City Council QA July 18, 2017

Wednesday, July 12, 2017 4:31 PM

I. CONSENT AGENDA:

11. 17-551 Approve 06/07/2017 thru 06/28/2017 Cash Disbursements for \$28,872,256.92

Gustin, Patti: (I1)

Please provide expense verses budget by department.

A: Attached is the 6-Month budget versus expense by department. (Mayer)



Departmen t Spendin...

Gustin, Patti (I1) (Utility Reports-Page 14)

Do we have on the city's website how electric account deposits are calculated? If not when will that information be available so residents moving to a new home or apartment can calculate that expense of moving?

A: The following link explains several aspects of the utility services: <u>https://www.naperville.il.us/government/city-finances/utility-services-and-billing/</u> While it explains when a deposit is required, it does not specifically state how it is calculated on this portion of the website, a resident would need to go to the Municode link to understand calculation. I think the calculation would probably be a good item to add under the FAQs section, Finance will coordinate with Communications to update this section of the website. (Mayer)

Gustin, Patti (I1-Page 21)

Please explain almost \$400,000 in computer expense, what department, need, etc.

A: This expense is for electrical substation relays that was awarded at the City Council meeting on April 5, 2017, under bid 17-061. Substation relays are classified as computer equipment and the award amount is \$420,360.56. (Geynisman)

Gustin, Patti: (I1-Page 6)

Please explain "clothing" \$788.74 and what department?

A: This expense is for the police department and includes police uniform and equipment expenses. (Mayer)

 I3. 17-513 Approve the Award of RFQ 17-119, Spot Purchases of Single Phase And Three-Phase Transformers to CG Power Systems USA, Graybar Electric Company, Power Line Supply, RESCO, Universal Utility Supply Co and WESCO As approved vendors for future quotations for an amount not to exceed \$695,993 for 3 year Term.

Gustin, Patti: (I3)

Is this pad concrete? If so can a concrete pad be poured as needed? If so has a price comparison been done offering as needed on site installation?

- Α. Single phase transformer vaults are bought separately by the utility and installed with the transformer. Developments that require three phase transformers are provided by the developer to our specification. They may purchase the vault or pour in place, at their preference. (McIntyre)
- 19. 17-520 Pass the Ordinance approving a major change to the Springbrook Square PUD to grant a conditional use in the B2 district to allow a daycare center on property located at 1932 Springbrook Square Drive, PZC 17-1-015.

Hinterlong, Paul (19):

Please provide an overhead layout or plat of the whole PUD showing where in the development this lot is located?

A: Please see the attached location map for 1932 Springbrook Square. The subject property is outlined in blue. (Evans) odf



1932 Springbro...

111. **17-552** Pass the Ordinance approving the Final Plat of Subdivision, Owner's Acknowledgement and Acceptance, and a deviation to Section 7-3-5

(Dedication of Park Lands and School Sites) for Burlington Woods

Estates located at 613 and 725 Spring Avenue, PZC 16-1-163.

Hinterlong, Paul: (I11)

Going forward, if the plats you provide could have the nearest intersection within it, it would be very helpful. for instance, Laird and Douglas, along with Spring, would give us a much better picture of how the development lays out a well as the location.

A: Please see the attached map for the location of the Burlington Woods Estates Subdivision outlined in blue. Going forward, staff can include a location map with the agenda materials. (Evans)



Burlington Woods Es...

Obarski, Rebecca: (I11)

The staff report says the Petioner's request to delay payment of the required school and park donations is consistent with the City's pending text amendment – when is it anticipated that Council see that text amendment on the agenda?

- A: The text amendment is currently being drafted and is expected to be in front of City Council for consideration in 3rd Quarter 2017. (Evans)
- 113. 17-522 Pass the Ordinance rezoning the property located at 1295 Rickert Drive (PZC 16-1-029) from R3 (Medium Density Multiple-family Residence

District) to B2 (Community Shopping Center District) (Item 2 of 3).

Gustin, Patti: (I13)

Why did this not go to PZC? Probably due to prior use?

- A: The Planning and Zoning Commission reviewed PZC 16-1-029 (TrueNorth Energy) on Wednesday June 21, 2017. The PZC voted 6-0 to recommend approval of the petitioner's requests. (Evans)
- **I14. 17-523** Pass the Ordinance approving a major change to the Town Square PUD

located at 1295 Rickert Drive (PZC 16-1-029) to grant a conditional use

in the B2 District to allow a gas station and car wash, and to grant a

deviation to reduce the side yard setback (Item 3 of 3).

Hinterlong, Paul: (I14)

Note For Code Enforcement - They need some maintenance done in regards to their landscaping over there. They finally cut the grass, but need to trim a bush in the median that is overgrown and trim the dead branches out of the dying trees.

A: Code Enforcement has been made aware of the complaint, will confirm it in the field and follow up with the property owner and association to bring it into compliance. (Novack)

I15. 17-553 Receive the staff report for Cima Pride located at 1503 North Aurora Road

Hinterlong, Paul: (I15)

Please provide pictures of the proposed signs and their locations, including their heights and dimensions.

A: Please see attached sign renderings and location plan (Venard).



CIMA Pride Sign Locat...



CIMA Pride Signs

I16. 17-554 Pass the Ordinance Approving a Major Change to the Riverbrook Center Lot 4 - Autozone Resubdivision PUD and Approving a Preliminary/Final PUD Plat with Certain Deviations on the Property Located at 1503 North Aurora Road (Cima Pride Resubdivision)

Obarski, Rebecca: (116)

This area is presently an open grass field, what consideration has been given to the impact of asphalting this corner on water run-off or spot flooding at the intersection?

A: This development meets the requirements of the DuPage County Stormwater Ordinance. Stormwater will be collected and routed through stormwater detention areas before it is released into the public storm sewer system. Detention was provided in off-site basins as part of the original 1996 Riverbrook Center improvements. Additional detention will also be provided on-site in an underground chamber to ensure that the site meets the current standards for the proposed design. The development will have no impact, positive or negative, on drainage in the adjacent intersection. (Zibble)

Obarski, Rebecca: (I16) Regarding the sign placement deviation Is there a reason the sign cannot be placed at the 10' line?

- A: The petitioner has indicated that placing the sign 10' from the property line will interfere with site circulation. The reduced setback is necessary due to the layout of the site (i.e. the cut corner at North Aurora Road and Raymond Drive). (Venard).
- I18. 17-539 Adopt a Resolution approving the intergovernmental agreement addendum between the City of Naperville and the State of Illinois Department of Transportation for the improvement of Route 34 (Ogden Avenue) at Columbia Street (CIP Project #SC253, IDOT Section # 10-TS-1).

Hinterlong, Paul: (I18)

Do we have any pictures of what we are proposing? Pictures of the lighting fixtures?

A: We will be using the same street lights as we currently have. This change is only for the traffic signal mast arms and posts, which will be similar to what we have at Chicago Avenue and Ellsworth Street. Attached is a picture of what is proposed.



Decorative Traffic Sig...

120.17-564Adopt the Resolution Authorizing the Execution of a Right-of-Way Use
License Agreement with Level 3 Communications.

Gustin, Patti: (I20)

As the city looks to beautify this area will landscaping improvements be required in the right-of-way during Level 3 Communications install?

A: Level 3 Communications will be required to restore the parkway with sod within 14 days of excavation. This requirement is similar to a typical right-of-way permit (Dick).

121. 17-556 Approve the City Council Meeting Schedule for August, September, October & November 2017.

Hinterlong, Paul: (121)

Are we starting our workshops at 7 pm now?

A: No, that was an error. All the workshops will begin at 6:00 pm. This correction will be made directly from the dias at the City Council meeting. (Pruneda)

J. PUBLIC HEARINGS:

J2. 17-578 Pass the ordinance vacating a portion of right-of-way on Naperville-Wheaton Road

A. Attached is a revised ordinance that permits City Attorney approval of a revision to the Plat of Vacation in the event that additional easements need to be reserved. Please use this ordinance during City Council deliberation on July 18th.



Ordinance Revised 7...

J3. 17-570 Conduct the public hearing to consider the Annexation Agreement for

Hinterlong, Paul: (J3)

Are there any recapture fees that are to be collected for the street or utilities on Parkside: By us or the original developer for this area?

