof, and not less than thirty (30) days prior to the end of each year hereafter, procure and deliver to the Village Clerk of the **Grantor** an insurance policy issued by an insurance carrier acceptable to the **Grantor**, naming the **Grantor** as the insured, having limits of coverage for public liability including death in the amount of not less than Five Hundred Thousand Dollars (\$500,000) per person and not less than One Million Dollars (\$1,000,000) per occurrence, and having limits of coverage for property damage in the amount of not less than One Hundred Thousand Dollars (\$100,000) -- all as approved by the Village Attorney of the **Grantor**. The delivery of such policy shall be made prior to the exercise of the privilege of the license granted hereby and not less than thirty (30) days prior to the expiration of any preceding policy certificate.

5. **Grantor** shall not be liable to **Grantee**, its grantees, licensees, agents, lessees, or invitees for any damage or injuries (including death) to any person or to any of their properties except to the extent that injuries or damages are caused by the negligent, willful or malicious misconduct of **Grantor**. **Grantee** shall indemnify and hold harmless the Village, its officers, agents and employees to the fullest extent permitted by law due to any claim arising out of, or in any way related to the letting, the use of the Premises and/or the execution or implementation of this Agreement.

6. Any notice herein provided to be given shall be deemed properly given if in writing and delivered personally or mailed to the **Grantor** c/o the Village Administrator with a copy to the Village Clerk at 418 Main Street, Lemont, IL 60439, or to the **Grantee** at 301 Front Street, Lemont, IL 60439, or to such other person or addresses as the parties hereto may from time to time designate upon written notice.

7. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors in interest.

8. The **Grantor** and the **Grantee** certify hereby that they are not barred from entering into this License Agreement as a result of violations of either Section 33E-3 or Section 33E-4 of the Illinois Criminal Code.

IN WITNESS WHEREOF, the parties hereto have caused this License Agreement to be executed by their proper officers, thereunto duly authorized and their respective seals to be hereto affixed, this _____ day of _____, 2010.

WATER BAR INVESTMENTS, LLC,
an Illinois Limited Liability Company d/b/a
FRONT STREET CANTINA,

By: _____
Its _____

ATTEST:

Its _____

VILLAGE OF LEMONT

By: _____
Village Administrator

ATTEST:

Village Clerk

**Village Board
Agenda Memorandum**

To: Mayor & Village Board

From: Chief Kevin W. Shaughnessy

Date: October 25, 2010

Re: **Four way stop sign requested at Eagle Crest Drive and Connaught**

BACKGROUND/HISTORY

Responding to public complaints, the Police Department has recommended a four way stop at the intersection of Eagle Crest Drive and Connaught. A traffic study was conducted and traffic counts indicated the four way stop is warranted.

PROS/CONS/ALTERNATIVES (IF APPLICABLE)

Due to the close proximity of this intersection to the Lemont Park District, safe travel by pedestrians would increase public safety.

RECOMMENDATIONS

Stop Signs to be erected at the intersection of Eagle Crest Drive and Connaught.

ATTACHMENTS

Ordinance

SPECIFIC VILLAGE BOARD ACTION REQUIRED

Ordinance Approval

VILLAGE OF LEMONT

ORDINANCE _____

**ORDINANCE AMENDING CHAPTER 10.12 OF THE
LEMONT MUNICIPAL CODE:
THROUGH, STOP AND ONE-WAY STREETS**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT**

This _____ day of November, 2010

**Published in pamphlet form by
authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will, and
DuPage, Illinois this _____ day
of November, 2010**

ORDINANCE _____

**AN ORDINANCE AMENDING CHAPTER 10.12 OF THE
LEMONT MUNICIPAL CODE:
THROUGH, STOP AND ONE-WAY STREETS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lemont that the Lemont Municipal Code Chapter 10.12 be amended as follows:

SECTION 1:

10.12.055 All-Way Stop intersections designated.

Stop signs shall be erected at the following locations:

47. Eagle Crest Drive and Connaught Street

SECTION 2: Effective Date: This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 3: Repealer: All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

The Village Clerk of the Village of Lemont shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

**PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF
THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL AND DU PAGE, ILLINOIS ON
THE _____ day of _____, 2010.**

Debby Blatzer
Paul Chialdikas
Clifford Miklos
Rick Sniegowski
Ronald Stapleton
Jeanette Virgilio

AYES NAYS PASSED ABSENT

BRIAN K. REAVES, Village President

Attest:

CHARLENE M. SMOLLEN, Village Clerk

**Village Board
Agenda Memorandum**

Item #

to: Mayor & Village Board

from: Ben Wehmeier, Assistant Village Administrator
George Schafer, Assistant Village Administrator

Subject: Ordinance Adding Chapter 10.16.023 and Amending 10.16.062 of the Lemont
Municipal Code - Parking

date: November 16, 2010

BACKGROUND/HISTORY

Staff was asked if the Village could add parking spots on the south side of Illinois at the intersection of Illinois and Stephen. Public Works measured and determined two spots can fit in this area while still allowing for ample room to the intersection. At the November Committee of the Whole it was determined this should be 1 hour parking in these two spots to allow for merchants to visit the retail on the corner.

In addition, as a clean-up item, the on-street stalls on Illinois Street have been marked 2 hour parking during the hours of 8:00 am to 3:30 p.m. for years but the municipal code did not properly reflect these restrictions. This ordinance takes care of this issue as well.

RECOMMENDATION

Approval of attached ordinance

SPECIFIC VILLAGE BOARD ACTION REQUIRED

Vote on Ordinance

ATTACHMENTS (IF APPLICABLE)

- 1) Ordinance Adding Chapter 10.16.023 and Amending 10.16.062 of the Lemont
Municipal Code - Parking

ORDINANCE _____

**ORDINANCE ADDING CHAPTER 10.16.023 AND AMENDING
CHAPTER 10.16.062 OF THE LEMONT MUNICIPAL CODE -
PARKING**

NOW, THEREFORE BE IT ORDAINED by the President and Board of Trustees of the Village of Lemont that:

Chapter 10.16.023 shall read as follows: Parking will be limited to one hour parking at the following locations: 400 Illinois Street (two stalls on-street); and

Chapter 10.16.062 – Nonresident Parking shall be amended to add: Nonresident parking will be limited to two hours between the hours of 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays, on the following streets:

7. Illinois Street from Julia to Stephen Street with the exception of the two stalls on-street at 400 Illinois per Chapter 10.16.023

SECTION 2: Effective Date: This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 3: Repealed: All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

The Village Clerk of the Village of Lemont shall certify to the adoption of this Ordinance and cause the same to be published in pamphlet form.

**PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT, COOK, WILL AND DU PAGE COUNTIES ILLINOIS
on this _____ Day of _____, 2010.**

AYES NAYS PASSED ABSENT

Debby Blatzer
Paul Chialdikas
Cliff Miklos
Rick Sniegowski
Ronald Stapleton
Jeanette Virgilio

BRIAN K. REAVES, Village President

Attest:

CHARLENE SMOLLEN, Village Clerk



Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Mayor Brian K. Reaves #132-10
Village Board of Trustees

FROM: Charity Jones, Village Planner

THRU James A. Brown, Planning & Economic Development Director

SUBJECT: Case 93-02 / 21-29 – Rolling Meadows Acceptance and Letter of Credit

DATE: 17 November 2010

SUMMARY

Mr & Mrs Jurinek of New Horizon Homes, have requested the Village accept the completed public improvements in their Rolling Meadows subdivision. Additionally, the Jurineks request that the letter of credit for the subdivision be reduced accordingly.

Although the subdivision's public improvements are not entirely complete, staff feels that it would be appropriate to accept the completed improvements at this time. The three phases of Rolling Meadows contain 148 single-family lots, of which only 19 remain vacant (87% built).

The attached resolution indicates which public improvements are being accepted and which are not. The resolution specifies the amounts of the letter of credit that are for the two-year maintenance guarantee for the accepted improvements, and the financial guarantee for the completion of the unaccepted public improvements. Moreover, the existing letter of credit will continue to be used under its current conditions, i.e., it automatically renews and requires 90-day notice of non-renewal.

BOARD ACTION

Vote on the attached resolution. A simple majority is required for approval.

**VILLAGE OF LEMONT
RESOLUTION NO. _____**

**A RESOLUTION ACCEPTING
CERTAIN PUBLIC IMPROVEMENTS WITHIN THE
ROLLING MEADOWS SUBDIVISION IN LEMONT, IL**

**ADOPTED BY THE
PRESIDENT AND THE BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT
THIS 22nd DAY OF NOVEMBER, 2010**

**Published in pamphlet form by
Authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will and
DuPage, Illinois, this 22nd day of November, 2010.**

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING
CERTAIN PUBLIC IMPROVEMENTS WITHIN THE
ROLLING MEADOWS SUBDIVISION IN LEMONT, IL**

WHEREAS, pursuant to the subdivision regulations contained within the Lemont Unified Development Ordinance, an owner or developer of a subdivision is required to install certain public improvements; and

WHEREAS, in the matter of Rolling Meadows subdivision, located south of 127th Street and east of Smith Road in Lemont, Irrevocable Letter of Credit No. 90000246 issued by Palos Bank and Trust on August 15, 2007, in the amount of \$281,225.00;

WHEREAS, Mr. and Mrs. Jurinek of New Horizon Homes, LLC, the developer of the Rolling Meadows subdivision, have requested acceptance of certain public improvements and a corresponding reduction in the said Letter of Credit; and

WHEREAS, the authorized engineer of the Village of Lemont, James Cainkar, inspected the public improvements and recommends final acceptance of certain public improvements within the Rolling Meadows subdivision and a reduction of said Letter of Credit to the amount of \$155,353.25;

WHEREAS, the Planning & Economic Development Director for the Village of Lemont, James A. Brown, has reviewed the records pertaining to the Rolling Meadows subdivision and also recommends final acceptance of said public improvements and said reduction of the Letter of Credit; and

NOW, THEREFORE BE IT RESOLVED by the President and Board of Trustees of the Village of Lemont, that:

Section 1. All public improvements within the Rolling Meadows subdivision are accepted as final with the exception of those constructed, installed, or planned for the area north of the south edge of the north curb and gutter on Willow Drive. The unaccepted public improvements in said area along Willow Drive include but are not limited to the north curb, the parkway, the sidewalk and street trees.

Section 2. The accepted public improvements as indicated in Section 1 above shall enter a two-year maintenance period as specified in §17.23.020 of the Unified Development Ordinance, effective the date of this Resolution.

Section 3. Said Letter of Credit No. 90000246 is hereby reduced to the amount of \$155,353.25. This single Letter of Credit shall heretofore serve as the financial guarantee for the two-year maintenance period as required for accepted public improvements, and shall continue to serve as the financial guarantee for the successful completion of unaccepted public

improvements as required by the Unified Development Ordinance and as specified in the terms of said Letter of Credit.

Section 4. A portion of said Letter of Credit No. 90000246, in the amount of \$96,201.52, shall serve as a maintenance guarantee for the accepted public improvements. This amount shall be further reduced or eliminated upon expiration of the two-year maintenance period. The remaining balance of said Letter of Credit 90000246, a total of \$59,151.7, shall be held by the Village for successful completion of the remaining public improvements under the current terms of said Irrevocable Letter of Credit No. 90000246.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DuPAGE, ILLINOIS, on this 22nd day of November, 2010.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Debby Blatzer				
Paul Chialdikas				
Clifford Miklos				
Ron Stapleton				
Rick Sniegowski				
Jeanette Virgilio				

Approved by me this 22nd day of November, 2010

BRIAN K. REAVES, Village President

Attest:

CHARLENE M. SMOLLEN, Village Clerk

**Village Board
Agenda Memorandum**

Item #

to: Mayor & Village Board
from: Ben Wehmeier, Village Administrator
George Schafer, Assistant Village Administrator

Subject: Meadowlark – Detention Basins
date: October 25th, 2010

BACKGROUND/HISTORY

Staff has been working with the developer of Meadowlark Subdivision as it relates to several public improvement issues. One item that we have worked with them on is the acceptance of the detention facilities that are being utilized for the public good. The Developer has agreed they will continue to be responsible for the maintenance of basins until the subdivision is accepted by the Village. Included in the packet is a Quit Claim Deed prepared in 2007. The Village Attorney will finalize the deed with the developer, and the final document will be subject to the Village Attorney approval.

ATTACHMENTS (IF APPLICABLE)

Resolution Accepting Detention Basins
2007 Quit Claim Deed

RESOLUTION _____

Acceptance of Public Detention Basins

NOW, THEREFORE BE IT RESOLVED by the President and Board of Trustees of the Village of Lemont that:

SECTION 1:

The Village accepts the detention basins for Meadowlark Subdivision as provided in Exhibit A, Quit Claim Deed.

SECTION 2:

This acceptance is contingent upon the developer being responsible for maintenance of subject basins subsequent to the transfer of title to the Village. Maintenance responsibilities of the basins transfers to the Village upon acceptance of the entire subdivision by the Village at a future date to be determined.

SECTION 3:

Quit Claim Deed to form is subject to final approval by the Village Attorney prior to being recorded.

**PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF
THE VILLAGE OF LEMONT, COOK, WILL AND DU PAGE COUNTIES ILLINOIS on this
_____ Day of _____, 2010**

AYES

NAYS

PASSED

ABSENT

Debby Blatzer

Paul Chialdikas

Clifford Miklos

Rick Sniegowski

Ronald Stapleton

Jeanette Virgilio

Approved by me this 22nd day of Novemeber, 2010

BRIAN REAVES, Village President

Attest:

CHARLENE M. SMOLLEN, Village Clerk

QUIT CLAIM DEED

GRANTOR(S):

ALL PRO DEVELOPMENT, INC.
a corporation created and existing under and by
virtue of the laws of the State of Illinois
and duly authorized to transact business
in the State of Illinois

Currently Maintaining Office at:
265 S. Cottage Hill
Elmhurst, IL 60126

(The Above Space For Recorder's Use Only)

for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEY(S) and QUIT CLAIM(S) to: **VILLAGE OF LEMONT**, the following described Real Estate situated in the State of Illinois, to wit:

SEE EXHIBIT "A" ATTACHED HERETO, INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

P.I.N.: 22-33-203-023/024
PROPERTY ADDRESS: 1516 MAGDALENA DRIVE, LOT #13, LEMONT, IL 60439

Hereby releases and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

DATED this 16th day of December, 2007.

ALL PRO DEVELOPMENT, INC.

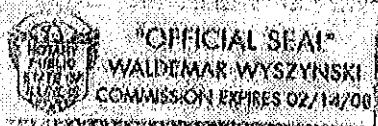
Ewa Andrukiwicz

By its President, EWA ANDRUKIEWICZ

Paula Walega
Attested by VP, PAULA WALEGA

STATE OF ILLINOIS, COUNTY OF COOK) SS: I, the undersigned, a notary public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that EWA ANDRUKIEWICZ, President, and attested by PAULA WALEGA VP of All Pro Development, Inc., personally known to me to be the same person(s) whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that s/he signed, sealed and delivered the said instrument as his/her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this 16 day of December, 2007.



Waldemar Wyszynski
Notary Public

Prepared by: WALDEMAR WYSZYNSKI, Attorney at Law, 2500 E. Devon, Ste. 250, Des Plaines, IL 60018

Return to:
W. Wyszynski Esq
2500 E. Devon, Ste 250
Des Plaines IL 60018

Send Subsequent Tax Bill to:
Village of Lemont
411 MAIN ST.
LEMONT IL 60439

Exempt under Real Estate Transfer Tax Law 35 ILCS 200/31-45 sub par. E and Cook County Ord. 93-0-27 par. E

Date 12-16-07 Sign: *Waldemar Wyszynski*

**SCHEDULE C
PROPERTY DESCRIPTION**

The land referred to in this Commitment is described as follows:

LOT 13 IN MEADOW LARK SUBDIVISION, BEING A RESUBDIVISION OF THE FOLLOWING DESCRIBED REAL ESTATE

PARCEL 1: THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST 994.5 FEET THEREOF (EXCEPTING THEREFROM THE NORTH 328.76 FEET AND ALSO EXCEPTING THEREFROM THE SOUTH 399 FEET OF THE WEST 160 FEET) ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2: THE NORTH 328.76 FEET OF THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST 994.5 FEET THEREOF (EXCEPTING THEREFROM THE SOUTH 399 FEET OF THE WEST 160 FEET) IN COOK COUNTY, ILLINOIS.

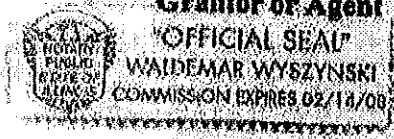
STATEMENT BY GRANTOR AND GRANTEE

The Grantor or his agent affirms that, to the best of his knowledge, the name of the Grantee shown on the Deed of Assignment of Beneficial Interest in land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated Dec 16, 2007

Signature: *Paula Walezy*
Grantor or Agent

Subscribed and sworn to before me
By the said *Paula Walezy*
This 16 day of Dec, 2007
Notary Public *[Signature]*



The Grantee or his Agent affirms and verifies that the name of the Grantee shown on the Deed or Assignment of Beneficial Interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Date _____, 20____ Village of Lemont

Signature: *[Signature]*
Grantee or Agent

Subscribed and sworn to before me
By the said _____
This _____ day of _____, 20____
Notary Public _____

Note: Any person who knowingly submits a false statement concerning the identity of Grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

(Attach to Deed or ABI to be recorded in Cook County, Illinois if exempt under provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.)

**PARTIAL
RELEASE OF MORTGAGE OR
TRUST DEED
BY CORPORATION**

**FOR THE PROTECTION OF THE
OWNER, THIS RELEASE SHALL
BE FILED WITH THE RECORDER
OF DEEDS IN WHOSE OFFICE
THE MORTGAGE OR DEED OF
TRUST WAS FILED**



Doc#: 0734822074 Fee: \$26.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 12/14/2007 12:48 PM Pg: 1 of 2

The above space is for the recording of this deed.

PARTIAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, that **FIRST CHICAGO BANK & TRUST**, formerly known as **BLOOMINGDALE BANK AND TRUST**, 1145 N. Arlington Heights Road, Itasca, IL 60143, of the County of DuPage and State of Illinois for and in consideration of the payment of the indebtedness secured by the Mortgage and Assignment of Rents herein after mentioned, and the cancellation of all the notes thereby secured, and of the sum of one-dollar, the receipt whereof is hereby acknowledged, does hereby **REMISE, RELEASE, CONVEY and QUIT-CLAIM** unto,

PARKWAY BANK AND TRUST COMPANY, NOT PERSONALLY BUT AS TRUSTEE ON BEHALF OF PARKWAY BANK AND TRUST COMPANY LAND TRUST NUMBER 13511 DATED MARCH 7, 2003, WHOSE ADDRESS IS 4800 N. HARLEM AVENUE, HARWOOD HEIGHTS, IL 60706

heirs, legal representatives and assigns, all the right, title, interest, claim or demand whatsoever it may have acquired in, through or by a certain Mortgage and Assignment of Rents bearing date the 17th day of April, 2006 and recorded in the Recorder's office of Cook County, in the State of Illinois, as Document No. 0612955132 & 0612955133, to the premises therein described, situated in the County of Cook and State of Illinois, as follows, to wit:

LOT 13 IN MEADOW LARK SUBDIVISION, BEING A RE-SUBDIVISION OF THE FOLLOWING DESCRIBED REAL ESTATE:

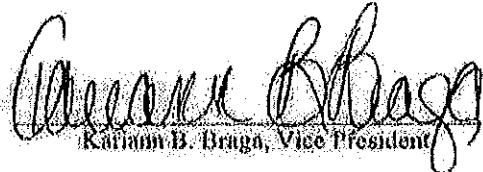
**PARCEL 1:
THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST 294.5 FEET THEREOF (EXCEPTING THEREFROM THE NORTH 328.76 FEET AND ALSO EXCEPTING THEREFROM THE SOUTH 399 FEET OF THE WEST 150 FEET) ALL IN COOK COUNTY, ILLINOIS.**

**PARCEL 2:
THE NORTH 328.76 FEET OF THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST 294.5 FEET THEREOF (EXCEPTING THEREFROM THE SOUTH 399 FEET OF THE WEST 150 FEET) IN COOK COUNTY, ILLINOIS.**

TAX I.D. NUMBER: 22-33-203-023-0000 & 22-33-203-024-0000 (Underlining Pin)

COMMONLY KNOWN AS: Magdalena Drive, Lemont, IL 60439 Lot #13

IN TESTIMONY WHEREOF, the said, **FIRST CHICAGO BANK & TRUST**, hath hereunto caused its corporate seal to be affixed, and these presents to be signed by its Vice President this day 12th day of December, 2007.

BY: 
Kariann B. Bragg, Vice President

ATTEST: 
Ross Rylander, Senior VP

STATE OF ILLINOIS } ss
COUNTY OF DuPAGE

I, the Undersigned, a Notary Public in and for said County, the State aforesaid, DO HEREBY CERTIFY that, Karlann B. Braga, personally known to me to be the Assistant Vice President of FIRST CHICAGO BANK & TRUST, of said corporation, whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Vice President or Assistant Vice President they signed and delivered the said instruments as Vice President or Assistant Vice President of said corporation, and caused the corporate seal of said corporation to be affixed thereto, 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 of said corporation for the uses and purposes therein set forth.

Given under my hand and official seal, this 12th day of December, 2007.



NOTARY PUBLIC

Commission expires _____



This instrument was prepared by: **Georgui Tontchev**
FIRST CHICAGO BANK & TRUST
1145 N ARLINGTON HTS RD
ITASCA, IL 60143

Mail To:

**PARTIAL
RELEASE OF MORTGAGE OR
TRUST DEED
BY CORPORATION
FOR THE PROTECTION OF THE
OWNER, THIS RELEASE SHALL
BE FILED WITH THE RECORDER
OF DEEDS IN WHOSE OFFICE
THE MORTGAGE OR DEED OF
TRUST WAS FILED**

The above space is for the recorder's use only

PARTIAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, that **FIRST CHICAGO BANK & TRUST**, formerly known as **BLOOMINGDALE BANK AND TRUST**, 1145 N. Arlington Heights Road, Itasca, IL 60143, of the County of DuPage and State of Illinois for and in consideration of the payment of the indebtedness secured by the Mortgage and Assignment of Rents herein after mentioned, and the cancellation of all the notes thereby secured, and of the sum of one dollar, the receipt whereof is hereby acknowledged, does hereby **REMISE, RELEASE, CONVEY and QUIT-CLAIM** unto,

PARKWAY BANK AND TRUST COMPANY, NOT PERSONALLY BUT AS TRUSTEE ON BEHALF OF PARKWAY BANK AND TRUST COMPANY LAND TRUST NUMBER 13511 DATED MARCH 7, 2003, WHOSE ADDRESS IS 4800 N. HARLEM AVENUE, HARWOOD HEIGHTS, IL 60706

holds, legal representatives and assigns, all the right, title, interest, claim or demand whatsoever it may have acquired in, through or by a certain Mortgage and Assignment of Rents bearing date the 8th day of August, 2006 and recorded in the Recorder's office of Cook County, in the State of Illinois, as Document No. 0626249160 & 0626249161, to the premises therein described, situated in the County of Cook and State of Illinois, as follows, to wit:

LOT 13 IN MEADOW LARK SUBDIVISION, BEING A RESUBDIVISION OF THE FOLLOWING DESCRIBED REAL ESTATE:

PARCEL 1:

THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST 994.5 FEET THEREOF (EXCEPTING THEREFROM THE NORTH 328.76 FEET AND ALSO EXCEPTING THEREFROM THE SOUTH 399 FEET OF THE WEST 150 FEET) ALL IN COOK COUNTY, ILLINOIS.

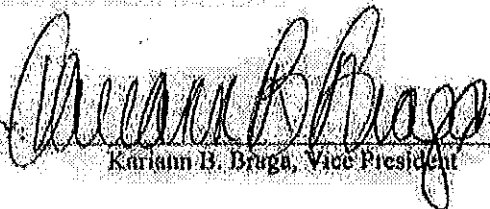
PARCEL 2:

THE NORTH 328.76 FEET OF THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST 994.5 FEET THEREOF (EXCEPTING THEREFROM THE SOUTH 399 FEET OF THE WEST 150 FEET) IN COOK COUNTY, ILLINOIS.

TAX I.D. NUMBER: 22-33-203-023-0000 & 22-33-203-024-0000 (Underlining Pin)

COMMONLY KNOWN AS: Magdalena Drive, Lemont, IL 60439 Lot #13

IN TESTIMONY WHEREOF, the said, **FIRST CHICAGO BANK & TRUST**, hath hereunto caused its corporate seal to be affixed, and these presents to be signed by its Vice President this day 12th day of December, 2007.

BY: 
Kariann B. Braga, Vice President

ATTEST: 
Ross Rylander, Senior VP

STATE OF ILLINOIS

} SS

COUNTY OF DUPAGE

I, the Undersigned, a Notary Public in and for said County, the State aforesaid, DO HEREBY CERTIFY that, Karlaun B. Braga, personally known to me to be the Assistant Vice President of FIRST CHICAGO BANK & TRUST, of said corporation, whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Vice President or Assistant Vice President they signed and delivered the said instruments as Vice President or Assistant Vice President of said corporation, and caused the corporate seal of said corporation to be affixed thereto, 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 of said corporation for the uses and purposes therein set forth.

Given under my hand and official seal, this 12th day of December, 2007.

