



# VILLAGE OF BENSENVILLE

**Village Board**  
**President**  
Frank Soto

**Trustees**  
John Adamowski  
Morris Bartlett  
Patricia A. Johnson  
Martin O'Connell  
Oronzo Peconio  
Henry Wesseler  
**Village Clerk**  
JoEllen Ridder

**Village Manager**  
Michael Cassidy

## Village of Bensenville, Illinois BOARD OF TRUSTEES MEETING AGENDA

**6:30 P.M. Tuesday, October 26, 2010**

**Bensenville Village Hall, 12 S. Center Street, Bensenville IL 60106**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC COMMENT (3 minutes per person with a 30 minute meeting limitation)
- V. APPROVAL OF MINUTES  

October 12, 2010 - Board of Trustees  
October 14, 2010 – Special Board of Trustees
- VI. WARRANT – October 12, 2010 #10/37 - \$1,613,185.86
- VII. **CONSENT AGENDA – CONSIDERATION OF AN “OMNIBUS VOTE”**
  1. *Ordinance Amending the Bensenville Village Code Title 3 – Chapter 3 – Section 5 – Class F Liquor Regulations*
  2. *Ordinance Approving Site Plan Submitted for New Office/Warehouse Building to be Located at 870 S. County Line Road*
  3. *Resolution Approving a Facility Usage License Agreement with Robert Morris University Resolution Approving a Facility Usage License Agreement with Robert Morris University*
  4. *Resolution Authorizing the Execution of a Purchase Order for an Asphalt Hotbox/Reclaimer to Asphalt Maintenance & Construction Company*
- VIII. **REPORTS OF STANDING COMMITTEES**
  - A. Community and Economic Development Committee
    1. *Conditional Use Permit and Variances to allow a Drive-Through Banking Facility at 1151 S. York Road*

2. *Ordinance Amending the Bensenville Village Code Title 3 – Chapter 3 – Section 5 – Class B Liquor Regulations*

B. Infrastructure and Environment Committee – No Report

C. Administration, Finance and Legislation Committee

1. *Resolution Establishing the Tax Levy Estimate for 2010 per the Truth in Taxation Act*
2. *Ordinance Authorizing the Issuance of General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, DuPage and Cook Counties, Illinois, in the Aggregate Principal Amount of Not to Exceed \$11,000,000 for the Purpose of Financing Infrastructure Improvements in Certain Special Service Areas Proposed to be Established in the Village*
3. *Ordinance Deleting Certain Property From Proposed Special Service Area Number 6 (North Industrial District)*

D. Public Safety Committee – No Report

IX. INFORMATION ITEMS

A. PRESIDENT'S REMARKS

*Fenton High School, District 100 Students that participated in Student Government Day at the Village on October 7<sup>th</sup>; Harita Joshi and Thaila Anguiano. District 2 student; Aglaen Paz will participate in a discussion and express their opinions regarding the O'Hare Western Bypass roadway within the Village.*

*Announcement: Rescheduling of the Regular Board Meeting of November 9<sup>th</sup> to commence at 6:00 pm.*

B. VILLAGE MANAGER'S REPORT

C. VILLAGE ATTORNEY'S REPORT

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. EXECUTIVE SESSION

- A. Review of Executive Session Minutes [5 ILCS 120/2 (C)(21)]
- B. Personnel [5 ILCS 120/2(C)(1)]
- C. Collective Bargaining [5 ILCS 120/2 (C)(2)]

D. Property Acquisition [5 ILCS 120/2(C)(5)]

E. Litigation [5 ILCS 120/2(C)(11)]

XIII. MATTERS REFERRED FROM EXECUTIVE SESSION

XIV. ADJOURNMENT

**Please Note** - The Village of Bensenville is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of this meeting or the facilities, are requested to contact Village Hall (630-766-8200) at least 3 days prior to the meeting to allow the Village of Bensenville to make reasonable accommodations for those persons.