A:	There is no recapture fee due for the street. However, Per S4.0 of the Annexation Agreement, the Owner/Developer is required to pay a roadway improvement fee in the amount of \$26,071.50 to the City, which is the proportionate cost for future roadway improvements to be made adjacent to the SUBJECT PROPERTY on Parkside Road.	
	In addition, Per S3.0 of the Annexation Agreement, the Owner/Developer shall pay a water recapture fee of \$4,530.51 and a sanitary recapture fee of \$2,911.95 prior to recordation of the Annexation Agreement and the Ordinance Annexing the subject property. The water recapture fee is due to the developer of the Julian Parkside Subdivision, James Homes, Inc. The sanitary recapture fee is due to developer of the Kuhrt's Resubdivision, Thomas O. Kuhrt and Frances B. Kuhrt. (Liu)	

J6. 17-572 Pass the Ordinance annexing the Subject Property located at 830

Parkside Road, PZC 17-1-030 (Item 4 of 5).

Hinterlong, Paul: (J6)

This item was not included in my packet.

A: Please see the attached Ordinance and corresponding attachments. These have also been provided via email to Councilman Hinterlong. (Mattingly)



Legal Description



Ordinance Annexing ...

L. ORDINANCES AND RESOLUTIONS:

L1. 17-388 Pass the Ordinance amending Chapter 8 (Taxicab Services) of Title 3,

Business and License Regulations, of the Naperville Municipal Code.

Obarski, Rebecca: (L1) Taxicab Licenses and Regulations

Under the proposed regulations are there 3 licenses: (1) a license to operate a taxi service company, (2) a license to drive a taxicab; and (3) a licensed that covers the each vehicle used for taxi services?

A: No, there is one license issued to the taxi service company that allows that company's drivers to operate within the City's limits. (Athanikar)

Obarski, Rebecca: (L1) Taxicab Licenses and Regulations

It appears that the proposal for the City to accept the affidavit of the taxi company owner that the fingerprint checks all came back clear, is that correct?

A: Yes, this proposal puts the responsibility on the taxi service company to make sure its drivers are fingerprinted; a company can elect to use the Naperville Police Department as an option to get their drivers checked, but it is not mandated to go through NPD. (Athanikar)

Obarski, Rebecca: (L1) Taxicab Licenses and Regulations

Does the Naperville Police Department then run a background check on each proposed driver (280 drivers)? What if one of the driver's background comes back with potential issues? Does the NPD put a hold on that driver? Or the entire company packet?

A: Yes, the Naperville Police Department runs a background check on each driver. If there is an issue, a hold will be placed on the particular driver, not the entire company application. (Athanikar)

Obarski, Rebecca: (L1) Taxicab Licenses and Regulations

Please clarify again the difference in scope between a "background check" and a "fingerprint check". Also, please explain if there is a difference in scope between the fingerprint check the police department would execute and a fingerprint check that a taxi service company would obtain through a contract provider.

A: A background check yields a person's driving history and any local police contacts/criminal history; a fingerprint check yields a person's state and federal criminal history. There is no difference in scope between the fingerprint check the Naperville Police Department would conduct and a fingerprint check that a taxi service company would obtain through a third party provider. (Athanikar)

Obarski, Rebecca: (L1) Taxicab Licenses and Regulations

Section 3-8-2-1 – is it commonly understood that Uber/Lyft drivers are not "accepting passengers for hire"? If so, can you please provide the basic distinction?

A: Uber and Lyft and other transportation network companies (TNCs) operate through a ride-sharing application via an electronic device which means a person must request a ride from a TNC by clicking on their app; this is different than a taxi which can be hailed on the street. (Athanikar)

Obarski, Rebecca: (L1) Taxicab Licenses and Regulations

Section 3-8-2-2 – Might it be more clear to state 2.1 in the negative, e.g., A licensee may refuse to transport a disorderly person.

A: Agreed, the language should read "A licensee may refuse to transport a disorderly person." (Athanikar)

Obarski, Rebecca: (L1) Taxicab Licenses and Regulations Section 3-8-4-3 – Is there a list of objectionable criminal offenses or traffic violations (or number of particular violations) that would disgualify a driver? Who makes that call?

A: Any felony conviction within the last seven years disqualifies a driver and/or operator to operate within the City's limits. Any questionable background or criminal history is reviewed by the Police Department and Legal Department. (Athanikar)

Obarski, Rebecca: (L1) Taxicab Licenses and Regulations

Section 3-8-6-2.1 – Who is the taximeter inspector?

A: Approved taxi inspection sites from RFQ 14-138 (Ozkaptan)

Company Name	Address	Phone Number	Type of Inspections	Vehicle Inspection and Meter Inspection Fee
AAMCO Total Car Care of Aurora	1315 N Lake St. Aurora, IL 60506	630-896-570 0	Cabs & Meters	\$45
Cool Flow Automotive	1340 W Ogden Ave #2 Naperville, IL 60563	630-355-200 1	Cabs & Meters	\$40
Sterling Automotive Repair	7 South Route 59 Aurora, IL 60504	630-851-361 0	Cabs & Meters	\$50
My Wifes Mechanic	500 Industrial Dr. Suite 500 Naperville, IL 60563	630-750-612 6	Cabs & Meters	\$40
North Aurora Firestone	401 S Lincolnway North Aurora, IL 60542	630-857-140 0	Cabs & Meters	\$45

Hinterlong, Paul: (L1)

If fingerprints are emailed or faxed or however they may be sent to us, can they lose their accuracy or sharpness to be accurate? Does it make more sense to do out own finger printing for our protection of evidence or documentation?

- A: Per state regulations, fingerprints from one agency cannot emailed or transmitted to another agency; the signed affidavit puts the responsibility on the owner/operator to attest to the fact that their drivers have been fingerprinted and checked for felony convictions in the last seven years. (Athanikar)
- L2. 17-580 Adopt the Resolution expanding the Riverwalk Boundary.

Obarski, Rebecca: (L2)

What is the estimated cost of creating the Smart Park? (and what are the expenses related to: e.g., installing a brick platform, benches, awnings, running electric service, etc

A: Attached is a copy of the designer's preliminary construction cost opinion which includes a breakdown for the various major categories. With all contingencies included the total cost is \$436,500. (Novack)



Smart Park Const Cos...

Obarski, Rebecca: (L2) Will the City supply the electricity to the Park? Will it be metered separately?

A: Solar panels are being donated for the Smart Park, which will generate more than enough energy for the park to operate. There is some discussion about selling back the excess energy that is generated and making the Riverwalk Foundation the beneficiary of those funds. We do not have enough information at this time to speculate on what those amounts would be. (Novack)

Obarski, Rebecca: (L2)

What is the anticipated annual maintenance cost?

- A: Anticipated annual maintenance costs will be similar to what they are today. The site is currently irrigated, mowed and fertilized during the growing season. The landscape maintenance will switch over to hardscape maintenance with the mowing being replaced with occasional power washing and minor equipment repairs. (Novack)
- L3. 17-548 Receive the staff report for The Washington located at 720 N Washington Street

Is there a landscaping plan? As development continues north from Downtown to Ogden, north gateway to downtown, how does the City's 2030 Plan, Ogden Avenue Corridor Study and other City reports influence this area? Will they be considered as a whole or piecemeal?

A: The landscape plan is attached as Exhibit D for <u>File # 17-549</u>. 720 N Washington is located within the boundary of the 5th Avenue Study and the Washington Streetscape Study (which recommends streetscape improvements for Washington Street from Ogden Avenue to Benton Avenue). The proposed development is consistent with both of those documents. During the development of the Naperville Downtown2030 plan, the Downtown Advisory Commission did review the 5th Avenue Study and had no concerns regarding the recommendations contained in that report for Washington Street (as it does serve as the entryway to Downtown). Accordingly, all applicable and surrounding plans have been considered for development proposed along this portion of Washington Street. (Evans)

Gustin, Patti: (L3)

Where will resident enjoy outdoors? Is there green space? Why was apartment verses condo selected?

A: The residential floors of the proposed building include several balconies providing outdoor space for the residents. (Evans)

Obarski, Rebecca: (L.3)

Please provide a link to the section of the 5th Avenue Study that recommends construction be closer to Washington to maximize the rear yard setbacks.

A: Page 24 of the <u>5th Avenue Study</u> states, "New development on Washington Street should be located closer to the right-of-way so as to accommodate parking in the rear and provide greater separation between the building and residential uses abutting the rear property line." (Evans)

Obarski, Rebecca: (L3)

Was the 5th Avenue Study adopted by Council as a "plan" for future development? What is its level of "authority" or "guidance"?

A: The 5th Avenue Study, approved per Ordinance 09-143 on December 1, 2009, is a component of the City's Official Comprehensive Plan (Naperville Municipal Code Section 1-11-1:4.6 (Official Comprehensive Plan: 5th Avenue Study)). A comprehensive plan is advisory only and does not constitute binding law except to the extent that it is implemented by ordinances enacted by the corporate authorities. 65 ILCS 5/11-12-6. This is reflected by the 5th Avenue Study itself which states that the Future Land Use Map and Future Land Use Supplemental Recommendations were "developed to serve as a generalized policy to guide future development and redevelopment within the 5th Avenue Study Area" [page 22].