Lukas Mory
NOTARY PUBLIC

Commission expires _____



This instrument was prepared by: **Georgui Tontchev**
FIRST CHICAGO BANK & TRUST
1145 N ARLINGTON HTS, RD
ITASCA, IL 60143

Mail To:

**PARTIAL
RELEASE OF MORTGAGE OR
TRUST DEED
BY CORPORATION**
FOR THE PROTECTION OF THE
OWNER, THIS RELEASE SHALL
BE FILED WITH THE RECORDER
OF DEEDS IN WHOSE OFFICE
THE MORTGAGE OR DEED OF
TRUST WAS FILED

The above space is for the recorder's use only

PARTIAL RELEASE

KNOW ALL MEN BY THESE PRESENTS, that **FIRST CHICAGO BANK & TRUST**, formerly known as **BLOOMINGDALE BANK AND TRUST**, 1145 N. Arlington Heights Road, Itasca, IL 60143, of the County of DuPage and State of Illinois for and in consideration of the payment of the indebtedness secured by the Mortgage and Assignment of Rents herein after mentioned, and the cancellation of all the notes thereby secured, and of the sum of one dollar, the receipt whereof is hereby acknowledged, does hereby **REMITSE, RELEASE, CONVEY and QUIT-CLAIM** unto,

PARKWAY BANK AND TRUST COMPANY, NOT PERSONALLY BUT AS TRUSTEE ON BEHALF OF PARKWAY BANK AND TRUST COMPANY LAND TRUST NUMBER 13511 DATED MARCH 7, 2003, WHOSE ADDRESS IS 4800 N. HARLEM AVENUE, HARWOOD HEIGHTS, IL 60706

heirs, legal representatives and assigns, all the right, title, interest, claim or demand whatsoever it may have acquired in, through or by a certain Mortgage and Assignment of Rents bearing date the 20th day of September, 2004 and recorded in the Recorder's office of Cook County, in the State of Illinois, as Document No. 0426749032 & 0426749033, to the premises therein described, situated in the County of Cook and State of Illinois, as follows, to wit:

LOT 13 IN MEADOW LARK SUBDIVISION, BEING A RESUBDIVISION OF THE FOLLOWING DESCRIBED REAL ESTATE:

PARCEL 1:

THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST 994.5 FEET THEREOF (EXCEPTING THEREFROM THE NORTH 328.76 FEET AND ALSO EXCEPTING THEREFROM THE SOUTH 399 FEET OF THE WEST 150 FEET) ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:

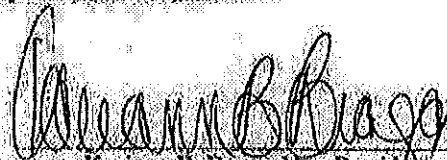
THE NORTH 328.76 FEET OF THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST 994.5 FEET THEREOF (EXCEPTING THEREFROM THE SOUTH 399 FEET OF THE WEST 150 FEET) IN COOK COUNTY, ILLINOIS.

TAX I.D. NUMBER: 22-33-203-023-0000 & 22-33-203-024-0000 (Underlining Pln)

COMMONLY KNOWN AS: Magdalena Drive, Lemont, IL 60439 Lot #13

IN TESTIMONY WHEREOF, the said, **FIRST CHICAGO BANK & TRUST**, hath hereunto caused its corporate seal to be affixed, and these presents to be signed by its Vice President this day 12th day of December, 2007.

BY:


Karlaann B. Braga, Vice President

ATTEST:


Ross Rylander, Senior VP

STATE OF ILLINOIS } SS
COUNTY OF DUPAGE

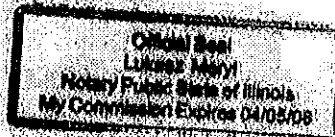
I, the Undersigned, a Notary Public in and for said County, the State aforesaid, DO HEREBY CERTIFY that, Kariann B. Braga, personally known to me to be the Assistant Vice President of FIRST CHICAGO BANK & TRUST, of said corporation, whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Vice President or Assistant Vice President they signed and delivered the said instruments as Vice President or Assistant Vice President of said corporation, and caused the corporate seal of said corporation to be affixed thereto, 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 of said corporation for the uses and purposes therein set forth.

Given under my hand and official seal, this 12th day of December, 2007.



NOTARY PUBLIC

Commission expires _____



This instrument was prepared by: **Gueorgui Tontchev**
FIRST CHICAGO BANK & TRUST
1145 N ARLINGTON HTS, RD
ITASCA, IL 60143

Mail To:

 PRINT
Click
icon to
send
page to
printer.


Office of the Cook County Treasurer - Maria Pappas

Cook County Property Tax & Payment Information

 Printed copies of this information may not be used as a tax bill.
 Payments must be submitted with original tax bill.

 Property Index Number (PIN): **22-33-203-023-0000**
2006 Tax Year Information - Payable in 2007

Tax Year: 2006 Tax Type: Current Tax Volume: 062 PCL: 2-78

Property Location

 14423 131ST ST
 LEMONT, IL 60439-6704

Mailing Information

 JOSEPHINE C MAOLONI
 5220 CENTRAL AVE
 WESTERN SPGS, IL 60558-1805

Exemption Information

 Homeowner Exemption Received: NO
 Senior Citizen Exemption Received: NO
 Senior Freeze Exemption Received: NO

Tax Payment Information

Installment	Tax Amount Billed	Tax Due Date	Last Payment Received	Date Received
1st	\$4,133.52	03/01/2007	\$4,133.52	02/27/07
2nd	\$4,234.32	12/03/2007	\$4,234.32	11/28/07
Balance Due	\$0.00			

 The balance due, including any penalty, is as of: 12/18/2007
 Payments processed are posted through: 12/17/2007

 Printed copies of this information may not be used as a tax bill.
 Payments must be submitted with original tax bill.

 **PRINT**
 Click
 icon to
 send
 page to
 printer.



Office of the Cook County Treasurer - Maria Pappas

Cook County Property Tax & Payment Information

Printed copies of this information may not be used as a tax bill.
 Payments must be submitted with original tax bill.

Property Index Number (PIN): **22-33-203-024-0000**

2006 Tax Year Information - Payable In 2007				
Tax Year: 2006 Tax Type: Current Tax Volume: 062 PCL: 2-08				
Property Location				
14407 127TH ST LEMONT, IL 00000-0000				
Mailing Information				
ALL PRO DEVELOPMENT 265 S COTTAGE HILL AV ELMHURST, IL 60126-3353				
Exemption Information				
Homeowner Exemption Received: NO				
Senior Citizen Exemption Received: NO				
Senior Freeze Exemption Received: NO				
Tax Payment Information				
Installment	Tax Amount Billed	Tax Due Date	Last Payment Received	Date Received
1st	\$6,971.51	03/01/2007	\$6,971.51	02/27/07
2nd	\$7,141.51	12/03/2007	\$7,141.51	01/28/07
Balance Due	\$0.00			
The balance due, including any penalty, is as of: 12/18/2007 Payments processed are posted through: 12/17/2007				

Printed copies of this information may not be used as a tax bill.
 Payments must be submitted with original tax bill.

Please Remit to:

INVOICE

Alliance Title Corporation
5523 N. Cumberland Avenue, Suite 1211
Chicago, Illinois 60656
Phone (773)556-2222 Fax: (773)556-2255

Billed To:
Law Offices of Waldemar Wyszynski
2500 E. Devon
Des Plaines, IL 60018

Invoice Date: November 27, 2007
Our File Number: A07-1914
Your Reference Number:

Property:
Magdalena Drive Lot 13
Lemont, IL 60439
Cook County

Brief Legal:

	Buyers Expenses	Sellers Expenses	Total
Tract Search Fee	\$ 150.00		\$ 150.00
Total	\$ 150.00		\$ 150.00

a, b, c
released!
copy paid

Ticor Title Insurance

Commitment Number: A07-1914

SCHEDULE A

- 1. Effective Date: November 2, 2007 at 09:00 AM
- 2. Policy or Policies to be issued: Amount
 - (a) _____ Owner's Policy (ALTA Own. Policy (06/17/08))
Proposed Insured:
 - (b) _____ Loan Policy (ALTA Loan Policy (06/17/06))
Proposed Insured:

- 3. The estate or interest in the land described or referred to in this Commitment is Fee Simple.
- 4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:
ALL PRO DEVELOPMENT, INC.
- 5. The land referred to in the Commitment is described as follows:

LOT 13 IN MEADOW LARK SUBDIVISION, BEING A RESUBDIVISION OF THE FOLLOWING DESCRIBED REAL ESTATE:
 PARCEL 1: THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST 994.5 FEET THEREOF (EXCEPTING THEREFROM THE NORTH 328.76 FEET AND ALSO EXCEPTING THEREFROM THE SOUTH 399 FEET OF THE WEST 150 FEET) ALL IN COOK COUNTY, ILLINOIS.
 PARCEL 2: THE NORTH 328.76 FEET OF THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST 994.5 FEET THEREOF (EXCEPTING THEREFROM THE SOUTH 399 FEET OF THE WEST 150 FEET) IN COOK COUNTY, ILLINOIS.

Ticor Title Insurance

By: Wyszynski and Associates, P.C., 2500 E. Devon Ste 250, Des Plaines, IL 60018

This Title Commitment solely represents the exclusive terms and conditions under which Title Insurance will be issued to the insured. This Title commitment, and the language herein, is expressly not to be used, and may not be relied upon for any informational purposes.

ALTA Commitment
Schedule A (6/17/08)

(A07-1914.PRD/A07-1914/7)

Title Insurance

Commitment Number: A07-1014
Policy Issuing Agent: Wyszynski and Associates, P.O.
2500 E. Devon Ste 250 Des Plaines, IL 60018

SCHEDULE B

1. **REQUIREMENTS:** Any policy we issue to the proposed insured will be subject to the following requirements, as exceptions to coverage, unless they are taken care of to our satisfaction:



MORTGAGE executed by PARKWAY BANK & TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 7, 2003 AND KNOWN AS TRUST NUMBER 13511 and given to BLOOMINGDALE BANK AND TRUST, to secure an indebtedness in the amount of \$918,709.34, dated SEPTEMBER 20, 2004 and recorded SEPTEMBER 23, 2004 as Document Number 0426749032.
ASSIGNMENT OF RENTS executed by PARKWAY BANK & TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 7, 2003 AND KNOWN AS TRUST NUMBER 13511 and given to BLOOMINGDALE BANK AND TRUST, dated SEPTEMBER 20, 2004 and recorded SEPTEMBER 23, 2004 as Document Number 0426749033.
NOTE: AFFECTS BOTH THIS AND OTHER PROPERTY.

MORTGAGE executed by PARKWAY BANK & TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 7, 2003 AND KNOWN AS TRUST NUMBER 13511 and given to BLOOMINGDALE BANK AND TRUST, to secure an indebtedness in the amount of \$931,502.40, dated APRIL 17, 2006 and recorded MAY 9, 2006 as Document Number 0612955132.

ASSIGNMENT OF RENTS executed by PARKWAY BANK & TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 7, 2003 AND KNOWN AS TRUST NUMBER 13511 and given to BLOOMINGDALE BANK AND TRUST, dated APRIL 17, 2006 and recorded MAY 9, 2006 as Document Number 0612955133.
NOTE: AFFECTS BOTH THIS AND OTHER PROPERTY.

MORTGAGE executed by PARKWAY BANK & TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 7, 2003 AND KNOWN AS TRUST NUMBER 13511 and given to BLOOMINGDALE BANK AND TRUST, to secure an indebtedness in the amount of \$745,000.00, dated AUGUST 8, 2006 and recorded SEPTEMBER 19, 2006 as Document Number 0626249160.
ASSIGNMENT OF RENTS executed by PARKWAY BANK & TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 7, 2003 AND KNOWN AS TRUST NUMBER 13511 and given to BLOOMINGDALE BANK AND TRUST, dated AUGUST 8, 2006 and recorded SEPTEMBER 19, 2006 as Document Number 0626249161.
NOTE: AFFECTS BOTH THIS AND OTHER PROPERTY.

d. **MECHANICS LIEN CLAIM** in the amount of \$399,050.00, plus interest and cost, recorded APRIL 11, 2007 as Document Number 0710139090, made by SUPERIOR STRUCTURES CONSTRUCTION, LTD vs ALL PRO DEVELOPMENT, INC.; PARKWAY BANK & TRUST COMPANY, AS TRUSTEE UNDER TRUST NUMBER 13511, PARKWAY BANK & TRUST COMPANY, ET AL. For particulars see Document.
NOTE: AFFECTS BOTH THIS AND OTHER PROPERTY.

e. **LIS PENDENS** entered in Case Number 07CH13239, SUPERIOR STRUCTURES CONSTRUCTION, LTD vs PARKWAY BANK & TRUST COMPANY, INDIVIDUALLY AND AS TRUSTEE UNDER TRUST NUMBER 13511, ALL PRO DEVELOPMENT, INC., ET AL- RE: INJUNCTIVE RELIEF, LIS PENDENS NOTICE recorded MAY 17, 2007 as Document Number 0710714020. For particulars see Document.
NOTE: AFFECTS BOTH THIS AND OTHER PROPERTY.

f. **MECHANICS LIEN CLAIM** in the amount of \$31,842.00, plus interest and cost, recorded MAY 24, 2007 as Document Number 0714450082, made by REINKE EXCAVATING, INC vs SUPERIOR STRUCTURES CONSTRUCTION, LTD, ALL PRO DEVELOPMENT, INC., PARKWAY BANK & TRUST CO., AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 7, 2003 AND KNOWN AS TRUST NUMBER 13511;

SCHEDULE B
(Continued)

Commitment Number: A07-1914

BLOOMINGDALE BANK AND TRUST. For particulars see Document
NOTE: AFFECTS BOTH THIS AND OTHER PROPERTY.

g. MECHANICS LIEN CLAIM in the amount of \$96,280.00, plus interest and cost, recorded AUGUST 7, 2007 as Document Number 0721947078, made by CONSTRUCTION OF CAMCO, INC. vs. SUPERIOR STRUCTURES CONSTRUCTION, LTD.; PARKWAY BANK & TRUST CO., ALL PRO DEVELOPMENT, INC.; BLOOMINGDALE BANK & TRUST. For particulars see Document.
NOTE: AFFECTS BOTH THIS AND OTHER PROPERTY.

h. MECHANICS LIEN CLAIM in the amount of \$23,912.73, plus interest and cost, recorded SEPTEMBER 13, 2007 as Document Number 0725631085, made by VULCAN CONSTRUCTION MATERIALS LP DB/A VULCAN MATERIALS COMPANY vs. PARKWAY BANK & TRUST COMPANY AS TRUSTEE UNDER TRUST NO. 13511; ALL PRO DEVELOPMENT, INC.; SUPERIOR STRUCTURES CONSTRUCTION, LTD. For particulars see Document.
NOTE: AFFECTS BOTH THIS AND OTHER PROPERTY.