**Village of Bensenville**  
**Board Room**  
**12 South Center Street**  
**Bensenville, Illinois 60106**  
**Counties of DuPage and Cook**

**MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING**

**October 12, 2010**

**CALL TO ORDER:** 1. President Soto called the meeting to order at 6:04 p.m.

**ROLL CALL:** 2. Upon roll call by Village Clerk, JoEllen Ridder, the following Board Members were present:

Adamowski, Bartlett, Johnson, O'Connell, Peconio

Absent: Wesseler

A quorum was present.

**PUBLIC HEARING:** 3. President Soto called the public hearing for Special Service Area Number 3 to order at 6:05 p.m.

Village Council, Tom Bayer, discussed the authority and notices for Special Service Area Number 3.

Christopher B. Burke presented a description of the project and an explanation of the method of finance for the project.

President Soto asked if there was any members of the audience that had any questions or comments. There were none.

Trustee Johnson made a motion to adjourn the public hearing for Special Service Area Number 3. Trustee Peconio seconded the motion.

**ROLL CALL:** AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio,

NAYS: None

Motion carried.

President Soto adjourned the public hearing at 6:11 p.m.



**PUBLIC  
HEARING:**

4. President Soto called the public hearing for Special Service Area Number 4 to order at 6:12 p.m.

Village Council, Tom Bayer, discussed the authority and notices for Special Service Area Number 4.

Christopher B. Burke presented a description of the project and an explanation of the method of finance for the project.

President Soto asked if there was any members of the audience that had any questions or comments.

Concerned Property Owners in the referenced SSA area asked questions and made comments about the proposed improvements and the project.

Trustee Peconio made a motion to adjourn the public hearing for Special Service Area Number 4. Trustee Bartlett seconded the motion.

**ROLL CALL:**

AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio,

NAYS: None

Motion carried.

President Soto adjourned the public hearing at 6:16 p.m.

**PUBLIC  
HEARING:**

5. President Soto called the public hearing for Special Service Area Number 5 to order at 6:17 p.m.

Village Council, Tom Bayer, discussed the authority and notices for Special Service Area Number 5.

Christopher B. Burke presented a description of the project and an explanation of the method of finance for the project.

President Soto asked if there was any members of the audience that had any questions or comments. There were none.

Trustee Bartlett made a motion to adjourn the public hearing for Special Service Area Number 5. Trustee Johnson seconded the motion.

**ROLL CALL:** AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio,

NAYS: None

Motion carried.

President Soto adjourned the public hearing at 6:21 p.m.

**PUBLIC  
HEARING:**

6. President Soto called the public hearing for Special Service Area Number 6 to order at 6:22 p.m.

Village Council, Tom Bayer, discussed the authority and notices for Special Service Area Number 6.

Christopher B. Burke presented a description of the project and an explanation of the method of finance for the project.

President Soto asked if there was any members of the audience that had any questions or comments.

Concerned Property Owners in the referenced SSA area asked questions and made comments about the proposed improvements and the project.

Trustee Bartlett made a motion to adjourn the public hearing for Special Service Area Number 6. Trustee Johnson seconded the motion.

**ROLL CALL:** AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio,

NAYS: None

Motion carried.

President Soto adjourned the public hearing at 6:36 p.m.

**PUBLIC  
HEARING:**

7. President Soto called the public hearing for Special Service Area Number 7 to order at 6:37 p.m.

Village Council, Tom Bayer, discussed the authority and notices for Special Service Area Number 7.

Christopher B. Burke presented a description of the project and an explanation of the method of finance for the project.

President Soto asked if there was any members of the audience that had any questions or comments.

Concerned Property Owners in the referenced SSA area asked questions and made comments about the proposed improvements and the project.

Trustee Peconio made a motion to adjourn the public hearing for Special Service Area Number 7. Trustee Johnson seconded the motion.

**ROLL CALL:**

AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio,

NAYS: None

Motion carried.