Following adoption of the study, the City Council did adopt Section 6-2-31 (5th Avenue Study Overlay District) of the Naperville Municipal Code to establish binding height and bulk regulations applicable to properties located within the 5th Avenue Study area. (Evans)

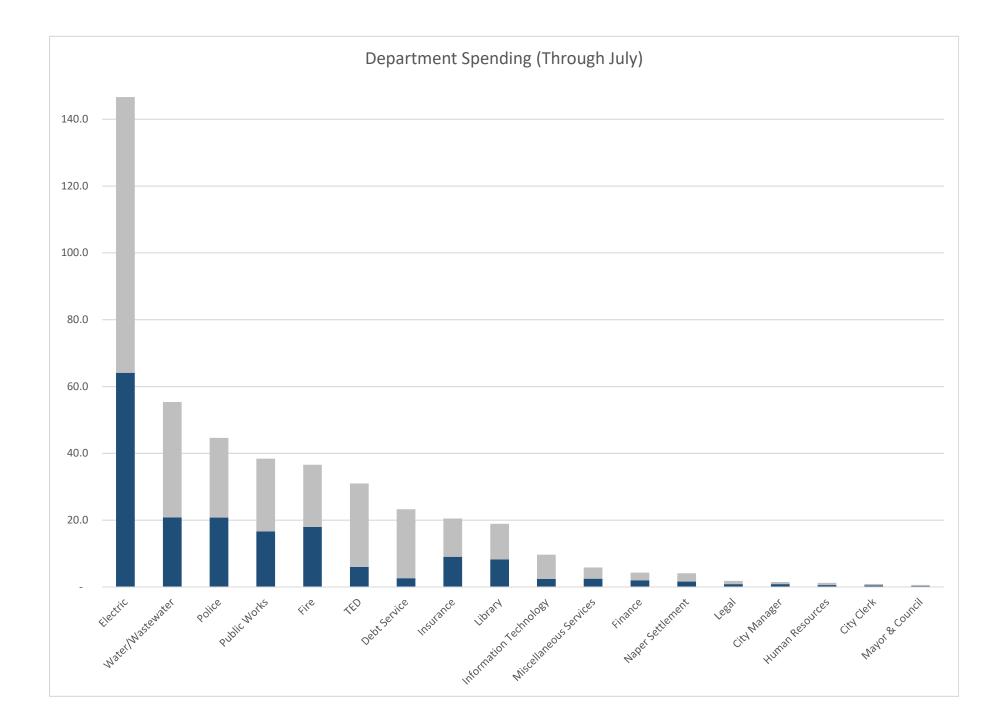
L4. 17-549 Pass the Ordinance approving a conditional use in the OCI district to allow retail and multi-family dwellings for The Washington located at 720 N Washington Street, PZC 17-1-027 (Item 2 of 3).

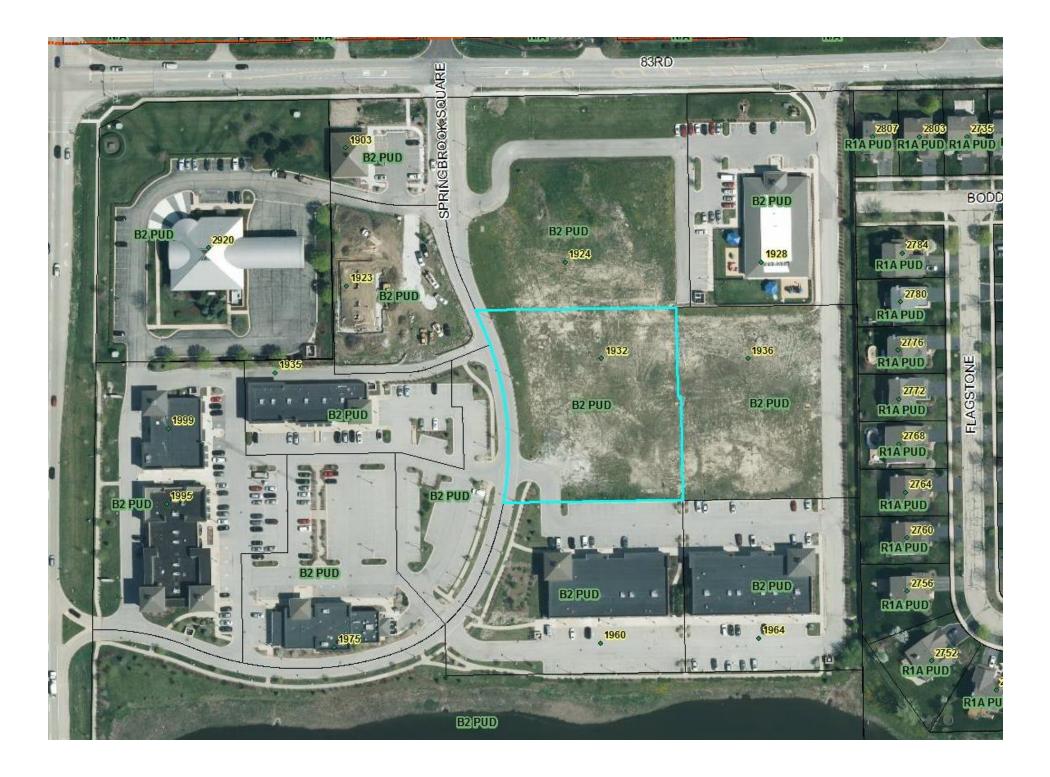
Hinterlong, Paul: (L4)

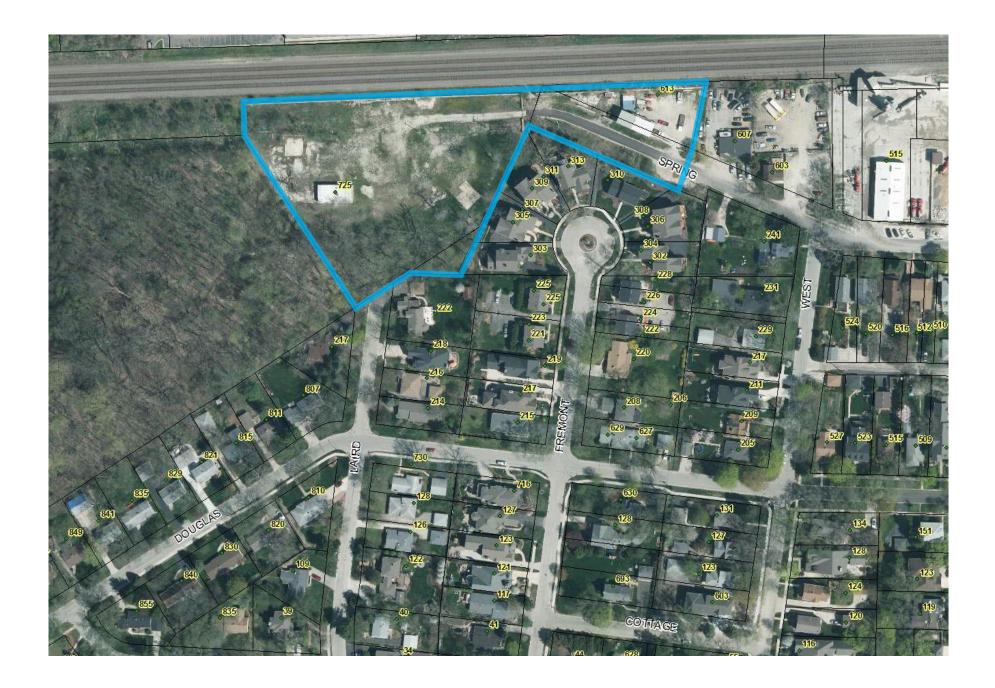
What is the total height of the building? The writeup mentions "varies" - what are the varying heights? Is the dumpster corral within the building? Is there water main recapture feed associated with this block or section of alley? What is the reason to bump out the sidewalk to go around the planters? Why not move them in and continue the sidewalk in line with the existing?