RE: P.I.N. 22-33-203-023-0000.
The SECOND INSTALLMENT of 2006 taxes in the amount of \$4,234.32 is showing ~~paid~~ and is due and payable on or before 12/03/2007.

RE: P.I.N. 22-33-203-024-0000.
The SECOND INSTALLMENT of 2006 taxes in the amount of \$7,141.51 is showing ~~paid~~ and is due and payable on or before 12/03/2007.

k. NOTE: 36 MONTH CHAIN OF TITLE:
-The subject property was conveyed unto PARKWAY BANK & TRUST CO., AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 7, 2003 AND KNOWN AS TRUST NUMBER 13511, from RUSSELL TULACZ AND JULIANNE TULACZ by WARRANTY DEED IN TRUST dated MARCH 18, 2003 and recorded APRIL 3, 2003 as Document Number 0030448634.
-The subject property was conveyed unto ALL PRO DEVELOPMENT, INC. from PARKWAY BANK AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 7, 2003 AND KNOWN AS TRUST NUMBER 13511 by TRUSTEE'S DEED dated AUGUST 7, 2007 and recorded AUGUST 20, 2007 as Document Number 0723222040.

NOTE: THE CHAIN OF TITLE IS SOLELY INTENDED TO BE A REFLECTION OF THE CHAIN OF TITLE AS IT APPEARS IN THE COUNTY RECORDS. THERE ARE NO WARRANTIES EXPRESSED OR IMPLIED AS TO ITS ACCURACY.

- l. Upon a conveyance or mortgage of the land, a certified copy of proper resolutions passed by the shareholders and/or directors of ALL PRO DEVELOPMENT, INC. authorizing the execution of the deed of conveyance or mortgage together with a letter of "GOOD STANDING" from the Secretary of State's Office should be furnished.
- m. The proposed mortgagors have no title of record. Any deed(s) to them should be dated on or before the date of the proposed mortgage to be insured.
- n. The spouse(s), if any, of mortgagor(s), must join in the execution of the proposed mortgage to be insured.

SCHEDULE B
(Continued)

Commitment Number: A07-1914

- o. ordinance(s), the proper documentation must be presented before the instrument of conveyance may be accepted for recording or filing.
 - p. This conveyance is subject to THE CITY/VILLAGE OF LEMONT MUNICIPAL TRANSFER TAX ORDINANCE, the municipal transfer tax stamps must be affixed to the deed before the instrument of conveyance may be accepted for recording or filing and the appropriate transfer tax declaration form must be completed and submitted.
 - q. The Permanent Tax Number and the property address must appear on all documents that are submitted for recording or filing.
 - r. NOTE: In order to delete general exception D4 of Schedule B, we must be furnished a fully executed "ALTA Policy Statement" (Form 12-1-31) covering the date of closing executed by party (ies) in title, and beneficiaries, and purchaser(s) and all other parties having an interest in the land.
 - s. NOTE: The coverage afforded by this Commitment and any Policy issued pursuant hereto shall not commence prior to the date on which all charges properly billed by the Company have been fully paid.
 - t. NOTE: Your attention is directed to general exceptions 2 and 4 under Schedule B. To eliminate these exceptions we require: (a) a current spotted survey, and, (b) ALTA Statement executed by all parties concerned.
2. EXCEPTIONS: Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:
- a. General taxes for the year (s) 2005 and subsequent years.
Property Index Number:
22-33-203-023-0000.

NOTE: Taxes for the year 2005 are shown PAID.

NOTE: The FIRST INSTALLMENT of 2006 taxes in the amount of \$4,133.52 is shown PAID.

NOTE: The SECOND INSTALLMENT of 2006 taxes in the amount of \$4,234.32 is shown ~~UNPAID~~ and is DUE AND PAYABLE on or before 12/03/2007.

NOTE: THIS P.I.N. AFFECTS BOTH THIS AND OTHER PROPERTY.
 - b. General taxes for the year (s) 2005 and subsequent years.
Property Index Number:
22-33-203-024-0000.

NOTE: Taxes for the year 2005 are shown PAID.

NOTE: The FIRST INSTALLMENT of 2006 taxes in the amount of \$6,971.51 is shown PAID.

NOTE: The SECOND INSTALLMENT of 2006 taxes in the amount of \$7,141.51 is shown ~~UNPAID~~ and is DUE AND PAYABLE on or before 12/03/2007.

SCHEDULE B
(Continued)

Commitment Number: A07-1914

NOTE: THIS P.L.N. AFFECTS BOTH THIS AND OTHER PROPERTY.

- c. Terms and provisions as contained in the GRANT OF EASEMENT recorded APRIL 04, 2003 as Document Number 0030450858. For particulars see Document
- d. Terms and provisions as contained in the GRANT OF EASEMENT recorded FEBRUARY 05, 2007 as Document Number 0703647110. For particulars see Document
- e. Covenants, conditions, restrictions, easements and building lines as shown of public record.
- f. Any ALTA Lender's Policy issued pursuant hereto will contain under Schedule B the following Exceptions (1) and (2) in the absence of a fully executed ALTA Statement with the lenders disbursement portion completed:
 - (1) any lien or right to a lien, imposed by law for services, labor or material, theretofore or hereafter furnished, except for any such lien the assertion of which by claimant is shown by the public records as Date of Policy
 - (2) Any lack of priority of the lien of the insured mortgage over any lien or encumbrance because, and to the extent that, the proceeds of the loan secured thereby, may not have been fully disbursed at Date of Policy.
- g. General Exceptions 1 through 5 in the exception below may be deleted in ALTA Owner's Policies covering title to a complete single dwelling (including a condominium unit), or an apartment building containing no more than four units, provided the following is furnished:
 - (1) A survey, if available, should be exhibited for examination and a copy left for our files. If a survey is not available, a statement by the proposed insured to this effect should be furnished. No survey need be furnished if the land to be insured is a condominium unit.
 - (2) An "ALTA Loan and Extended Coverage Owner's Policy Statement" executed by all parties holding title to the land during the six months preceding the Date of the Policy.
 - (3) Satisfactory evidence of the payment in full of the cost of furnishing services, labor and material in connection with any improvements made on the land within six months of the Date of Policy. This evidence should consist of sworn contractor's and subcontractor's affidavits together with all necessary waivers of the lien.Adverse rights disclosed by the above documentation, or by inspection of the Land, will be shown as Special Exceptions in such policies.
- h. Any ALTA Owner's Policy issued pursuant hereto will contain the following General Exceptions unless the property qualifies for removal of said items and the Company is provided with the information required for the satisfactory disposition as required:
 - (1) Rights or claims of parties in possession not shown by public records.
 - (2) Easements, or claims of easements, not shown by public records.
 - (3) Any Encroachment, encumbrance, violation, variance, or adverse circumstance affecting the title that would be disclosed by an accurate and complete survey of the land pursuant to the "minimum standards of practice" 68 Ill. Admin. Code, Sec. 1270.66(b)(6)(F) for residential property or ALTA/ASCM land title survey

SCHEDULE B
(Continued)

Commitment Number: A07-1914

standards for commercial property

(4) Any lien, or right to a lien, statutory or otherwise, for services, labor, or material, heretofore or hereafter furnish

(5) Taxes or special assessments which are not shown as existing liens by the public records.

(6) Loss or damage by reason of there being in the public records, any deeds, mortgages, lis pendens, or other title encumbrances subsequent to the Commitment date and prior to the effective date of the final Policy.

Ticor Title Insurance

Commitment Number: A07-1914
Policy Issuing Agent: Wyszynski and Associates, P.C.
2500 E. Devon Ste 250, Des Plaines, IL 60018

SCHEDULE B

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

- a. General taxes for the year (s) 2006 and subsequent years.
Property Index Number:
22-33-203-023-0000

NOTE: Taxes for the year 2005 are shown PAID.

NOTE: The FIRST INSTALLMENT of 2006 taxes in the amount of \$4,133.62 is shown PAID.

NOTE: The SECOND INSTALLMENT of 2006 taxes in the amount of \$4,234.32 is shown UNPAID and is DUE AND PAYABLE on or before 12/03/2007.

NOTE: THIS P.I.N. AFFECTS BOTH THIS AND OTHER PROPERTY.

- b. General taxes for the year (s) 2006 and subsequent years.
Property Index Number:
22-33-203-024-0000

NOTE: Taxes for the year 2005 are shown PAID.

NOTE: The FIRST INSTALLMENT of 2006 taxes in the amount of \$6,971.51 is shown PAID.

NOTE: The SECOND INSTALLMENT of 2006 taxes in the amount of \$7,141.51 is shown UNPAID and is DUE AND PAYABLE on or before 12/03/2007.

NOTE: THIS P.I.N. AFFECTS BOTH THIS AND OTHER PROPERTY.

- c. Terms and provisions as contained in the GRANT OF EASEMENT recorded APRIL 04, 2003 as Document Number 0030490668. For particulars see Document.
- d. Terms and provisions as contained in the GRANT OF EASEMENT recorded FEBRUARY 05, 2007 as Document Number 0703647110. For particulars see Document.
- e. Covenants, conditions, restrictions, easements and building lines as shown of public record.
- f. Any ALTA Lender's Policy issued pursuant hereto will contain under Schedule B the following Exceptions (1) and (2) in the absence of a fully executed ALTA Statement with the lenders disbursement portion completed.

(1) any lien or right to a lien, imposed by law for services, labor or material, heretofore or hereafter furnished, except for any such lien the assertion of which by claimant is shown by the public records as Date of Policy.

(2) Any lack of priority of the lien of the insured mortgage over any lien or encumbrance because, and to the extent that, the proceeds of the loan secured thereby may not have been fully disbursed at Date of Policy.

- g. General Exceptions 1 through 5 in the exception below may be deleted in ALTA Owner's Policies covering title to a complete single dwelling (including a condominium unit), or an apartment building containing no more than four units, provided the following is furnished:

(1) A survey, if available, should be exhibited for examination and a copy left for our files. If a survey is not available, a statement by the proposed insured to this effect should be furnished. No survey need be furnished if the land to be insured is a condominium unit.

SCHEDULE B
(Continued)

Commitment Number: A07-1914

(2) An "ALTA Loan and Extended Coverage Owner's Policy Statement" executed by all parties holding title to the land during the six months preceeding the Date of the Policy.

(3) Satisfactory evidence of the payment in full of the cost of furnishing services. Labor and material in connection with any improvements made on the land within six months of the Date of Policy. This evidence should consist of sworn contractor's and subcontractor's affidavits together with all necessary waivers of the lien.

Adverse rights disclosed by the above documentation, or by inspection of the Land, will be shown as Special Exceptions in such policies.

h. Any ALTA Owner's Policy issued pursuant hereto will contain the following General Exceptions unless the property qualifies for removal of said items and the Company is provided with the information required for the satisfactory disposition as required.

(1) Rights or claims of parties in possession not shown by public records.

(2) Easements, or claims of easements, not shown by public records.

(3) Any Encroachment, encumbrance, violation, variance, or adverse circumstance affecting the title that would be disclosed by an accurate and complete survey of the land pursuant to the "minimum standards of practice" 68 Ill Adm'n. Code, Sec. 1270.58(b)(6)(F) for residential property or ALTA/ASCM land title survey standards for commercial property

(4) Any lien, or right to a lien, statutory or otherwise, for services, labor, or material, heretofore or hereafter furnish.

(5) Taxes or special assessments which are not shown as existing liens by the public records.

(6) Loss or damage by reason of there being in the public records, any deeds, mortgages, lis pendens, or other title encumbrances subsequent to the Commitment date and prior to the effective date of the final Policy.

Ticor Title Insurance

Commitment Number: A07-1914

**SCHEDULE C
PROPERTY DESCRIPTION**

The land referred to in this Commitment is described as follows:

LOT 13 IN MEADOW LARK SUBDIVISION, BEING A RESUBDIVISION OF THE FOLLOWING DESCRIBED REAL ESTATE:

PARCEL 1: THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST 994.5 FEET THEREOF (EXCEPTING THEREFROM THE NORTH 328.76 FEET AND ALSO EXCEPTING THEREFROM THE SOUTH 398 FEET OF THE WEST 150 FEET) ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2: THE NORTH 328.76 FEET OF THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE WEST 994.5 FEET THEREOF (EXCEPTING THEREFROM THE SOUTH 398 FEET OF THE WEST 150 FEET) IN COOK COUNTY, ILLINOIS.