President Soto adjourned the public hearing at 7:04 p.m.

**PUBLIC  
HEARING:**

8. President Soto called the public hearing for Special Service Area Number 8 to order at 7:05 p.m.

Village Council, Tom Bayer, discussed the authority and notices for Special Service Area Number 8.

Christopher B. Burke presented a description of the project and an explanation of the method of finance for the project.

President Soto asked if there was any members of the audience that had any questions or comments. There were none.

Trustee Johnson made a motion to adjourn the public hearing for Special Service Area Number 8. Trustee O'Connell seconded the motion.

**ROLL CALL:**

AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio,

NAYS: None

Motion carried.

President Soto adjourned the public hearing at 7:08 p.m.



**PUBLIC**

**COMMENT:**

There was no public comment.

Police Chief, Frank Kosman, introduced newly hired part time Officer, Edward Biondi, to the Village Board.

**APPROVAL OF  
MINUTES:**

9. The September 28, 2010 Village Board Meeting minutes were presented.

**Motion:**

Trustee O'Conner made a motion to approve the minutes as amended. Trustee Johnson seconded the motion.

All were in favor.

Motion carried.

**WARRANT NO.  
10/36:**

10. President Soto presented **Warrant No. 10/36** in the amount of \$614,060.11

**Motion:**

Trustee Johnson made a motion to approve the warrant as presented. Trustee Bartlett seconded the motion.

**ROLL CALL:**

AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio

NAYS: None

Motion carried.

**Resolution No.  
R-86-2010:**

11. Village President, Frank Soto, gave the summarization of the action contemplated in **Resolution No. R-86-2010** entitled **A Resolution Approving an Application for a Community Development Block Grant for Infrastructure Improvements to the Volk Brothers Subdivision.**

**Motion:**

Trustee Peconio made a motion to approve the resolution as presented. Trustee Johnson seconded the motion.

**ROLL CALL:**

AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio

NAYS: None

Motion carried.



**Resolution No.**  
**R-87-2010:**

12. Village President, Frank Soto, gave the summarization of the action contemplated in **Resolution No. R-87-2010** entitled **A Resolution Authorizing the Execution of a Purchase Order and Contract for Roof Repairs to the Public Works Facility to American Roofing and Repair Company.**

Motion: Trustee Johnson made a motion to approve the resolution as presented. Trustee Peconio seconded the motion.

**ROLL CALL:** AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio

NAYS: None

Motion carried.

**2011 BUDGET:** Deputy Village Manager, Denise Pieroni, presented to the Village Board a proposed schedule for the 2011 budget.

**PRESIDENTS  
REMARKS:**

President Soto announced that on October 21, 2010 from 4:00 p.m. to 7:30 p.m. lights on will be held at the Bensenville Leisure Center. The event will be managed by the Teen Center with all taxing bodies participating. The goal of this event is to increase awareness of the after school programs available throughout the Village.

President Soto thanked all staff for their work on Special Service Areas. President Soto also thanked all staff and members of the audience for their patience through this processes.

President Soto announced the availability of the TIF eligibility report and the redevelopment plan and date of the public meeting with regards to the TIF district and housing impact study. The hearing will be on November 9, 2010 at 6:00 p.m. at Village Hall as part of a rescheduled Board Meeting.

**MANAGERS  
REPORT:**

There was no report from the Village Manager's Office.

**NEW BUSINESS:**

Village Clerk, JoEllen Ridder, announced that the Residential Soundproofing Committee Meeting of the O'Hare Noise Compatibility Commission will be held at Village Hall on October 20, 2010 at 9:00 a.m. All residents are welcomed to attend. Information has been posted on the Village's website.

**ADJOURNMENT:** Trustee Johnson made a motion to adjourn the meeting. Trustee O'Connell seconded the motion.

All were in favor.

Motion carried.

President Soto adjourned the meeting at 7:22 p.m.