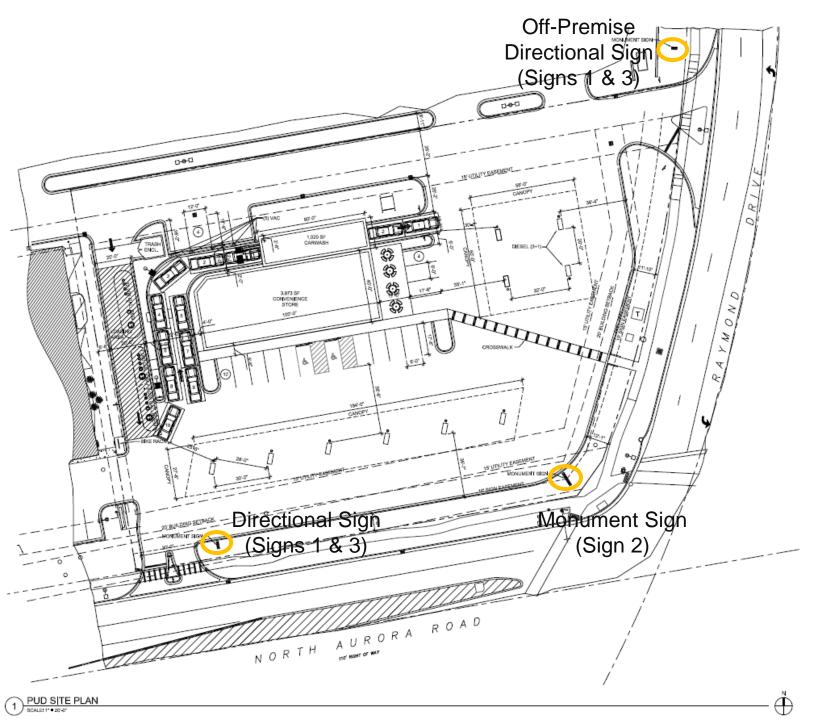
A: The building is 42'-9.5" tall. The dumpster enclosure is located within the building. The location and

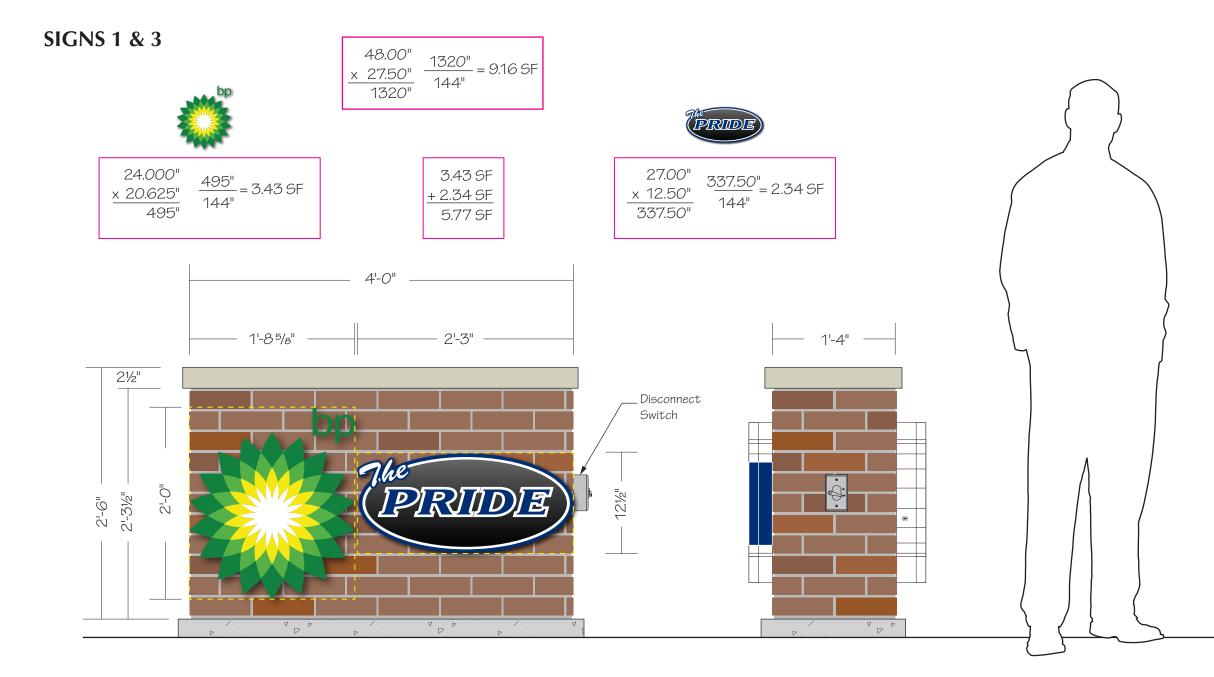
design of the proposed sidewalk/streetscape improvements are intended to be consistent with the streetscape design recommendations of the 5th Avenue Study. Similar streetscape improvements will be installed along Washington Street incrementally as other properties redevelop. (Evans)











(2) 2'-6" x 4'-O" x 1'-4" Double Face Illuminated Monument Signs

Base: Brick Construction - Match Building

- BP Helios: Fabricated Channel Letter Decorated White Acrylic Face White LED Illumination - "bp" = FCO Acrylic
- The Pride: Fabricated Channel Letter Decorated White Acrylic Face White LED Illumination Power: (1) 20Amp @ 120Volts Electrical Circuit Run to Each Site by Others
- Mounting: Signs are Flush Mounted to Brick Construction Wall Masonry Anchors
 - Concrete Trench Foundation T.B.D.

NOTE: FIELD SURVEY REQUIRED PRIOR TO FABRICATION





Design = Fabrication = Installation = Maintenance

165TubewayDrive=CarolStream=Illinois60188 Tel/630-510-2020 • Fax/630-510-2074 e-mail/signs@parvinclauss.com www.parvinclauss.com

PROJECT:



1503 N. Aurora Road Naperville, IL

CUSTOMER APPROVAL: DATE

AUTHORIZED SIGNATURE

REPRESENTATIVE House/LS DRAWN BY **Bill Marlow** DATE 5.03.17 SCALE 1" = 1' SHEET NO. 1 of 2 WORK ORDER 77613 FILE NAME PRD77613

REVISIONS:

8

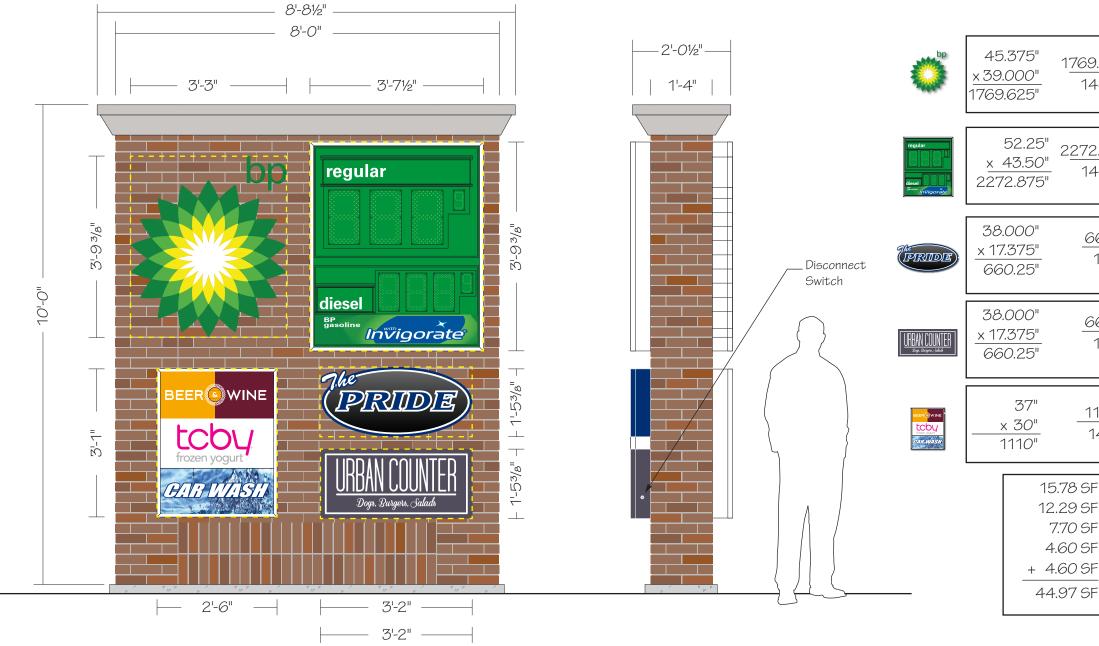
5.17.17 - SF per village

2 5.18.17 - SF per village

1			

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

SIGN 2



(1) 10'-<u>0" x 8'-0" x 1'-4" Double Face Illuminated Monument Sign</u>

Base: Brick Construction - Match Building

BP Helios: Fabricated Channel Letter - Decorated White Acrylic Face - White LED Illumination

Pricer Cabinet: Fabricated Aluminum - Decorated Clear Polycarbonate Face - White LED Illumination

- Std. Green LED Pricer Units

The Pride: Fabricated Channel Letter - Decorated White Acrylic Face - White LED Illumination

Urban Counter Cabinet: Fabricated Aluminum - Decorated Clear Polycarbonate Face - White LED Illumination

Services Cabinet: Fabricated Aluminum - Decorated Clear Polycarbonate Face - White LED Illumination

Power: (1) 20Amp @ 120Volts Electrical Circuit Run to Site by Others

Mounting: Signs are Flush Mounted to Brick Construction Wall - Masonry Anchors

- Concrete Trench Foundation - T.B.D.



