



## Legislation Text

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File #: 20-317, Version: 1

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Receive the staff report for the acquisition of land for right-of-way and a temporary construction easement for the North Aurora Road improvements from the property at 2000 North Aurora Road (Item 1 of 3)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** William J. Novack, Director of TED/City Engineer

#### **BOARD/COMMISSION REVIEW:**

NA

#### **BACKGROUND:**

North Aurora Road west of Route 59 is a minor arterial roadway in the City which carries about 21,000 vehicles a day. The City has two different projects planned in the area for the next few years; widening and replacing the underpass at the CN Railroad and widening the roadway from Frontenac Road to Weston Ridge Drive. This acquisition deals with the roadway project. To address capacity issues the City plans to widen the roadway from three lanes to five lanes along with the installation of a bikeway, sidewalk, street lighting and curb and gutter. Most of the construction will be completed in 2021.

To facilitate the widening additional land is needed from several of the adjacent property owners. In addition to compensating the property owners for the land itself, in some situations the City is also compensating for impacts to their property such as having to modify their parking lots, moving fences, gates, signs and lights. In some cases, the City is paying the property owner, so the owner can complete the work himself, while in others the City is having the work completed, either as part of the roadway contract or through another contract.

In addition to compensation, some property owners have requested that the City confirm and document their legal non-conforming status due to the setback reductions. Most of the properties are in conformance with the Municipal Code requirements today but will not be after the acquisition of a portion of their property. In most cases the acquisition results in the front yard setback not meeting requirements. Section 6-2-19 of the Code discusses these legal non-conforming cases; and some of the property owners have requested that their legal non-conforming status be documented through a resolution.

#### **DISCUSSION:**

*Ordinance to affirm the applicability of Section 6-2-19 of the Municipal Code*

Section 6-2-19 of the Code discusses existing buildings and structures. The property at 2000 North

Aurora Road was annexed into the City in the 1970's. It has always been zoned Industrial and has been used for manufacturing. There is one building on the site along with a parking lot in the front near North Aurora Road.

Because the adjacent property (on the other side of North Aurora Road) is now zoned residential, the property at 2000 North Aurora Road requires a 100-foot front yard setback, which applies to the parking lot. The proposed ordinance states that following the land acquisition the parking lot will continue to be legal non-conforming and that the provisions of Section 6-2-19 of the Code allow:

1. Continued use and operation at the property in accordance with the Industrial zoned uses
2. Repairs and alterations to the paved surfaces that are within the requirements of the Code
3. Repairing, reconstructing and rebuilding portions of the paved surfaces if the work does not exceed 50% of the value of the total improvements
4. If repairs, reconstruction or rebuilding exceeds 50% of the total improvement value then any new paved surface must comply with the Code

*Contract for the sale of real property and grant of temporary construction easement agreement*

The agreement provides the following monetary compensation from the City to the seller:

1. \$115,000 for the 1.13 acres of land for future roadway right of way
2. \$5,000 for the 0.04-acre temporary construction easement
3. \$230,000 for the seller to remove and replace the portions of their fence and security gate that conflict with the roadway improvements, removal of the portions of the parking lot that conflict with the roadway and to reseal and restripe the entire parking lot so that a new circulation pattern can be established due to the loss of portions of the parking lot.

The agreement contains no obligations for the City to complete any other work. Full funding for the monetary compensation and the City obligations has been budgeted in the City's Capital Improvement Program under CIP Project SC033.

**FISCAL IMPACT:**

Funding of the \$350,000 is included in the CIP as part of project SC033.