JoEllen Ridder  
Village Clerk

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville this \_\_\_\_ day, October 2010

**Village of Bensenville**  
Board Room  
12 South Center Street  
Bensenville, Illinois 60106  
Counties of DuPage and Cook

**MINUTES OF THE SPECIAL VILLAGE BOARD OF TRUSTEES**  
**MEETING**

**October 14, 2010**

**CALL TO ORDER:** 1. President Soto called the meeting to order at 6:30 p.m.

**ROLL CALL:** 2. Upon roll call by Village Clerk, JoEllen Ridder, the following Board Members were present:

Bartlett, Johnson, O'Connell, Peconio

Absent: Adamowski, Wessler

A quorum was present.

**PUBLIC HEARING:** 3. President Soto called the public hearing for Special Service Area Number 9 to order at 6:32 p.m.

Village Council, Tom Bayer, discussed the authority and notices for Special Service Area Number 9.

Christopher B. Burke presented a description of the project and an explanation of the method of finance for the project.

President Soto asked if there was any members of the audience that had any questions or comments.

Concerned Property Owners in the referenced SSA area asked questions and made comments about the proposed improvements and the project.

Trustee Peconio made a motion to adjourn the public hearing for Special Service Area Number 9. Trustee Bartlett seconded the motion.



**ROLL CALL:** AYES: Bartlett, Johnson, O'Connell, Peconio,

NAYS: None

Motion carried.

President Soto adjourned the public hearing at 7:13 p.m.

**PRESIDENTS  
REMARKS:**

President Soto stated that the Village is currently in a rebuilding mode and one of their goals is to raise property values in Bensenville. President Soto, along with the Village Board, look forward to working with property owners in Bensenville in resolving the roadway issues in the industrial area.

**MANAGERS  
REPORT:**

There was no report from the Village Manager's Office.

**ADJOURNMENT:**

Trustee Johnson made a motion to adjourn the meeting. Trustee O'Connell seconded the motion.

All were in favor.

Motion carried.

President Soto adjourned the meeting at 7:15 p.m.

JoEllen Ridder  
Village Clerk

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville this \_\_\_\_ day, October 2010



**TYPE:** Ordinance **SUBMITTED BY:** Village Clerk's Office **DATE:** 10/26/10

**DESCRIPTION:** Ordinance Amending The Bensenville Village Code Title 3 – Chapter 3 – Section 5 – Class F - Liquor Regulations

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input type="checkbox"/>	<i>Financially Stable Government</i>	<input type="checkbox"/>	<i>Safe Place to Live</i>
<input type="checkbox"/>	<i>Cost Effective Services Responsive to Citizens</i>	<input type="checkbox"/>	<i>Downtown as a Community Focal Point</i>
<input type="checkbox"/>	<i>Open Government w/ Involved Citizens</i>	<input type="checkbox"/>	<i>Regional Partnerships</i>

**COMMITTEE ACTION:** Unanimous

**DATE:** OCTOBER 26, 2010

**BACKGROUND**

Walgreen Co. located at 5 W. Irving Park Road applied for a class F liquor licenses in December 2009. Inspector Bagnola conducted an annual inspection of the property in August 2010 and found no life safety issues to deny a liquor license. Police Chief, Frank Kosman, submitted his report finding no criminal history with the applicant pending the results of finger prints from the State. Director of Community and Economic Development, Scott Viger, has approved the sale of packaged beer and wine from a zoning standpoint.

**KEY ISSUES:**

The current Village Code allows five (5) class F licenses to be issued and outstanding at one time. All five (5) licenses are currently in use.

**RECOMMENDATION:**

Staff recommends the approval of an ordinance amending the Bensenville Village Code Title 3 – Chapter 3 – Section 5 – Class F - Liquor Regulations. This will increase the number of class F licenses to allow six (6) to be issued and outstanding at one time.