Contact Information:

Title Insurance Underwriter:
Ticor Title Insurance

Title Insurance Agent:
Wyszynski and Associates, P.C.
2500 E. Devon Ste 250 Des Plaines, IL 60018

Settlement/Escrow Agent:
Alliance Title Corporation
5523 N. Cumberland Ave, Suite 1211
Chicago, IL 60656
Phone (773)556-2222 Fax (773)556-2255

Alliance Title Corporation does not examine nor does it warrant the accuracy of any documents which may be created or used by a lender related to this or any loan, including but not limited to appraisals, loan applications, loan processing documents, or any other documentation relied on by the lender in underwriting its loan.

ALTA Commitment
Schedule C

(A07-1914.PFD/A07-19147)

Village Board Agenda Memorandum

Item #

to: Mayor & Village Board

from: Ben Wehmeier, Village Administrator
George Schafer, Assistant Village Administrator

Subject: Downtown TIF

date: November 17, 2010

BACKGROUND/HISTORY

In June of this year, staff presented specific items within the Redevelopment Plan that needed to be reviewed as part of the Downtown TIF that is set to expire in December 2015. As part of this review, it was determined that new state statues and local changes have taken place that has not been incorporated into the original Redevelopment plan from 1991. These include the following:

- Comprehensive Plan - Since the creation of the TIF in 1991, a new Comprehensive Plan has been adopted. The Redevelopment Plan Amendment would reflect the goals and objectives of the most recent Comp Plan.
- Changes to the TIF Act - Significant changes were made to the TIF Act in 1999. The proposed amendment would update the TIF Redevelopment Plan to reflect changes in the law. Some changes would allow the Village greater flexibility in use of TIF Dollars
- EAV Projections - EAV projections would be updated to reflect current EAV and incorporate any future growth.
- Transit Oriented Design Study (TOD) – From 2002 to 2004 the Village conducted a TOD study from a TOD grant from the RTA focused on downtown and potential uses, specifically to tap into the Metra line.
- Design Charette - A master planning session was held in 2005 for purposes of redevelopment of the downtown. This work was based on input from key stakeholders and was the foundation for future strategic plans and documents, incorporating portions of the TOD study.
- Downtown Zoning - In 2005, the village development a form based zoning code encompassing the downtown based on the proceeding two studies conducted, to carry out the redevelopment plan.
- UDO – From 2007-2008 the Village began a process to review the zoning code and coming it with the Subdivision Code, resulting in the Unified Development Ordinance (UDO). This work was done by a Zoning Commission appointed by the Village Board. This included all rules and regulations as related to the downtown.

Subsequently, the Village entered into an agreement with Ehlers to begin the public process of proceeding with amending the redevelopment plan. This will be about a five month process, which will include a series of public meeting, notification to key stakeholders and a Joint Review Board meeting prior to adopting an amended plan.

Included for board action are two items. The first resolution concerns authorization of a Feasibility Study and Housing Impact study which are required by statute to amend the original Redevelopment Plan. The second resolution is to formally approving a Public Information Meeting to be held on January 4, 2011 at 7 p.m. in Village Hall.

RECOMMENDATION

Staff recommends approving enclosed resolutions

ATTACHMENTS (IF APPLICABLE)

- Resolution Concerning a Feasibility Study and a Housing Impact Study
- Resolution Setting a Public Meeting

RESOLUTION NO. _____

A RESOLUTION CONCERNING A FEASIBILITY STUDY AND HOUSING IMPACT STUDY AND MEETING FOR AMENDING THE VILLAGE OF LEMONT, ILLINOIS, DOWNTOWN TAX INCREMENT FINANCE REDEVELOPMENT PLAN, REDEVELOPMENT PROJECT AND REDEVELOPMENT PROJECT AREA, AND RELATED MATTERS

WHEREAS, the Village of Lemont, Illinois (the "Municipality") is considering a proposal for amending the redevelopment plan (the "Redevelopment Plan") and the redevelopment project (the "Redevelopment Project") for the Municipality's redevelopment project area called the "Downtown Redevelopment Project Area" (the "Redevelopment Project Area"), which reasonably is expected to contain more than 74 inhabited residential units and which reasonably could be expected to result in the displacement of residents from 10 or more inhabited residential units as referenced in Section 11-74.4-4.1(b) of the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 *et seq.*, the "TIF Act").

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COOK, DUPAGE AND WILL COUNTIES, ILLINOIS, as follows:

Section 1. Feasibility Study / HIS / Meeting. The Municipality hereby authorizes and directs that a "feasibility study" be prepared in connection with the designation of the Redevelopment Project Area as a redevelopment project area under the TIF Act, which feasibility study shall include the preparation of a "housing impact study" under Section 1174.4-3(n)(5) of the TIF Act, and in this connection the Municipality shall be authorized to engage Ehlers and Associates, Inc. and such other planning and other consultants as shall be desirable or necessary. The Municipality's population exceeds 15,000. The "meeting" required by Section 11-74.4-6(e) of the TIF Act shall be conducted by the Municipality's Village Administrator. The Village President's approval of this resolution shall constitute the designation of the Municipality's Village Administrator as the department official to set the time and place for such meeting in the event the Village President does not.

Section 2. Boundaries. The general boundaries of the Redevelopment Project Area are set forth in Exhibit A to this resolution.

Section 3. Redevelopment Plan / Project Purposes. The purposes / objectives of the proposed redevelopment plan and redevelopment project for the Redevelopment Project Area are as follows:

1. Reduce or eliminate those conditions that qualify the Redevelopment Project Area as a “**conservation area**”.
2. Encourage a high-quality appearance of buildings, rights-of-way, and open spaces and encourage high standards of design.
3. Strengthen the economic well-being of the Redevelopment Project Area and the Municipality by increasing business activity, tax base, and job opportunities.
4. Assemble land into parcels of sufficient shape and size for disposition and redevelopment in accordance with the redevelopment plan and contemporary development needs and standards.
5. Stimulate private investment in appropriate new construction and redevelopment.
6. Provide needed public improvements or facilities in proper relationship to the projected demand for such facilities and in accordance with present-day design standards for such facilities.
7. Provide needed incentives to encourage a broad range of improvements.
8. Improve the visual attractiveness of the Municipality through landscaping and coordination of design in the Redevelopment Project Area.
9. Address flooding problems.
10. Create additional recreational opportunities that coordinate with and build upon those developed in other parts of the Municipality.
11. Increase residential, office, retail, and industrial development and redevelopment.
12. Increase job opportunities.

Section 4. TIF General Description. Tax increment financing in Illinois provides a means for municipalities, after the approval of a redevelopment plan and redevelopment project, designation of a redevelopment project area and adoption of tax increment finance (“TIF”), to redevelop blighted areas, conservation areas, industrial park conservation areas, or a combination of these types of areas by capturing the anticipated increase in tax revenues generated by natural increases in equalized assessed value (“EAV”) and by private development resulting in an increased EAV to pay for certain redevelopment project costs incurred. Tax increment financing is authorized in Illinois by the TIF Act. This works generally in the following way: (i) an initial equalized assessed value (the “**Initial EAV**” if all taxable property in the redevelopment project area is determined by the applicable County Clerk as of the date of adoption of TIF; (ii) all taxes after such date attributable to the increase in EAV over the Initial

EAV is deposited into a separate fund (the special tax allocation fund) administered by the Municipality to pay qualifying redevelopment project costs under the TIF Act; and (iii) all taxes after such date attributable to the then applicable EAV up to the initial EAV are paid to the underlying taxing districts in the ordinary way. To implement TIF the TIF Act requires, among other things, a public meeting and a public hearing, with applicable mailed and published notices. The Municipality will follow these and other applicable required procedures which are detailed in the TIF Act.

The TIF Act allows the use of incremental property taxes to pay certain redevelopment project costs or to pay debt service with respect to tax increment revenue or general obligations issued to pay redevelopment project costs. Pursuant to the TIF Act the Municipality is authorized to issue obligations payable from and / or secured by incremental property tax revenues expected to be generated in the Redevelopment Project Area. Incremental property taxes are not available for general operations of the Municipality or any underlying or overlapping taxing districts for the life of the Redevelopment Project Area except for any excess of such incremental property taxes in any year declared as surplus for distribution to such taxing districts. Qualifying redevelopment project costs are outlined in Section 11-74.4-3(q) of the TIF Act and include but are not limited to: TIF administration, professional costs, property assembly and real estate acquisition, site preparation, certain interest cost subsidies, infrastructure and other public facilities and improvements, rehabilitation, relocation, and other costs under the TIF Act.

Section 5. Contact. For additional information about the proposed Redevelopment Project Area and as the Municipality's contact to receive all comments and suggestions regarding the Redevelopment Project Area to be studied:

Ben Wehmeier
Village of Lemont
Village Administrator
418 Main Street
Lemont, Illinois 60439-3708
Tel: (630) 257-1550 / Fax: 257-1598

Section 6. Effective. This resolution shall be effective immediately upon its adoption and approval and shall be immediately sent to all taxing districts overlapping or underlying the Redevelopment Project Area.

[The remainder of this page is intentionally left blank.]

Upon motion by Trustee _____, seconded by Trustee _____, adopted this _____ day of _____, 2010 by roll call vote, as follows:

Voting "Aye" (names): _____

Voting "Nay" _____

(names): _____

Absent (names): _____

Approved: _____, 2010

Attest:

Village Clerk

Village President

EXHIBIT A

DOWNTOWN REDEVELOPMENT PROJECT AREA

Generic Boundaries

The Downtown Lemont Amended Redevelopment Project Area, as previously amended, is generally bounded by the area starting at the intersection of New Avenue and Lockport Street. The boundaries run southeast along Lockport Street to an alley between Illinois Street and Cass Street. They then run northwest along the alley to Lemont Street. The boundaries then turn southeast along Lemont Street to Cass Street, where they turn northeast along Cass Street to Stephen Street. At Stephen Street, the boundaries turn northwest to Illinois Street. They then turn northeast along Illinois Street to the intersection with Main Street. The boundaries then turn north to the northeast corner of the I & M Canal parcel. The boundaries then turn westerly along the northern property lines of three parcels that are just north of the I & M Canal parcels to the alley east of Stephen Street. The boundaries then turn northwest to the end of the alley. The boundaries then turn southwest to the A.T. & S.F. Railroad. The boundaries then follow Stephen Street southeast to parcel 22-20-404-012. They then turn northwest and follow the northern lot lines of parcels fronting on the north side of Canal Street. They turn south and follow the west lot line of parcel 22-20-404-006 to Canal Street. The boundaries go southwest along Canal Street to Lemont Street. The boundaries then turn southeast along Lemont Street to the G.M. & O. Railroad. The boundaries follow the G.M. & O. Railroad southwesterly to State Street. At State Street, the boundaries turn southeast to New Avenue. The boundaries then turn northwest along New Avenue to Lockport Street.

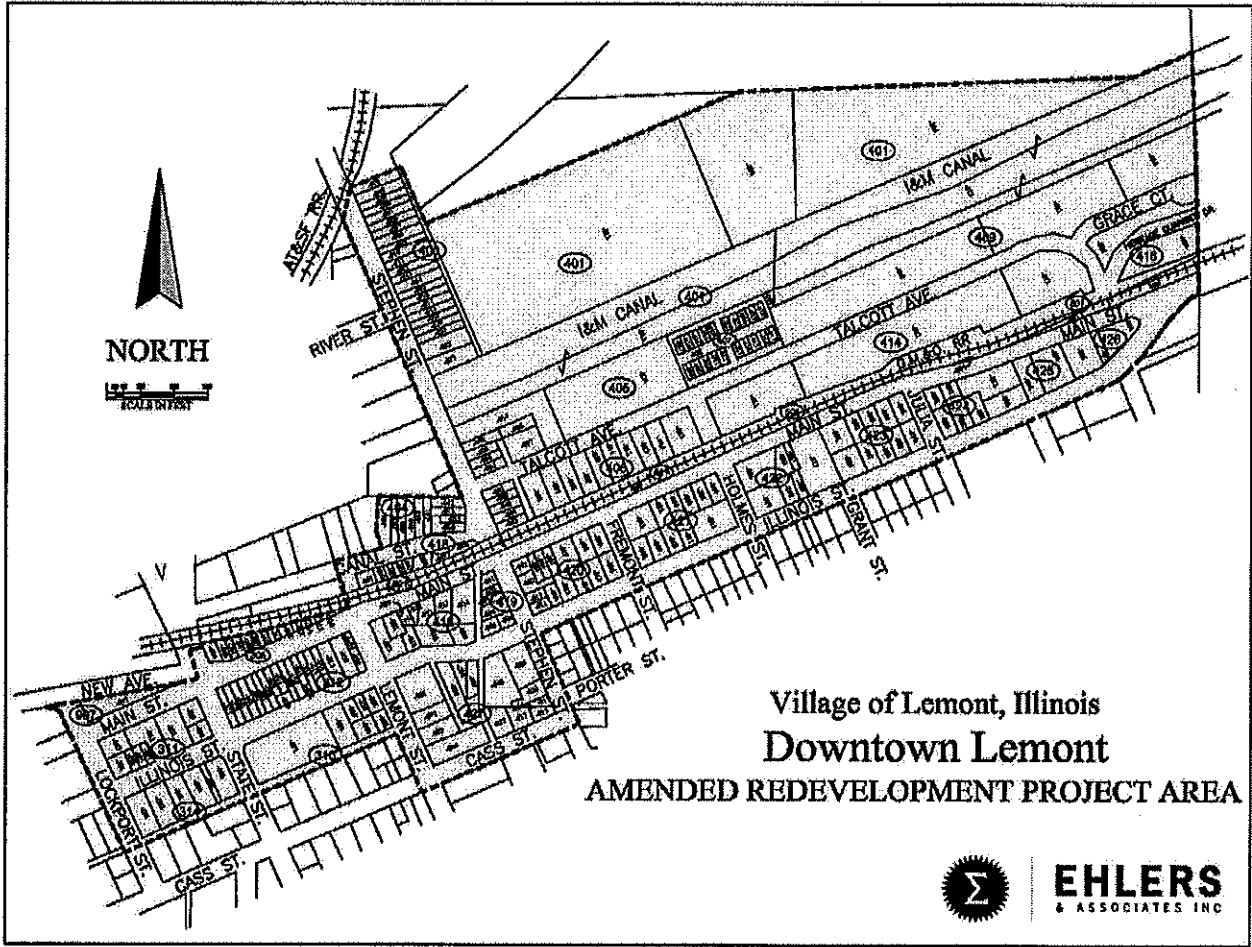
LEGAL DESCRIPTION FOR AMENDMENT TO ORDINANCE 689