This sign is built to UL Standards

for operation in North America.

15.78 SF 12.29 SF 7.70 SF 4.60 SF + 4.60 SF



Design = Fabrication = Installation = Maintenance

165TubewayDrive=CarolStream=Illinois60188 Tel/630-510-2020 ■ Fax/630-510-2074 e-mail/signs@parvinclauss.com www.parvinclauss.com

PROJECT:



1503 N. Aurora Road Naperville, IL

CUSTOMER APPROVAL: DATE

AUTHORIZED SIGNATURE

REPRESENTATIVE

	HOUSE/LS
DRAWN BY	
	Bill Marlow
DATE	
	5.03.17
SCALE	
	1/2" = 1'
SHEET NO.	
	1 of 2
WORK ORDER	
	77613
FILE NAME	PRD77613

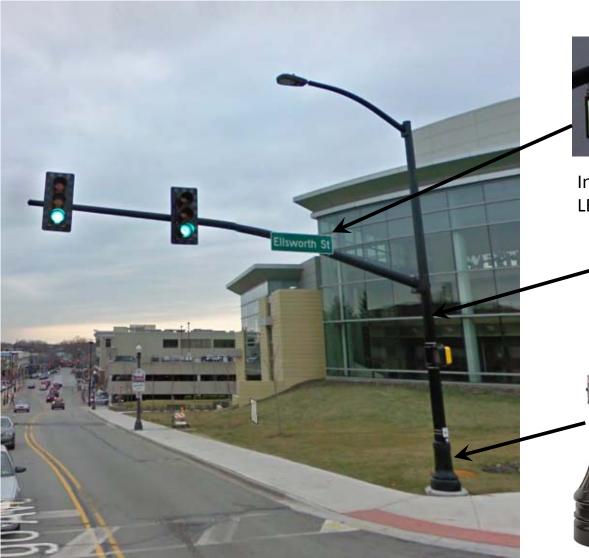
Hausa /IG

REVISIONS:

5.17.17 - SF per village

2 5.18.17 - SF per village

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.





Internally Lit Hanging LED Street Name Sign

Black powder coat finish

3 possible similar styles of decorative base (2 of 3 shown)

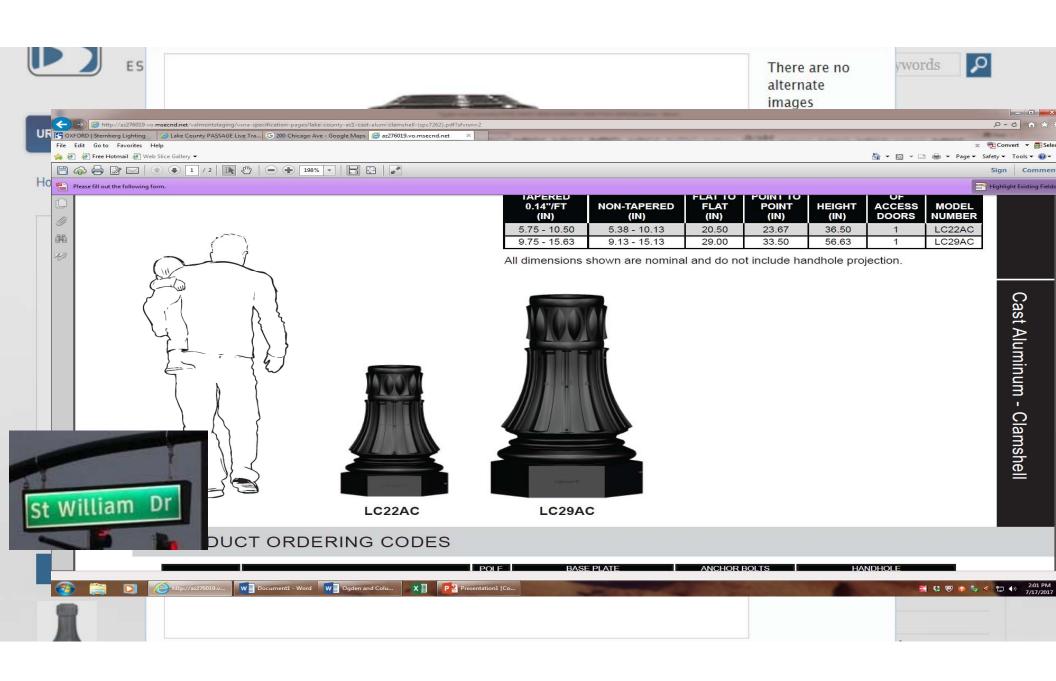




LC29AC







ADDRESS:

Right-of-Way along Naperville-Wheaton Road [part of] East of PIN 08-08-12-005 Naperville, IL 60563

PREPARED BY:

City of Naperville Legal Department 630/420-4170

ORDINANCE NO. 17 - _____

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ON NAPERVILLE-WHEATON ROAD

WHEREAS, the City owns a fifty-foot (50') wide by approximately five hundred and fiftyeight-foot (558') long strip of real property (hereinafter "City Right-of-Way") along Naperville-Wheaton Road to the east of 1210 E. Ogden Avenue, Naperville, IL; and

WHEREAS, the City Right-of-Way was conveyed to the City on April 15, 1963 by the owner of 1210 E. Ogden Avenue at no charge to the City at a time when the City planned to undertake expansion of Naperville-Wheaton Road; and

WHEREAS, the anticipated expansion of Naperville-Wheaton Road did not occur; and

WHEREAS, the City recognizes an ongoing and vital need to promote and encourage the Ogden Avenue Corridor Enhancement Initiative which was adopted in 2008, and to that end implemented the Ogden Avenue Site Improvement Grant Program to incentivize owners on the Ogden Avenue Corridor to undertake improvements which support said Initiative; and

WHEREAS, Naper-Olds Associates, L.P. (hereinafter "Petitioner") is the current owner of the property located at 1210 E. Ogden Avenue, Naperville, IL which property is legally described and depicted on Exhibit A ("Naper-Olds Property"); and

WHEREAS, Petitioner has requested that the City of Naperville vacate a portion of the City Right-of-Way as depicted and legally described on the plat of vacation ("Plat of Vacation") attached hereto and made part hereof as <u>Exhibit B</u> (hereinafter "Subject Right-of-Way"), and for title thereto to vest in the Petitioner; and

WHEREAS, Petitioner has agreed to make significant improvements to the Naper-Olds Property (hereinafter "Improvements") as described on <u>Exhibit C</u> attached hereto and made part hereof, including but not limited to streetscape and landscaping improvements, which align with the goals of the Ogden Avenue Corridor Enhancement Initiative; and

WHEREAS, instead of applying for City grant money under the Ogden Avenue Site Improvement Grant Program, Petitioner has requested that title to the vacated Subject Right-of-Way vest in Petitioner subject to the terms and conditions set forth herein; and

WHEREAS, the City has determined that it has no further use or need of the Subject Rightof-Way, and that the public interest will be served by its vacation as provided herein; and

WHEREAS, vacation of the Subject Right-of-Way and conveyance of the same to Petitioner will return said property to the tax rolls, relieve the City of all responsibility for its maintenance, repair, and reconstruction, and relieve the City of liability associated with said Subject Right-of-Way; and

WHEREAS, it is the judgment of the Mayor and City Council that the benefits which will accrue to the City as described herein represent sufficient consideration for vacation of the Subject Right-of-Way as provided herein; and

WHEREAS, the Plat of Vacation for the Subject Right-of-Way shall not be recorded until Petitioner has completed the Improvements in conformity with the approved plans for said Improvements, and until the Improvements have been inspected and approved by the City's Director of Transportation, Engineering, and Development; and