**BUDGET IMPACT:**

N/A

**ACTION REQUIRED:**

Motion to approve the adoption of an ordinance amending the Bensenville Village Code Title 3 – Chapter 3 – Section 5 – Class F - Liquor Regulations.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE BENSENVILLE VILLAGE CODE  
TITLE 3 – CHAPTER 3 – SECTION 5 – CLASS F - LIQUOR REGULATIONS**

**BE IT AND IT IS HEREBY ORDAINED** by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, as follows:

**SECTION ONE:** That Section 3-3-5 of the Bensenville Village Code, entitled “License classification; fees; number” is hereby amended by the addition of one (1) class F license and the following language shall be inserted in lieu thereof:

“F. Class F:

3. There shall be no more than six (6) class F licenses issued and outstanding at any one time.”

**SECTION TWO:** All resolutions and ordinances in conflict herewith are repealed to the extent of said conflict.

**SECTION THREE:** This Ordinance shall be in full 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 at the Village of Bensenville this 26<sup>th</sup> day of October, 2010.

APPROVED:

\_\_\_\_\_  
Frank Soto  
Village President

ATTEST:

\_\_\_\_\_  
JoEllen Ridder  
Village Clerk

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

TYPE: Ordinance SUBMITTED BY: S. Viger DATE: 10.26.10

**DESCRIPTION:**

Ordinance approving a Site Plan to allow a new approximately 12,000 square foot office / warehouse building to be located at 870 S. County Line Road in an existing I – 1 Office/Research/Assembly District.

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input type="checkbox"/>	<i>Financially Sound Village</i>	<input checked="" type="checkbox"/>	<i>Enrich the lives of Residents</i>
<input type="checkbox"/>	<i>Quality Customer Oriented Services</i>	<input checked="" type="checkbox"/>	<i>Major Business/Corporate Center</i>
<input checked="" type="checkbox"/>	<i>Safe and Beautiful Village</i>	<input checked="" type="checkbox"/>	<i>Vibrant Major Corridors</i>

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**COMMITTEE ACTION:** Community & Economic Development

**DATE:** 10.19.10

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**BACKGROUND:**

The owner recently acquired the property in question specifically to relocate his business from Rosemont to the Village. The site currently is improved with a pole barn and concrete block garage type structure to the rear and is enclosed by a gated chain link fence.

**KEY ISSUES:**

The ordinance identifies certain approval criteria for both the rezoning and the site plan review which are highlighted in the petitioners' application, staff report and CDC minutes.

**ALTERNATIVES:**

Approve the Ordinance as presented.

Approve the Ordinance with altered or additional conditions.

Remand the Ordinance back to the CDC for further deliberation.

Deny the Ordinance.

**RECOMMENDATION:**

The staff respectfully requests that the Committee approve the Site Plan. At their October 11, 2010 Public Meeting the CDC voted unanimously (4 - 0) to recommend that the Village President and Board of Trustees approval of the Site Plan with certain conditions. The Community & Economic Development Committee voted unanimously (4 - 0) to approve the request at their 10.19.10 meeting.

**BUDGET IMPACT:**

N/A

**ACTION REQUIRED:**

Enactment of the Ordinance approving the Site Plan for 870 S. County Line Road subject to the conditions recommended by the CDC.