THAT PART OF THE SOUTH HALF OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTH HALF OF SECTION 20; THENCE WEST ALONG THE NORTH LINE OF SAID SOUTH HALF (ALSO BEING THE NORTH LINE OF LOT 1 IN COUNTY CLERK'S DIVISION OF SECTION 20) A DISTANCE OF 1460 FEET MORE OR LESS TO A BEND IN SAID LOT 1; THENCE SOUTHWESTERLY 960 FEET ALONG THE NORTHWESTERLY LINE OF LOTS 1 AND 2 IN SAID COUNTY CLERK'S DIVISION TO A NORTH-SOUTH ALLEY IN SINGER AND TALCOTT'S STONE COMPANY SUBDIVISION; THENCE NORTHWESTERLY 180 FEET MORE OR LESS TO THE SOUTH LINE OF LOT 209 IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION IN SAID SECTION 20; THENCE SOUTHWEST 140 FEET ALONG LAST SAID SOUTH LINE TO THE SOUTHEASTERLY LINE OF ATCHISON, TOPEKA AND SANTA FE RAILROAD RIGHT-OF-WAY; THENCE SOUTHWESTERLY ALONG LAST SAID RIGHT-OF-WAY LINE TO THE WESTERLY LINE OF STEPHEN STREET; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF STEPHEN STREET TO THE NORTH LINE OF LOTS 6 THRU 10 OF BLOCK 28 IN THE VILLAGE OF KEEPOTAW, A PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 20; THENCE WEST ALONG THE NORTH LINE OF

SAID LOTS 6 THRU 10 AND ITS WEST EXTENSION TO THE EAST LINE OF LOT 17 IN COUNTY CLERK'S DIVISION, A SUBDIVISION IN THE SOUTH 1/2 OF SAID SECTION 20; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 17 TO THE NORTH LINE OF CANAL STREET; THENCE WEST ALONG THE NORTH LINE OF CANAL STREET TO THE SOUTHEAST CORNER OF LOT 1 IN VILLAGE OF LEMONT, BEING A SUBDIVISION IN THE SOUTH 1/2 OF SAID SECTION 20; THENCE SOUTHERLY ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 1 AND ALONG THE EAST LINE OF BLOCK 10 IN SAID VILLAGE OF LEMONT TO A POINT ON A LINE PARALLEL AND CONCENTRIC WITH AND 25 FEET NORTHERLY FROM THE SOUTH BOUND MAIN TRACK OF THE ILLINOIS CENTRAL RAILROAD COMPANY; THENCE WESTERLY ALONG THE LAST DESCRIBED LINE TO THE EAST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 20; THENCE SOUTH ALONG THE LAST DESCRIBED LINE TO THE WEST LINE OF LOTS 1 THRU 14 INCLUSIVE IN BLOCK 10 IN SAID VILLAGE OF LEMONT; THENCE WESTERLY ALONG THE LAST DESCRIBED LINE TO THE NORTHWEST CORNER OF LOT 14 IN BLOCK 10 IN SAID VILLAGE OF LEMONT; THENCE WESTERLY TO THE EAST LINE OF BLOCK 2 IN THE VILLAGE OF LEMONT AT A POINT THAT IS 25 FEET SOUTHERLY OF THE CENTER LINE OF THE NORTHBOUND MAIN TRACK OF SAID ILLINOIS CENTRAL RAILROAD COMPANY; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID BLOCK 2 TO THE NORTH LINE OF NEW AVENUE; THENCE WESTERLY ALONG THE NORTH LINE OF NEW AVENUE TO THE WEST LINE OF BLOCK 9 IN SAID VILLAGE OF LEMONT; THENCE SOUTHEASTERLY ALONG THE LAST SAID WEST LINE TO THE SOUTH RIGHT-OF-WAY LINE OF NEW AVENUE; THENCE EASTERLY ALONG THE LAST SAID RIGHT-OF-WAY LINE TO A POINT 30 FEET WEST OF LOCKPORT STREET; THENCE SOUTHEAST TO A POINT IN THE WEST LINE OF LOCKPORT STREET 20 FEET SOUTH OF THE SOUTH LINE OF NEW AVENUE; THENCE SOUTHEASTERLY ALONG THE WEST LINE OF LOCKPORT STREET TO THE SOUTH LINE OF THE EAST-WEST ALLEY IN BLOCKS 7 AND 8 OF THE VILLAGE OF LEMONT AS RECORDED AUGUST 8, 1974 AS DOCUMENT NO. 184242; THENCE NORTHEASTERLY 902 FEET ALONG THE LAST SAID SOUTH LINE TO THE WEST LINE OF LEMONT STREET; THENCE SOUTHEASTERLY 198 FEET ALONG LAST SAID WEST LINE TO THE SOUTH LINE OF CASS STREET; THENCE NORTHEASTERLY 526 FEET ALONG LAST SAID SOUTH LINE TO THE EAST LINE OF STEPHEN STREET; THENCE NORTHWESTERLY 300 FEET MORE OR LESS TO THE SOUTH LINE OF ILLINOIS STREET; THENCE NORTHEASTERLY 1990 FEET MORE OR LESS ALONG LAST SAID SOUTH LINE TO THE EAST LINE OF PRUYNE STREET IN THE TOWN OF ATHENS; THENCE NORTHEASTERLY ALONG THE SOUTHEAST LINE OF THE ILLINOIS STREET CUTOFF TO MERGE WITH MAIN STREET TO THE EAST LINE OF SAID SECTION 20; THENCE NORTH 660 FEET MORE OR LESS ALONG LAST SAID EAST LINE TO THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 20 AND BEING THE PLACE OF BEGINNING, ALL IN THE VILLAGE OF LEMONT, COOK COUNTY, ILLINOIS.

ALSO, THOSE PARTS OF VACATED HINSDALE STREET AND VACATED LAWRENCE STREET IN THE VILLAGE OF LEMONT LYING NORTHERLY OF THE NORTHERLY LINE OF CANAL STREET AND SOUTHERLY OF THE NORTH LINE OF LOT 6 IN BLOCK 28 IN KEEPOTAW IN SAID SECTION 20, EXTENDED WEST, AND DUE WEST OF A LINE COMMENCING AT A POINT OF SAID NORTHERLY LINE OF CANAL STREET 56.96 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID LOT 17; THENCE NORTHERLY ALONG A LINE WHICH IS 56.96 FEET EASTERLY FROM AND PARALLEL

WITH THE WESTERLY LINE OF SAID LOT 17, A DISTANCE OF 68.65 FEET; THENCE EASTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID CANAL STREET, A DISTANCE OF 6 FEET MORE OR LESS TO ITS INTERSECTION WITH A LINE 15 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 6 IN BLOCK 28 IN KEEPOTAW; THENCE NORTH ALONG SAID LAST MENTIONED PARALLEL LINE TO ITS INTERSECTION WITH THE NORTH LINE OF SAID LOT 6 IN BLOCK 28 IN KEEPOTAW EXTENDED WEST IN COOK COUNTY, ILLINOIS.



Village of Lemont, Illinois
 Downtown Lemont
 AMENDED REDEVELOPMENT PROJECT AREA



STATE OF ILLINOIS)
COOK, DUPAGE AND WILL COUNTIES) SS
VILLAGE OF LEMONT)

CERTIFICATION OF RESOLUTION

I, the undersigned, do hereby certify that I am the duly selected, qualified and acting Village Clerk of the Village of Lemont, Cook, DuPage and Will Counties, Illinois (the "Municipality"), and as such official I am the keeper of the records and files of the Municipality and of the President and Board of Trustees (the "Corporate Authorities").

I do further certify that the foregoing constitutes a full, true and complete excerpt from the proceedings of the meeting of the Corporate Authorities held on the ____ day of _____, 2010, insofar as same relates to the adoption of Resolution No. _____, entitled:

A RESOLUTION CONCERNING A FEASIBILITY STUDY AND HOUSING IMPACT STUDY AND MEETING FOR AMENDING THE VILLAGE OF LEMONT, ILLINOIS, DOWNTOWN TAX INCREMENT FINANCE REDEVELOPMENT PLAN, REDEVELOPMENT PROJECT AND REDEVELOPMENT PROJECT AREA, AND RELATED MATTERS,

a true, correct and complete copy of which resolution as adopted at such meeting appears in the minutes of such meeting and is hereto attached. The Resolution was adopted and approved on the date thereon set forth by not less than a affirmative vote of a majority of the Corporate Authorities and approved by the Village President on the date indicated thereon.

I do further certify that the deliberations of the Corporate Authorities on the adoption of such Resolution were taken openly, that the vote on the adoption of such Resolution was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted at least 48 hours before the meeting, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the open meetings laws of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities complied with all of the applicable provisions of such open meeting laws and such Code and their procedural rules in the adoption of such Resolution.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Village of Lemont, Illinois, this ____ day of _____, 2010.

(SEAL)

Village Clerk

RESOLUTION _____

**RESOLUTION SETTING THE TIME AND DATE OF THE
PUBLIC INFORMATION MEETING CONCERNING
THE AMENDMENT TO THE DOWNTOWN TIF DISTRICT
JANUARY 4, 2010 - 7:00 P.M.**

WHEREAS, the Village of Lemont created the Downtown TIF in 1991 and adopted a Redevelopment Plan; and

WHEREAS, the Village of Lemont has determined that the Redevelopment Plan as adopted requires amendment to certain sections of the Plan; and

WHEREAS, state law requires a Public Information Meeting as part of the amendment process.

NOW, THEREFORE BE IT RESOLVED by the President and Board of Trustees of the Village of Lemont that:

SECTION 1:

The Public Information Concerning the Amendment to the Downtown TIF District shall be held on January 4, 2011 at 7:00 p.m. in the Board Room at the Lemont Village Hall, 418 Main Street, Lemont, IL 60439. All required publications and notifications of said meeting are hereby ordered to reflect said time and place.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DU PAGE, ILLINOIS, on this 22nd day of November, 2010.

Debby Blatzer
Paul Chialdikas
Clifford Miklos
Brian Reaves
Rick Sniegowski
Jeanette Virgilio

AYES NAYS PASSED ABSENT

BRIAN K. REAVES, Village President

ATTEST:

CHARLENE SMOLLEN, Village Clerk

VILLAGE OF LEMONT, ILLINOIS

NOTICE OF PUBLIC MEETING

WHEREAS, the Village of Lemont, Illinois (the “Municipality”) is considering a proposal to amend the redevelopment plan and the redevelopment project for the redevelopment project area, know as the “**Downtown Redevelopment Project Area**” (the “**Redevelopment Project Area:**” See Exhibit A.), which is reasonably expected to contain more than 74 inhabited residential units and is reasonably expected to result in the displacement of residents from 10 or more inhabited residential units as referenced in Section 11-74.4-4.1(b) of the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 *et seq.*, the “**TIF Act**”).

WHEREAS, by Resolution No._____, adopted November 22, 2010, the President and Board of Trustees authorized and directed that a “**feasibility study**” be prepared with respect to the Redevelopment Project Area as a redevelopment project area under the TIF Act, and amendments to the redevelopment plan and redevelopment project, which feasibility study shall include the preparation of a “**housing impact study**” under Section 11-74.4-3(n)(5) of the TIF Act, and authorized the “**meeting**” required by Section 11-74.4-6(e) of the TIF Act to be conducted by the Municipality’s Village Administrator.

Meeting Date and Time. The meeting will be at the Village Building in the President and Board of Trustees meeting room at 418 Main Street, in Lemont, Illinois at 7:00 pm. on Tuesday, January 4, 2011.

Boundaries. The boundaries of the Redevelopment Project Area are generally set forth in Exhibit A to this notice.

Redevelopment Plan / Project Purposes. The purposes of the proposed redevelopment plan and redevelopment project for the Redevelopment Project Area very generally are as follows:

The Redevelopment Project Area is characterized as an area of the Municipality that is endangered by the presence of blight / conservation area factors that impair the value of private investments and threaten the sound growth and the tax base of taxing districts in the Area. The purposes of the redevelopment plan and project are to eradicate blight / conservation area conditions; to alleviate conditions that may become blighted that are detrimental to the public safety, health, morals or welfare; to retain and create employment opportunities; to improve and add to the inventory of residential units; to make public investments that will encourage private investment to restore and enhance the tax base of taxing districts within the Redevelopment Project Area; to provide private incentives such as interest subsidies, to acquire, construct (which includes repair, remodeling and rehabilitation) and install public facilities and improvements; and to encourage private development of residential, business, commercial and industrial improvements and facilities.