WHEREAS, Petitioner shall have until July 19, 2018 to submit a written notification ("Notification") to the City's Director of Transportation, Engineering, and Development that it desires to have the Plat of Vacation recorded and proceed with the vacation. Upon receipt of said Notification and confirmation of completion of the Improvements as provided herein, the City shall cause the Vacation Ordinance to be recorded and title to the Subject Property shall vest in Petitioner. If the City has not received Notification of Petitioner's desire to proceed with the Vacation on or before July 19, 2018, or if the Improvements have not been completed and approved by that date as provided herein, this Ordinance vacating a portion of the right-of-way on Naperville-Wheaton Road shall automatically be null and void without further action of the City or Petitioner and shall not be recorded; and

WHEREAS, prior to recordation of the Plat of Vacation, Petitioner intends to conduct environmental testing of the Subject Right-of-Way. Within forty-five (45) days of approval of this Ordinance, Petitioner shall notify the City's Director of the Transportation, Engineering and Development of the results of its environmental testing and shall include in said notice whether Petitioner intends to seek issuance of a no further remediation ("NFR") letter from the Illinois Environmental Protection Agency for the Subject Right-of-Way; and

WHEREAS, upon approval of this Ordinance, Petitioner shall have a right to access the Subject Right-of-Way to perform reasonable environmental and other inspections so long as Petitioner: (i) gives prior written notice to the City's Director of Transportation, Engineering, and Development as to the dates, times, and types of testing to be performed; (ii) restores the Subject Right-of-Way to the same or better condition as existed prior to testing; (iii) defends, indemnifies,

and holds the City and its officers, agents, and employees harmless from any liability or claims of environmental or other damage resulting from such testing; and (iv) in the event that inspection or testing results in the exacerbation of any environmental condition, or otherwise causes damage to any part of the Subject Right-of-Way, Petitioner agrees, at its sole cost, to take all steps necessary to promptly remediate or remedy such condition or damage to the satisfaction of the City's Director of Transportation, Engineering, and Development.

WHEREAS, any utility company having a utility located in the Subject Right-of-Way will be reserved a permanent non-exclusive public utility easement in the Subject Right-of-Way on the Plat of Vacation to operate, maintain, repair, construct and reconstruct their utilities; and

WHEREAS, after the Plat of Vacation is recorded and title has vested with the Petitioner, the Subject Right-of-Way shall be consolidated with the Naper-Olds Property as follows: If Petitioner has determined that it will not be necessary to seek issuance of an NFR letter from the IEPA, Petitioner shall seek to consolidate the Subject Right-of-Way with the Naper-Olds Property within sixty (60) days of recordation of the Plat of Vacation. Petitioner may continue to use the Subject Right-of-Way until the sixty (60) day period has elapsed, but shall cease use the Subject Right-of-Way after sixty (60) days if consolidation has not occurred. If Petitioner has determined that environmental remediation work is necessary, Petitioner shall work to complete the environmental remediation work and obtain the NFR within twenty-four (24) months of approval of this Ordinance. Upon issuance of the NFR, Petitioner shall seek to consolidate the Subject Right-of-Way with the Naper-Olds Property within sixty (60) days of receipt of an NFR. Petitioner shall cease use of the Subject Right-of-Way after sixty (60) days of receipt of an NFR or after twenty-four (24) months from approval of this Ordinance, (whichever occurs first) if consolidation of the Subject Right-of-Way with the Naper-Olds Property has not occurred.

WHEREAS, in addition to compliance with all notice requirements of the Illinois Open Meetings Act, notice of the proposed vacation of the Subject Right-of-Way was provided pursuant to the provisions of 65 ILCS 5/11-91-1 by publication in a newspaper of general circulation at least fifteen (15) days prior to July 18, 2017 on which date a public hearing was opened and held by the Naperville City Council regarding the proposed vacation of the Subject Right-of-Way; and

WHEREAS, an ordinance vacating property pursuant to 65 ILCS 5/11-91-1 may only be passed upon a vote of three-fourths of the City Council members then holding office, which threequarter vote constitutes seven (7) votes; and

WHEREAS, all steps necessary to lawfully vacate the Subject Right-of-Way as described and referenced herein have been taken; and

WHEREAS, this Ordinance shall not be recorded until Petitioner has completed the Improvements described herein to the satisfaction of the Director of the Transportation, Engineering, and Development Business Group.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: The foregoing recitals are incorporated herein as though fully set forth in this Section 1. All Exhibits referenced in this Ordinance shall be deemed incorporated herein and made part hereof.

SECTION 2: If it is determined subsequent to passage of this Ordinance that one or more utilities exist on the Subject Property that were not discovered prior to passage of this Ordinance, the City Attorney is hereby granted the discretion to approve replacement of the Plat of Vacation attached as <u>Exhibit B</u> hereto prior to recordation of this Ordinance with a revised <u>Exhibit B/Plat of Vacation</u> which reserves easement(s) for such utilities in a form approved by the City Attorney. Subject to this

condition, and the remaining terms and conditions set forth herein, the Plat of Vacation attached to this Ordinance as <u>Exhibit B (as may be revised to include reservations of utility easements as provided</u> <u>above)</u> is hereby approved and upon recordation of this Ordinance with the DuPage County Recorder, title to said vacated Subject Right-of-Way shall vest in Naper-Olds Associates, L.P.

SECTION 3: Upon recordation of this Ordinance, the Subject Right-of-Way shall be consolidated with the Naper-Olds Property as provided herein, and Petitioner's use of the Subject Right-of-Way until consolidation occurs shall be subject to the terms and conditions set forth herein.

SECTION 4: The City Clerk is authorized and directed to record a certified copy of this Ordinance and the exhibits attached hereto, including but not limited to the Plat of Vacation approved by this Ordinance, with the DuPage County Recorder upon confirmation from the City's Director of Transportation, Engineering and Development and the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled.

SECTION 5: Upon recordation of the Plat of Vacation, the Subject Right-of-Way shall conform to the provisions of the Naperville Municipal Code, as amended from time to time, including but not limited to the permitted uses and all other regulations of the B3 (General Commercial District).

SECTION 6: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance or resolution.

SECTION 7: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this ______ day of ______, 2017.

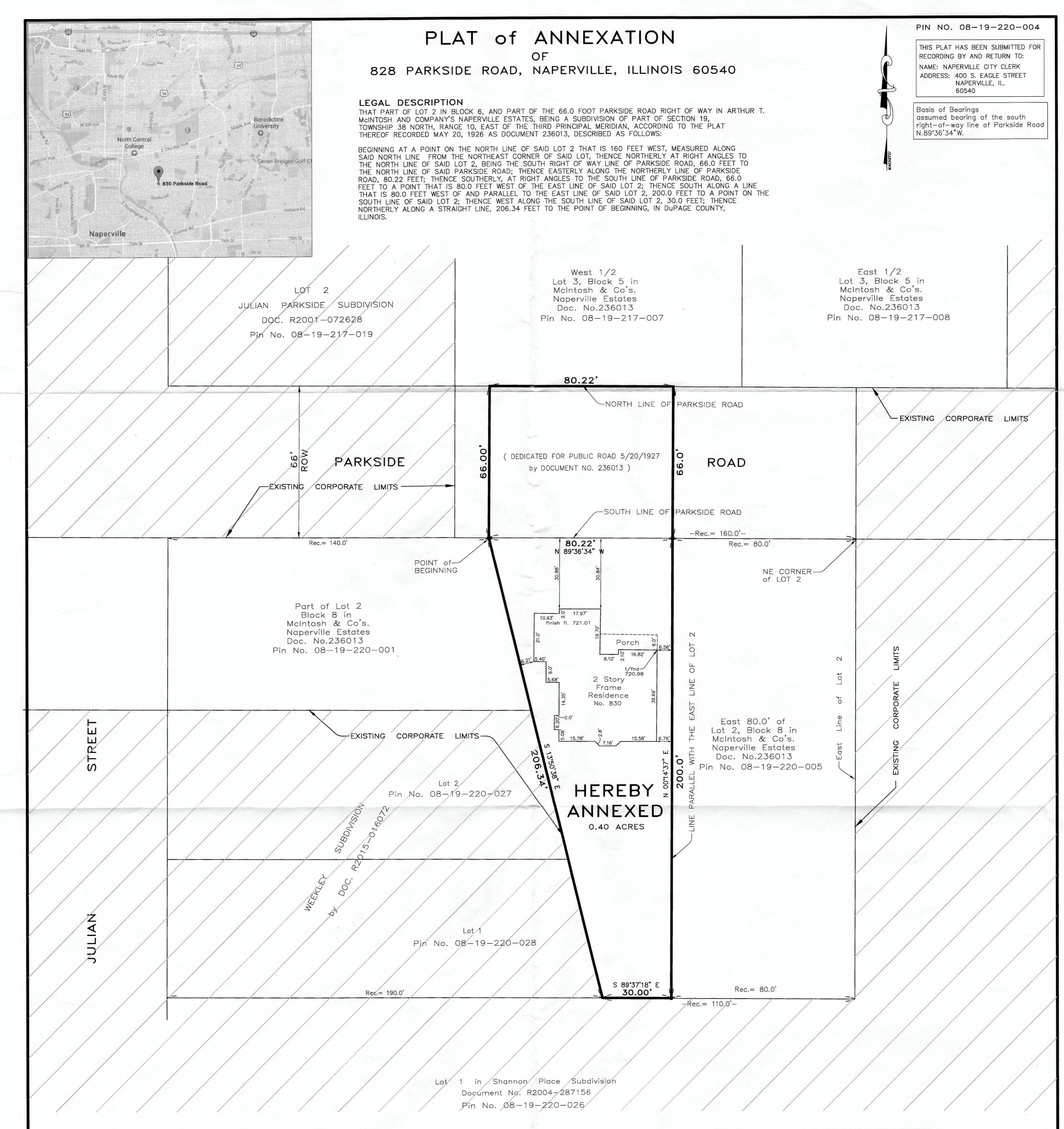
AYES: NAYS: ABSENT: APPROVED this _____ day of _____, 2017.