# Village of Bensenville

870 County Line Rd Aerial

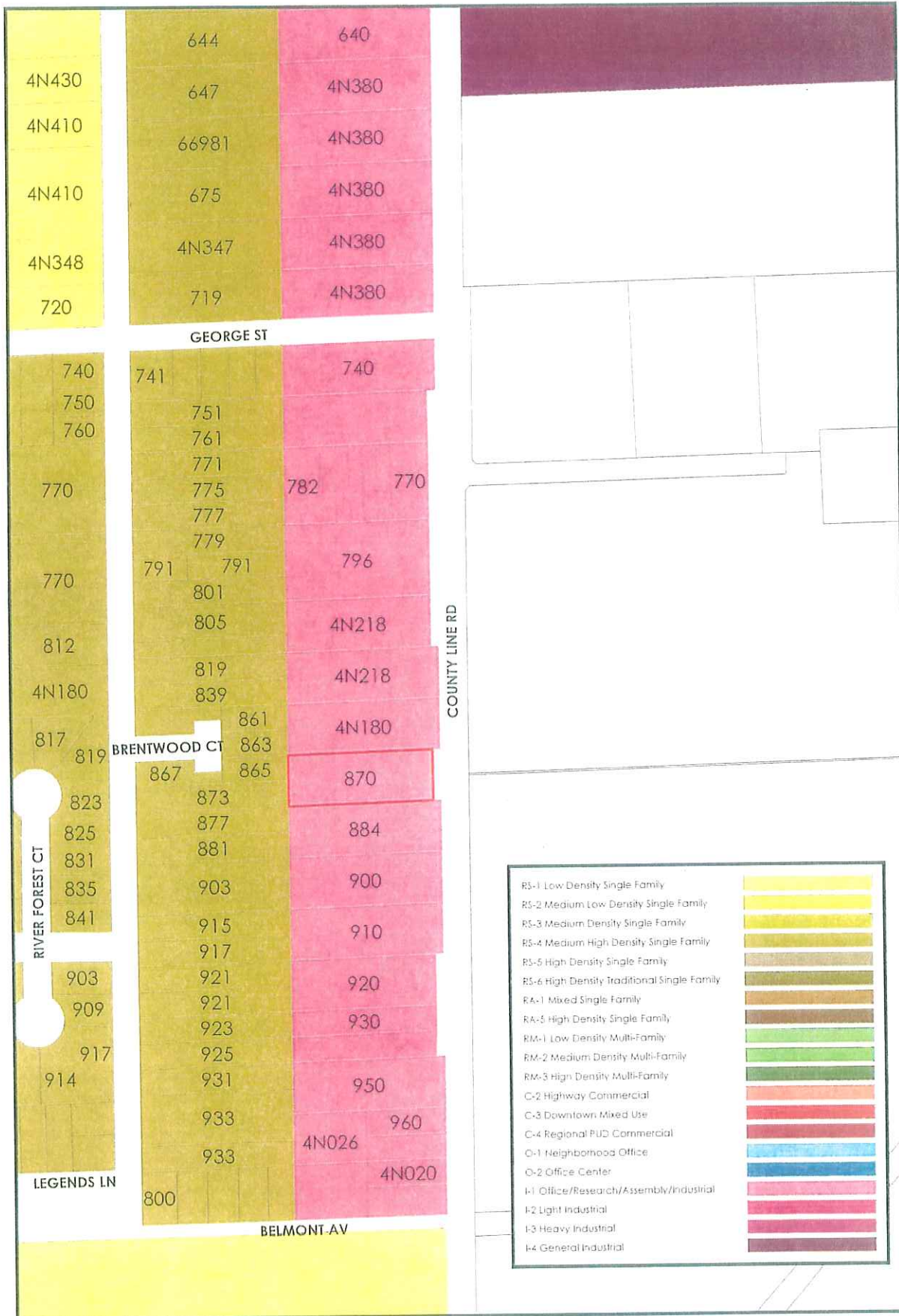






# Village of Bensenville

## 870 County Line Road Zoning



**ORDINANCE NO.**

**AN ORDINANCE APPROVING A SITE PLAN  
SUBMITTED TO ALLOW CONSTRUCTION OF A NEW OFFICE/WAREHOUSE  
AT 870 S. COUNTY LINE ROAD, BENSENVILLE, ILLINOIS**

**WHEREAS**, on September 21, 2010, Sal Ursino of 870 CLR, Inc. (the "Applicant") submitted a site plan for use of the property located at 870 S. County Line Road, Bensenville, Illinois (hereinafter "Subject Property"), the legal description of which is attached hereto as Exhibit "A," a copy of said application being contained in the files for this property in the Community and Economic Development Department; and