TIF General Description. Tax increment financing in Illinois provides a means for municipalities, after the approval of a redevelopment plan and redevelopment project, designation of a redevelopment project area and adoption of tax increment finance (“**TIF**”), to redevelop blighted areas, conservation areas, industrial park conservation areas, or a combination of these types of areas by capturing the anticipated increase in tax revenues generated by natural increases in equalized assessed value (“**EAV**”) and by private development resulting in an increased EAV to pay for certain redevelopment project costs incurred. Tax increment financing is authorized in Illinois by the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 *et seq.*, the “**TIF Act**”). This works generally in the following way: **(i)** An initial equalized assessed value (the “**Initial EAV**”) of all taxable property in the redevelopment project area is determined by the Cook County Clerk (the end line Redevelopment

Project Area is in Cook County) as of the date of adoption of TIF; **(ii)** all taxes after such date attributable to the increase in EAV over the Initial EAV is deposited into a separate fund (the special tax allocation fund) administered by the Municipality to pay qualifying redevelopment project costs under the TIF Act; and **(iii)** all taxes after such date attributable to the then applicable EAV up to the initial EAV are paid to taxing districts in the ordinary way. To implement TIF the TIF Act requires, among other things, a number of public meetings and public hearings, with mailed and published notices. The Municipality will follow these and other applicable required procedures, which are detailed in the TIF Act.

The TIF Act allows the use of incremental property taxes to pay certain redevelopment project costs or to pay debt service with respect to tax increment revenue or general obligations issued to pay redevelopment project costs. Pursuant to the TIF Act the Municipality is authorized to issue obligations payable from and secured by incremental property tax revenues expected to be generated in the Redevelopment Project Area. Incremental property taxes are not available for general operations of the Municipality or any underlying or overlapping taxing districts for the life of the Redevelopment Project Area except for any excess of such incremental property taxes in any year declared as surplus for distribution to such taxing districts. Qualifying redevelopment project costs as outlined in Section 11-74.4-3(q) of the TIF Act to be applied with the Redevelopment Project Area include, but are not limited to:

1. Costs of studies, administration and professional services;
2. Costs of marketing sites;
3. Property assembly, demolition, site preparation and environmental site improvement costs;
4. Costs of rehabilitation, reconstruction, repair or remodeling and replacement of existing private and public buildings;
5. Costs of construction of public works facilities and improvements and, as applicable, required payments under Section 11-74.4-7.1 of the TIF Act;
6. Costs of removing contaminants required by environmental laws or rules;
7. Costs of job training and retraining, including "welfare to work" programs;
8. Financing costs;
9. Approved capital costs;
10. Costs of reimbursing school districts for their increased costs caused by TIF assisted housing projects under Section 11-74.4-3(q)(7.5) of the TIF Act;
11. Relocation costs as required by TIF Act;
12. Payments in lieu of taxes;
13. Costs of job training, retraining advanced vocational or career education provided by other taxing bodies;
14. Costs of reimbursing private developers for interest expenses incurred on approved redevelopment projects; and
15. Costs of construction of new housing units for low income and very low-income households.

Contact. The Village Administrator has been designated by the President and Board of Trustees to be the municipal officer, who can be contacted for additional information about the proposed redevelopment project area and who will receive all comments and suggestions regarding the redevelopment of the Redevelopment Project Area being studied. The name, address and phone number of the Municipality's contact for additional information is:

Ben Wehmeier
Village of Lemont
Village Administrator
418 Main Street
Lemont, Illinois 60439-3708
Tel: (630) 257-1550 / Fax: 257-1598

Opportunity to be Heard. All interested persons will be given an opportunity to be heard at the meeting.

/s/ Charlene M. Smollen
Village Clerk

/s/ Ben Wehmeier
Village Administrator

EXHIBIT A

DOWNTOWN REDEVELOPMENT PROJECT AREA

Generic Boundaries

The Downtown Lemont Amended Redevelopment Project Area, as previously amended, is generally bounded by the area starting at the intersection of New Avenue and Lockport Street. The boundaries run southeast along Lockport Street to an alley between Illinois Street and Cass Street. They then run northwest along the alley to Lemont Street. The boundaries then turn southeast along Lemont Street to Cass Street, where they turn northeast along Cass Street to Stephen Street. At Stephen Street, the boundaries turn northwest to Illinois Street. They then turn northeast along Illinois Street to the intersection with Main Street. The boundaries then turn north to the northeast corner of the I & M Canal parcel. The boundaries then turn westerly along the northern property lines of three parcels that are just north of the I & M Canal parcels to the alley east of Stephen Street. The boundaries then turn northwest to the end of the alley. The boundaries then turn southwest to the A.T. & S.F. Railroad. The boundaries then follow Stephen Street southeast to parcel 22-20-404-012. They then turn northwest and follow the northern lot lines of parcels fronting on the north side of Canal Street. They turn south and follow the west lot line of parcel 22-20-404-006 to Canal Street. The boundaries go southwest along Canal Street to Lemont Street. The boundaries then turn southeast along Lemont Street to the G.M. & O. Railroad. The boundaries follow the G.M. & O. Railroad southwesterly to State Street. At State Street, the boundaries turn southeast to New Avenue. The boundaries then turn northwest along New Avenue to Lockport Street.

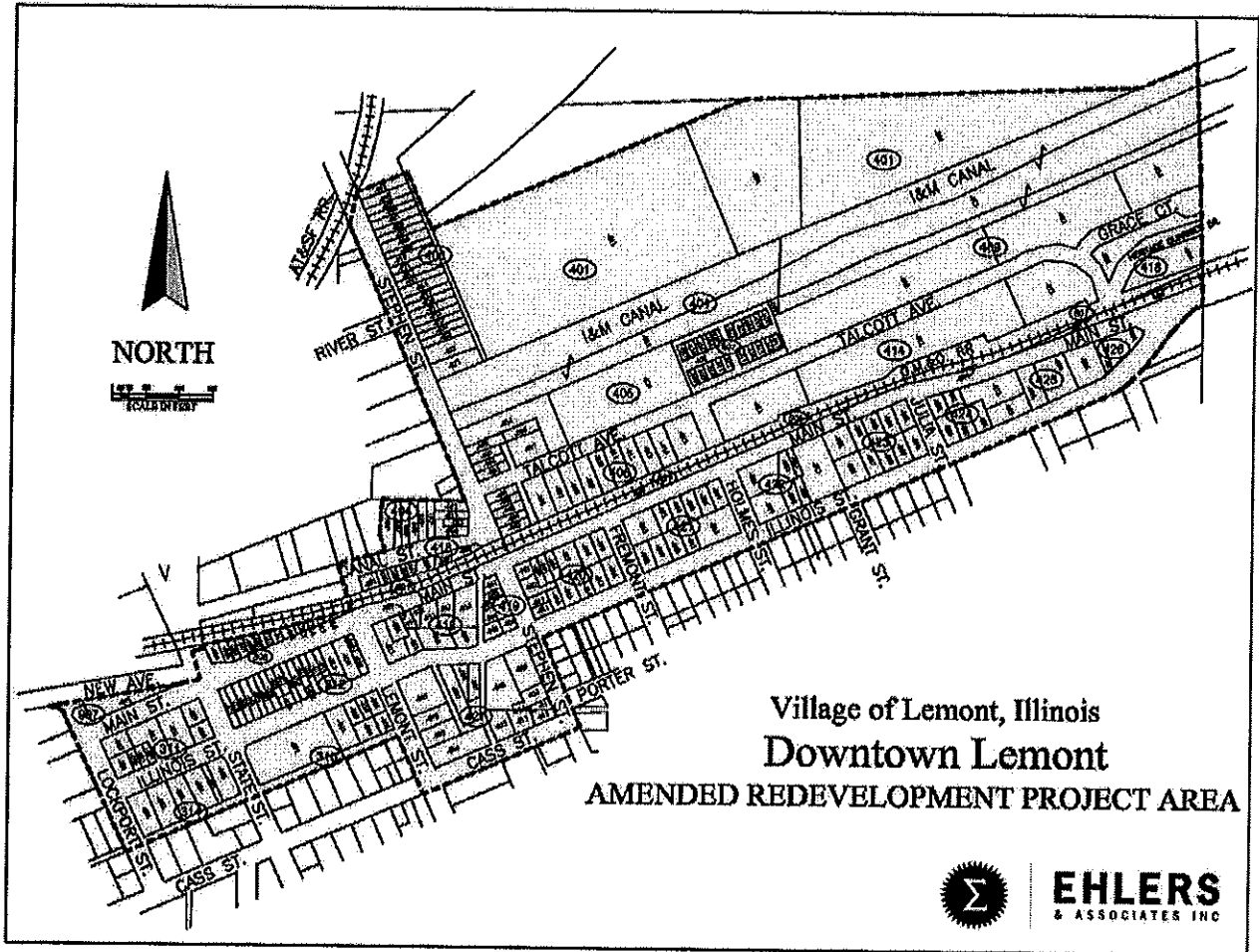
LEGAL DESCRIPTION FOR AMENDMENT TO ORDINANCE 689

THAT PART OF THE SOUTH HALF OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTH HALF OF SECTION 20; THENCE WEST ALONG THE NORTH LINE OF SAID SOUTH HALF (ALSO BEING THE NORTH LINE OF LOT 1 IN COUNTY CLERK'S DIVISION OF SECTION 20) A DISTANCE OF 1460 FEET MORE OR LESS TO A BEND IN SAID LOT 1; THENCE SOUTHWESTERLY 960 FEET ALONG THE NORTHWESTERLY LINE OF LOTS 1 AND 2 IN SAID COUNTY CLERK'S DIVISION TO A NORTH-SOUTH ALLEY IN SINGER AND TALCOTT'S STONE COMPANY SUBDIVISION; THENCE NORTHWESTERLY 180 FEET MORE OR LESS TO THE SOUTH LINE OF LOT 209 IN SANITARY DISTRICT TRUSTEE'S SUBDIVISION IN SAID SECTION 20; THENCE SOUTHWEST 140 FEET ALONG LAST SAID SOUTH LINE TO THE SOUTHEASTERLY LINE OF ATCHISON, TOPEKA AND SANTA FE RAILROAD RIGHT-OF-WAY; THENCE SOUTHWESTERLY ALONG LAST SAID RIGHT-OF-WAY LINE TO THE WESTERLY LINE OF STEPHEN STREET; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF STEPHEN STREET TO THE NORTH LINE OF LOTS 6 THRU 10 OF BLOCK 28 IN THE VILLAGE OF KEEPOTAW, A PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 20; THENCE WEST ALONG THE NORTH LINE OF

SAID LOTS 6 THRU 10 AND ITS WEST EXTENSION TO THE EAST LINE OF LOT 17 IN COUNTY CLERK'S DIVISION, A SUBDIVISION IN THE SOUTH 1/2 OF SAID SECTION 20; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 17 TO THE NORTH LINE OF CANAL STREET; THENCE WEST ALONG THE NORTH LINE OF CANAL STREET TO THE SOUTHEAST CORNER OF LOT 1 IN VILLAGE OF LEMONT, BEING A SUBDIVISION IN THE SOUTH 1/2 OF SAID SECTION 20; THENCE SOUTHERLY ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 1 AND ALONG THE EAST LINE OF BLOCK 10 IN SAID VILLAGE OF LEMONT TO A POINT ON A LINE PARALLEL AND CONCENTRIC WITH AND 25 FEET NORTHERLY FROM THE SOUTH BOUND MAIN TRACK OF THE ILLINOIS CENTRAL RAILROAD COMPANY; THENCE WESTERLY ALONG THE LAST DESCRIBED LINE TO THE EAST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 20; THENCE SOUTH ALONG THE LAST DESCRIBED LINE TO THE WEST LINE OF LOTS 1 THRU 14 INCLUSIVE IN BLOCK 10 IN SAID VILLAGE OF LEMONT; THENCE WESTERLY ALONG THE LAST DESCRIBED LINE TO THE NORTHWEST CORNER OF LOT 14 IN BLOCK 10 IN SAID VILLAGE OF LEMONT; THENCE WESTERLY TO THE EAST LINE OF BLOCK 2 IN THE VILLAGE OF LEMONT AT A POINT THAT IS 25 FEET SOUTHERLY OF THE CENTER LINE OF THE NORTHBOUND MAIN TRACK OF SAID ILLINOIS CENTRAL RAILROAD COMPANY; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID BLOCK 2 TO THE NORTH LINE OF NEW AVENUE; THENCE WESTERLY ALONG THE NORTH LINE OF NEW AVENUE TO THE WEST LINE OF BLOCK 9 IN SAID VILLAGE OF LEMONT; THENCE SOUTHEASTERLY ALONG THE LAST SAID WEST LINE TO THE SOUTH RIGHT-OF-WAY LINE OF NEW AVENUE; THENCE EASTERLY ALONG THE LAST SAID RIGHT-OF-WAY LINE TO A POINT 30 FEET WEST OF LOCKPORT STREET; THENCE SOUTHEAST TO A POINT IN THE WEST LINE OF LOCKPORT STREET 20 FEET SOUTH OF THE SOUTH LINE OF NEW AVENUE; THENCE SOUTHEASTERLY ALONG THE WEST LINE OF LOCKPORT STREET TO THE SOUTH LINE OF THE EAST-WEST ALLEY IN BLOCKS 7 AND 8 OF THE VILLAGE OF LEMONT AS RECORDED AUGUST 8, 1974 AS DOCUMENT NO. 184242; THENCE NORTHEASTERLY 902 FEET ALONG THE LAST SAID SOUTH LINE TO THE WEST LINE OF LEMONT STREET; THENCE SOUTHEASTERLY 198 FEET ALONG LAST SAID WEST LINE TO THE SOUTH LINE OF CASS STREET; THENCE NORTHEASTERLY 526 FEET ALONG LAST SAID SOUTH LINE TO THE EAST LINE OF STEPHEN STREET; THENCE NORTHWESTERLY 300 FEET MORE OR LESS TO THE SOUTH LINE OF ILLINOIS STREET; THENCE NORTHEASTERLY 1990 FEET MORE OR LESS ALONG LAST SAID SOUTH LINE TO THE EAST LINE OF PRUYNE STREET IN THE TOWN OF ATHENS; THENCE NORTHEASTERLY ALONG THE SOUTHEAST LINE OF THE ILLINOIS STREET CUTOFF TO MERGE WITH MAIN STREET TO THE EAST LINE OF SAID SECTION 20; THENCE NORTH 660 FEET MORE OR LESS ALONG LAST SAID EAST LINE TO THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 20 AND BEING THE PLACE OF BEGINNING, ALL IN THE VILLAGE OF LEMONT, COOK COUNTY, ILLINOIS.