> Steve Chirico Mayor

ATTEST:

Pam Gallahue, Ph. D. City Clerk

H:\Users\LordP\Vacation Ordinance REV 7-17-17 for a portion of Naperville-Wheaton Road - GS.docx



COUNTY RECORDER of DEEDS

STATE OF ILLINOIS)) S.S. COUNTY OF DUPAGE)

______WAS FILED FOR THIS INSTRUMENT RECORD IN THE RECORDER?S OFFICE OF DUPAGE COUNTY, ILLINOIS ON THIS

__ DAY OF _____ A.D. 20__, AT _____ O'CLOCK ___M.

DUPAGE COUNTY RECORDER OF DEEDS

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)

) S.S. COUNTY OF DuPAGE)

APPROVED AND ACCEPTED BY THE MAYOR AND CITY COUNCIL OF THE OF THE CITY OF NAPERVILLE, ILLINOIS, AT A REGULAR MEETING HELD THE

_____ DAY OF _____, 20___.

MAYOR

CITY CLERK

SIGNED:__

ATTEST:__

NAPERVILLE PARK DISTRICT STATE OF ILLINOIS)) S.S. COUNTY OF DuPAGE)

THIS PLAT OF ANNEXATION IS IDENTIFIED AS THAT REAL ESTATE CURRENTLY INCORPORATED INTO AND PART OF THE NAPERVILLE PARK DISTRICT OF WILL AND DUPAGE COUNTIES.

BY ORDINANCE NO. _____, ACCEPTED BY THE BOARD OF PARK DISTRICT COMMISSIONERS.

AT A MEETING HELD ON THE _____ DAY OF

____, A.D. 20____

RES	DENT	
ILJ.		

SECRETARY

) S.S. COUNTY OF DUPAGE)

SURVEYOR

STATE OF ILLINOIS)

THIS IS TO CERTIFY THAT I, MICHAEL L. KRISCH, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE PLATTED FOR ANNEXATION PURPOSES THE PROPERTY DESCRIBED IN THE ABOVE CAPTION AND AS SHOWN ON THIS PLAT, WHICH IS A REPRESENTATION OF THE PROPERTY SO DESCRIBED. THE AREA TO BE ANNEXED IS THAT SHOWN WITHIN THE HEAVY SOLID LINES ON THIS PLAT. SCALE OF THIS PLAT IS 20 FEET TO ONE INCH.

America

L L. KR

PROFESSIONAL LAND SURVEYOR

STATE OF ILLINOIS No.35-250

RS GF

TITT

GIVEN UNDER MY HAND AND SEAL THIS 21ST DAY OF NOVEMBER A.D. 2016.

Michael L Krisch

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2501 LICENSE EXPIRES NOVEMBER 30, 2018

		C	RAPH	C SCALE	
20	0	10	20 	40	٤

(IN FEET) 1 inch = 20 ft.

> OWNER: BRIAN COLUMBUS 830 PARKSIDE ROAD NAPERVILLE, IL 60540

NOTE: RESIDENCE IS PRESENTLY UNOCCUPIED - NO ELECTORS

DATE OF DRAWING NOV. 21, 2016

PROJECT NO. 17-1000030

SHEET 1 of 1

LEGEND

BOUNDARY

LOT LINE

EXISTING CORPORATE LIMITS

					KRISCH LAND SURVEYING, LLC
$\langle $	2	5/24/17	reviewd per eity commente	MLK	PROFESSIONAL DESIGN FIRM LICENSE No. 184–006866 P.O. BOX 929 • PLAINFIELD, IL 60544 • Phone: 630.627.5589 Fax: 630.627.5594
	2 1 No.	5/3/17 Date	revised per city comments revised per city comments Revision Description	MLK By:	SURVEYING CONSULTING CONSTRUCTION LAYOUT Scale: 1"=20' Drawn: Chk'd: MLK GDK File# CAD File:16-108-Annex

830 PARKSIDE ROAD

PIN: 08-19-220-004

LEGAL DESCRIPTION

THAT PART OF LOT 2 IN BLOCK 6, AND PART OF THE 66.0 FOOT PARKSIDE ROAD RIGHT OF WAY IN ARTHUR T. McINTOSH AND COMPANY'S NAPERVILLE ESTATES, BEING A SUBDIVISION OF PART OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 20, 1926 AS DOCUMENT 236013, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 2 THAT IS 160 FEET WEST, MEASURED ALONG SAID NORTH LINE FROM THE NORTHEAST CORNER OF SAID LOT, THENCE NORTHERLY AT RIGHT ANGLES TO THE NORTH LINE OF SAID LOT 2, BEING THE SOUTH RIGHT OF WAY LINE OF PARKSIDE ROAD, 66.0 FEET TO THE NORTH LINE OF SAID PARKSIDE ROAD; THENCE EASTERLY ALONG THE NORTHERLY LINE OF PARKSIDE ROAD, 80.22 FEET; THENCE SOUTHERLY, AT RIGHT ANGLES TO THE SOUTH LINE OF PARKSIDE ROAD, 66.0 FEET TO A POINT THAT IS 80.0 FEET WEST OF THE EAST LINE OF SAID LOT 2; THENCE SOUTH ALONG A LINE THAT IS 80.0 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID LOT 2, 200.0 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 2, 30.0 FEET; THENCE NORTHERLY ALONG A STRAIGHT LINE, 206.34 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS. PIN: 08-19-220-004

ADDRESS: 830 PARKSIDE ROAD NAPERVILLE, IL 60540

PREPARED BY: CITY OF NAPERVILLE LEGAL DEPARTMENT 630/420-4170

RETURN TO: CITY OF NAPERVILLE CITY CLERK'S OFFICE 400 SOUTH EAGLE STREET NAPERVILLE, IL 60540

PZC Case #17-1-030

ORDINANCE NO. 17 -

ORDINANCE ANNEXING CERTAIN PROPERTY LOCATED AT 830 PARKSIDE ROAD

WHEREAS, Brian Columbus ("Petitioner") has petitioned the City of Naperville for

annexation of the real property located at 830 Parkside Road, legally described on Exhibit

<u>A</u> and depicted on <u>Exhibit B</u> ("Subject Property"); and

WHEREAS, the Subject Property is not within the corporate limits of any municipality,

but is contiguous to the City of Naperville and eligible for annexation; and

WHEREAS, all notices provided for by the Naperville Municipal Code, and all legal requirements for annexation pursuant to the provisions of 65 Illinois Compiled Statutes 5/7-1-1 *et seq.*, have been fully complied with, including but not limited to notification of the proposed annexation to the Naperville Fire Protection District Trustees, Lisle Township Board of Trustees, Clerk, Tax Assessor, Lisle Township Highway Commissioner, and Lisle Library Board of Trustees; and WHEREAS, annexation of the Subject Property is contingent upon approval and

recordation of an annexation agreement pertaining to the Subject Property; and

WHEREAS, the City Council of the City of Naperville has determined that annexation

of the Subject Property should be approved as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing recitals are incorporated as though fully set forth herein. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

<u>SECTION 2</u>: Subject to approval, execution, and recordation of an annexation agreement pertaining to the Subject Property, the Subject Property described on <u>Exhibit A</u> and depicted on <u>Exhibit B</u> is hereby annexed by the City of Naperville.

SECTION 3: The Plat of Annexation for the Subject Property, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: Subsequent to recordation of an annexation agreement as referenced herein, the City Clerk is authorized and directed to record this Ordinance, together with an accurate map of the territory annexed as depicted on the Plat of Annexation for the Subject Property, attached to this Ordinance as **Exhibit B**, with the DuPage County Recorder and the DuPage County Clerk.

SECTION 5: This Ordinance shall be in full force and effect after an annexation agreement for the Subject Property is executed and recorded.

2

PASSED this	_day of	_, 2017.
AYES:		
NAYS:		
ABSENT:		
APPROVED this	day of	, 2017.

ATTEST:

Steve Chirico Mayor

Pam Gallahue, Ph.D. City Clerk STATE OF ILLINOIS)) SS DUPAGE COUNTY)

The undersigned hereby certifies that she is the City Clerk of the City of Naperville, and that, as such, she is the custodian of the records of the municipality and keeper of the journal of proceedings of the City Council; and she further certifies that the foregoing is a true and correct copy of Ordinance No. 17 - _____, duly enacted by the City Council of the City of Naperville at a regular meeting thereof on the ______ day of _______, 2016, and passed on roll call vote as shown on the foregoing; that she further certifies that due notice, as provided by law, of the consideration of ordinance was given to the Naperville Fire Protection District Trustees, Lisle Township Board of Trustees, Clerk, Tax Assessor, Lisle Township Highway Commissioner, and Lisle Library Board of Trustees on ______, and she further certifies that there is no other public library district to which any notice is required to be given under the provisions of Section 5/7-1-8 of Chapter 65 of the Illinois Compiled Statutes.

DATED this _____ day of _____, 2017.

City Clerk

The above and foregoing certificate was subscribed and sworn to before me this _____ day of ______, 2017.

Notary Public



Preliminary Construction Cost Opinion

Date: March 2, 2017 Project: City of Naperville - Tech Plaza

Section	Description	Estimated Quantity	Unit	Un	it Cost	E	xtended Cost	Su	btotal
0&1	Contracting and General Requirements								
	contracting requirements (by city)	1	LS				\$0.00		
		Contracting and Ge	eneral R	Requ	irement	is S	ubtotals :	\$	-
311000	Site Clearing								
	temporary construction fence	450	LF	\$	4	\$	1,800		
	tree protection fencing	213	LF	\$	1	\$	213		
	tree removal	4	EA	\$	500	\$	2,000		
	tree transplant	1	EA	\$	500	\$	500	^	4 5 4 0
					Sect	Ion	Subtotal:	\$	4,513
312000	Earth Moving								
	topsoil stripped	160	CY	\$	25	\$	4,000		
	rough and fine grading	10,400	SF	\$	1	\$	10,400		
					Sect	ion	Subtotal:	\$ 1	4,400
00/500									
034500	Precast Architectural Concrete	4	1.0		0.000		0.000		
	pre-cast concrete table top	1	LS	\$	- ,	\$	8,000 Subtotal:	¢	8,000
					Seci	1011	Subiolal.	Ф	0,000
033000	Cast-in-Place Concrete								
B	concrete stairs	45	CY	\$	500	\$	22,500		
	concrete seatwalls (bar height)	20	CY	\$	500	\$	10,000		
	concrete seatwall footing	50	CY	\$	750	\$	37,500		
	concrete bench (table height)	20	CY	\$	500	\$	10,000		
					Sect	ion	Subtotal:	\$ 8	30,000
055000	Metal Fabrications								
000000	shade structure w/ ipe wood lattices	3	EA	\$ 1	8,000	\$	54,000		
			273	Ψ			Subtotal:	\$ 5	54,000
0 & 1 C 311000 S tr tr tr tr tr tr tr tr tr tr	Pipe and Tube Railings								
	powder-coated aluminum handrail	42	LF	\$	200	\$	8,400		
	SS footrest @ concrete seatwalls	50	LF	\$	65	\$	3,250		
					Sect	ion	Subtotal:	\$ 1	1,650

129300	Site Furnishings			
8	ipe wood bench top	100	LF	\$ 100 \$ 10,000
	bar top chair	8	ΕA	\$ 1,350 \$ 10,800
	table and chair (tangent table)	4	EA	\$ 6,120 \$ 24,480
	solar umbrella	4	EA	\$ 3,540 \$ 14,160
	lounge chair	6	EA	\$ 1,705 \$ 10,230
	coffee table	2	EA	\$ 3,090 \$ 6,180
	long table	2	EA	\$ 2,770 \$ 5,540
	long bench	2	EA	\$ 1,943 \$ 3,886
	picnic table	3	EA	\$ 2,000 \$ 6,000
	litter receptacle	2	EA	\$ 1,200 \$ 2,400
				Section Subtotal: \$ 93,67
201212	Concrete Paving and Curbs			
321313		2 444	0	
	concrete paving	3,411	SF	\$ 5 \$ 17,055
	18" concrete planter curb	200	LF	\$ 30 \$ 6,000 Section Subtotal: \$ 23,05
321400	Unit Paving	4	05	ф 44 ф 22 с 24
	permeable paving - rigid base	1,681	SF	\$ 14 \$ 23,534
				Section Subtotal: \$ 23,53
329200	Turf and Grasses			
	turf seed w/ erosion control blanket	160	SY	\$ 3 \$ 480
				Section Subtotal: \$ 48
329300	Plants			
	shade tree 2.5" clp	4	EA	\$ 650 \$2,600
	ornamental tree 8' height	9	EA	\$ 500 \$4,500
	shrubs and perennials	2,500	SF	\$ 6 \$15,000
	soil amendment	30	CY	\$ 50 \$1,500
	mulch (3" depth)	23	CY	\$ 50 \$1,150
				Section Subtotal: \$ 24,75
16000	Electrical			
	shepherd's hook pedestrian lightpole	1	EA	\$ 5,000 \$ 5,000
	solar panel system (by city)	1	LS	\$ -
	power pedestal	10	EA	\$ 1,100 \$ 11,000
	misc electrical allowance	1	LS	\$ 10,000 \$ 10,000
		•	20	Section Subtotal: \$ 26,00
			Cons	struction Cost Subtotals : \$364,05
	Other Project Costs			
	design contingency (%)	1	LS	10% \$ 36,406
	design and engineering	1	LS	\$ 36,000 \$ 36,000
				Subtotal: \$ 72,40
				PROJECT TOTAL: \$436,46



Preliminary Construction Cost Opinion

Date:March 2, 2017Project:City of Naperville - Walk Improvement at Township

Section	Description	Quantity	Unit	Unit (Cost		Cost		Subtotal
0&1	Contracting and General Requirements	5							
	contracting requirements (by city)	1	LS				\$0.00)	
		Contracting and Ge	eneral R	Requiremo	ents S	Sub	totals :	\$	-
311000	Site Clearing								
	temporary construction fence	315	LF	\$	4	\$	1,260		
	landscape removal	200	SF	\$	1	\$	200		
	tree removal	1	EA	\$	500	\$	500		
	remove concrete paving	475	SF	\$	3	\$	1,425	_	
	remove concrete curb	112	LF	\$	20	\$	2,240	_	
	remove asphalt paving	1,610	SF	\$	3	\$	4,830	_	
	excavate & dispose subbase at planting	39	CY	\$	40	\$	1,560		
				S	ectior	າ Sເ	ubtotal:	\$	12,01
321216	Asphalt Paving								
	asphalt paving-vehicular (patchhing)	39	SY	\$	40	\$	1,560		
				S	ectior	າ Sເ	ubtotal:	\$	1,50
321313	Concrete Paving and Curbs								
	concrete barrier curb 6"	143	LF	\$	25	\$	3,575		
	concrete curb and gutter	182	LF	\$	35	\$	6,370	-	
				S	ectior	າ Sເ	ubtotal:	\$	9,9
321400	Unit Paving								
	unit paving - rigid base	856	SF	\$	14	\$	11,984		
				S	oction		ubtotal:	\$	11,98

329300	Plants							
	shade tree 2.5" clp	3	EA	\$	650	\$1,950		
	shrubs and perennials	850	SF	\$	7	\$5,950	_	
	amended topsoil (18" depth)	37	CY	\$	50	\$1,850	_	
	mulch (3" depth)	8	CY	\$	50	\$400		
					Section	Subtotal:	\$	10,15
			Const	ruction	n Cost S	Subtotals :	\$	45,65
	Other Project Costs							
	design contingency (%)	1	LS		10%	\$ 4,565		
	design contingency (%) design and engineering	<u> </u>	LS LS	\$		\$ 4,565 \$ 4,000	-	
		<u> 1 1 </u> 1	-	\$			\$	8,56