ALSO, THOSE PARTS OF VACATED HINSDALE STREET AND VACATED LAWRENCE STREET IN THE VILLAGE OF LEMONT LYING NORTHERLY OF THE NORTHERLY LINE OF CANAL STREET AND SOUTHERLY OF THE NORTH LINE OF LOT 6 IN BLOCK 28 IN KEEPOTAW IN SAID SECTION 20, EXTENDED WEST, AND DUE WEST OF A LINE COMMENCING AT A POINT OF SAID NORTHERLY LINE OF CANAL STREET 56.96 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID LOT 17; THENCE NORTHERLY ALONG A LINE WHICH IS 56.96 FEET EASTERLY FROM AND PARALLEL

WITH THE WESTERLY LINE OF SAID LOT 17, A DISTANCE OF 68.65 FEET; THENCE EASTERLY ALONG A LINE PARALLEL TO THE NORTH LINE OF SAID CANAL STREET, A DISTANCE OF 6 FEET MORE OR LESS TO ITS INTERSECTION WITH A LINE 15 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 6 IN BLOCK 28 IN KEEPOTAW; THENCE NORTH ALONG SAID LAST MENTIONED PARALLEL LINE TO ITS INTERSECTION WITH THE NORTH LINE OF SAID LOT 6 IN BLOCK 28 IN KEEPOTAW EXTENDED WEST IN COOK COUNTY, ILLINOIS.



Village Board

Agenda Memorandum

Item #

to: Mayor Brian K. Reaves
Village Board of Trustees

from: James L. Cainkar, P.E., P.L.S., Acting Village Engineer

subject: Discussion Concerning Bicycle Accommodations
on McCarthy Road, East of Archer Avenue to West of Derby Road

date: November 16, 2010

BACKGROUND

On June 1, 2010, IDOT adopted a Procedures Memorandum No. 68-10 placing into effect the "Complete Streets Law", which mandates bicycle and pedestrian accommodations within urban areas where construction (other than resurfacing) takes place on IDOT maintained roadways.

There is a good chance that the Complete Streets Law would affect the "Triangle" (Archer/McCarthy/Derby) Intersection Improvement project that is scheduled for an April 2011 bid letting. On this project, there is no way that bicycle lanes can be accommodated on McCarthy Road, without major utility relocation work and acquisition of additional right-of-way. Some of the additional right-of-way would need to come from Cog Hill Golf Club, which could be difficult and time consuming. There are no on-street bicycle paths within 5 miles to the east on McCarthy Road, nor along McCarthy Road or Stephen Street to the west. Since it is extremely unlikely that McCarthy Road will ever be widened east or west of the above projects, it makes little sense to provide accommodation for on-street bicycles in this highway corridor. Any inclusion of bicycle facilities on the "Triangle" project would delay it to the 2012 or 2013 construction season and require a complete redesign of all elements of the plans, including roadways, storm sewers, and traffic signals; with possible right-of-way condemnation. This also would increase the project cost to the Village of Lemont. Please note that we are including sidewalks in the design of both this and the McCarthy/Walker project. While the Active Transportation Alliance letter supports the use of bicycles on McCarthy Road, the Illinois Official Bicycle Map notes that McCarthy Road is "Not Recommended for Bicycling".

RECOMMENDATION

Staff recommends approval of the attached Resolution.

ATTACHMENTS

- Resolutions rejecting the inclusion of bicycle facilities.

VILLAGE BOARD ACTION REQUIRED

Approval of the attached Resolution.

#05027/07171

**RESOLUTION
A RESOLUTION REJECTING THE INCLUSION OF
BICYCLE FACILITIES ON McCARTHY ROAD, FROM EAST OF ARCHER AVENUE TO WEST OF
DERBY ROAD FOR PROJECT M-8003(504)**

WHEREAS, the Illinois Department of Transportation (IDOT) has the power to approve and determine the final plans, specifications and estimates for all State highways; and

WHEREAS, IDOT's projects must adequately meet the State's transportation needs, exist in harmony with their surroundings, and add lasting value to the communities they serve; and

WHEREAS, IDOT must embrace principles of context sensitive design and context sensitive solutions in its policies and procedures for the planning, design, construction, and operation of its projects for new construction, reconstruction, or major expansion of existing transportation facilities by engaging in early and ongoing collaboration with affected citizens, elected officials, interest groups, and other stakeholders to ensure that the values and needs of the affected communities are identified and carefully considered in the development of transportation projects; and

WHEREAS, bicycles and pedestrian ways must be given full consideration in the planning and development of transportation facilities, including the incorporation of such ways into State plans and programs; and

WHEREAS, the State's complete streets law requires bicycle and pedestrian ways to be established in or within one mile of an urban area in conjunction with the construction, reconstruction, or other change of any State transportation facility, except in pavement resurfacing projects that do not widen the existing traveled way or do not provide stabilized shoulders, or where approved by the Secretary of Transportation based upon documented safety issues, excessive cost or absence of need; and

WHEREAS, during the development of highway projects throughout the State, IDOT gives consideration to accommodating bicyclists and pedestrians on a need-basis; and

WHEREAS, IDOT has presented the Village of Lemont, for its consideration, a bicycle and/or pedestrian improvement with funding to be split 80% State, 20% local with maintenance to be provided by the Village of Lemont; and

WHEREAS, there are no existing bicycle accommodations within 5 miles of the project area to the east on McCarthy Road, nor to the west on McCarthy Road, which highway sections are denoted on the Illinois Official Bicycle Map as "Not Recommended for Bicycling", nor is McCarthy Road in IDOT's long range plan for any improvements other than roadway resurfacing; therefore, be it

WHEREAS, inclusion of bicycle accommodations would require large amounts of right-of-way to be acquired by eminent domain from Cog Hill Golf Club; therefore, be it

RESOLVED, THAT THE Village of Lemont hereby rejects IDOT's proposed bicycle improvement and acknowledges that such rejection will result in a cancellation of the proposed bicycle improvements; and be it further

RESOLVED, that a suitable copy of this Resolution be presented to the Project Engineer associated with the proposal, or his or her equivalent, within IDOT.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL AND DuPAGE, ILLINOIS, on this 22nd day of November, 2010.

Debby Blatzer
Paul Chialdikas
Clifford Miklos
Rick Sniegowski
Ronald Stapleton
Jeanette Virgilio

AYES

NAYS

PASSED

ABSENT

Approved by me this 22nd day of November, 2010.

A t t e s t:

CHARLENE SMOLLEN, Village Clerk

BRIAN K. REAVES, Village President

CHARLENE SMOLLEN, Village Clerk

Village Board

Agenda Memorandum

Item #

to: Mayor Brian K. Reaves
Village Board of Trustees

from: James L. Cainkar, P.E., P.L.S., Acting Village Engineer

subject: Discussion Concerning Bicycle Accommodations
on McCarthy Road, at its intersection with Walker Road

date: November 16, 2010

BACKGROUND

On June 1, 2010, IDOT adopted a Procedures Memorandum No. 68-10 placing into effect the "Complete Streets Law", which mandates bicycle and pedestrian accommodations within urban areas where construction (other than resurfacing) takes place on IDOT maintained roadways.

McCarthy Road is an IDOT maintained roadway, and IDOT has required that the Village follow the Complete Street Laws procedures for the Walker Road and McCarthy Road Intersection Improvement project, unless the Village opts out of the program. The proposed on-street bicycle accommodation would need to be a 6-foot width on-street bike lane along the curb, in both directions. The ramifications of this mandate are numerous. For the McCarthy & Walker project, additional right-of-way would be required to include the bike path, and a redesign of the current Phase I project scope would be needed.

There are no on-street bicycle paths within 5 miles to the east on McCarthy Road, nor along McCarthy Road or Stephen Street to the west. Since it is extremely unlikely that McCarthy Road will ever be widened east or west of the above projects, it makes little sense to provide accommodation for on-street bicycles in this highway corridor. While the Active Transportation Alliance letter supports the use of bicycles on McCarthy Road, the Illinois Official Bicycle Map notes that McCarthy Road is "Not Recommended for Bicycling".

RECOMMENDATION

Staff recommends approval of the attached Resolution.

ATTACHMENTS

- Resolutions rejecting the inclusion of bicycle facilities.

VILLAGE BOARD ACTION REQUIRED

Approval of the attached Resolution.

#05027/07171

**RESOLUTION
A RESOLUTION REJECTING THE INCLUSION OF
BICYCLE FACILITIES ON McCARTHY ROAD
AT ITS INTERSECTION WITH WALKER ROAD, FOR PROJECT D-91-664-09**

WHEREAS, the Illinois Department of Transportation (IDOT) has the power to approve and determine the final plans, specifications and estimates for all State highways; and

WHEREAS, IDOT's projects must adequately meet the State's transportation needs, exist in harmony with their surroundings, and add lasting value to the communities they serve; and

WHEREAS, IDOT must embrace principles of context sensitive design and context sensitive solutions in its policies and procedures for the planning, design, construction, and operation of its projects for new construction, reconstruction, or major expansion of existing transportation facilities by engaging in early and ongoing collaboration with affected citizens, elected officials, interest groups, and other stakeholders to ensure that the values and needs of the affected communities are identified and carefully considered in the development of transportation projects; and

WHEREAS, bicycles and pedestrian ways must be given full consideration in the planning and development of transportation facilities, including the incorporation of such ways into State plans and programs; and

WHEREAS, the State's complete streets law requires bicycle and pedestrian ways to be established in or within one mile of an urban area in conjunction with the construction, reconstruction, or other change of any State transportation facility, except in pavement resurfacing projects that do not widen the existing traveled way or do not provide stabilized shoulders, or where approved by the Secretary of Transportation based upon documented safety issues, excessive cost or absence of need; and

WHEREAS, during the development of highway projects throughout the State, IDOT gives consideration to accommodating bicyclists and pedestrians on a need-basis; and

WHEREAS, IDOT has presented the Village of Lemont, for its consideration, a bicycle and/or pedestrian improvement with funding to be split 80% State, 20% local with maintenance to be provided by the Village of Lemont; and

WHEREAS, there are no existing bicycle accommodations within 5 miles of the project area to the east on McCarthy Road, nor to the west on McCarthy Road, which highway sections are denoted on the Illinois Official Bicycle Map as "Not Recommended for Bicycling", nor is McCarthy Road in IDOT's long range plan for any improvements other than roadway resurfacing; therefore, be it

RESOLVED, THAT THE Village of Lemont hereby rejects IDOT's proposed bicycle improvement and acknowledges that such rejection will result in a cancellation of the proposed bicycle improvements; and be it further

RESOLVED, that a suitable copy of this Resolution be presented to the Project Engineer associated with the proposal, or his or her equivalent, within IDOT.

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL AND DuPAGE, ILLINOIS, on this 22nd day of November, 2010.

	<u>AYES</u>	<u>NAYS</u>	<u>PASSED</u>	<u>ABSENT</u>
Debby Blatzer				
Paul Chialdikas				
Clifford Miklos				
Rick Sniegowski				
Ronald Stapleton				
Jeanette Virgilio				

Approved by me this 22nd day of November, 2010.

CHARLENE SMOLLEN, Village Clerk

A t t e s t:

BRIAN K. REAVES, Village President

CHARLENE SMOLLEN, Village Clerk



Village of Lemont

418 Main Street • Lemont, Illinois 60439

Village of Faith

Mayor

Brian K. Reaves

Village Clerk

Charlene M. Smollen

Trustees

Debby Blatzer

Paul Chialdikas

Clifford Miklos

Rick Sniegowski

Ronald Stapleton

Jeanette Virgilio

Administrator

Benjamin P. Wehmeier

EXECUTIVE SESSION AGENDA NOVEMBER 22, 2010

I. PERSONNEL.

Administration

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fax (630) 243-0958

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