**WHEREAS**, the applicant submitted the site plan in support of its request to construct a new 12,000 square foot office/warehouse facility on the Subject Property; and

**WHEREAS**, the Community Development Commission of the Village of Bensenville has reviewed the propose site plan, and the analysis of the plan as contained within the Staff Report relative to same; and

**WHEREAS**, based upon the analysis conducted by Staff and its own review of the Site Plan, the Community Development Commission found that the Site Plan met the criteria for approval of same and recommended approval of the Site Plan with certain conditions; and

**WHEREAS**, the Community Development Commission forwarded its recommendation to the Community and Economic Development Committee of the Village Board; and

**WHEREAS**, the Community and Economic Development Committee did meet and consider the application and findings of fact as made by the Community Development Commission and voted to recommend the approval of the Site Plan, and forwarded its recommendation to the Village Board; and

**WHEREAS**, the President and Board of Village Trustees have reviewed the matter, and based on the recommendation of its Community Development Commission and the Community and Economic Development Committee, have determined that the approval of the Site Plan, with suggested conditions is consistent with the Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That based on the findings and the reports referenced herein, the Site Plan proposed for the Subject Property is hereby approved, with the following conditions:

1. The property be developed in substantial compliance with the Site Plan submitted as part of the application for approval prepared by George W. Simoulis, Architect, dated October 11, 2010 (and revised as required herein);
2. That the Site Plan be revised to include a foundation strip for landscaping at the front of the building; which such foundation strip to be reviewed and approved by the Village Staff;
3. That additional landscape materials be added to the frontage strip to screen the parking lot in accordance with Village Code; such frontage strip to be reviewed and approved by Village Staff;
4. That a berm be constructed in the rear, subject to final engineering review and approval;
5. That a solid fence be added to the rear (west) property line;
6. That there be no outside storage on the property;
7. That the trash enclosure fencing be solid, either with slats inserted in the chain link or be constructed out of wood or masonry;
8. That the existing fence on the property shall be removed;
9. That all rooftop mechanicals shall be screened in accordance with Village Code and related requirements;
10. That the freestanding sign location be moved so that the sign shall be a minimum of five feet from the front property line; and
11. That the Site Plan shall be subject to final engineering review and approval.

**SECTION THREE:** That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

**SECTION FOUR:** This Ordinance shall be in full 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 Bensenville, this 26th day of October, 2010.

ATTEST:

\_\_\_\_\_  
Frank Soto, Village President

\_\_\_\_\_  
JoEllen Ridder, Village Clerk

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_



**Legal Description**

LOT 9, EXCEPT THE EAST 17 FEET THEREOF, IN BLOCK 3 IN  
BENSENVILLE FARMS, BEING A SUBDIVISION IN SECTION 24,  
TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD  
PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF  
RECORDED NOVEMBER 7, 1923 AS DOCUMENT 171311, IN  
DUPAGE COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER (PIN): 03-24-406-074-0000

ADDRESS OF REAL ESTATE: 870 COUNTY LINE ROAD,  
BENSENVILLE, IL 60106

## VILLAGE OF BENSENVILLE

**TYPE:** Resolution **SUBMITTED BY:** Gary Thorsen **DATE:** Oct 19, 2010

**DESCRIPTION:** Resolution requesting execution of a contract with the Robert Morris University and The Village of Bensenville specifically the Edge I & II ice rinks for a period of 3yrs from December 1, 2010 to November 30, 2013.

### SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village
<input checked="" type="checkbox"/>	Quality Customer Oriented Services
<input type="checkbox"/>	Safe and Beautiful Village

<input type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Major Business/Corporate Center
<input type="checkbox"/>	Vibrant Major Corridors

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**COMMITTEE ACTION:** Community and Economic Development

**DATE:** Oct 19, 2010

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• **Community and Economic Development Committee Unanimously Passed**

Oronzo Peconio, Chair  
Morrie Bartlett  
Frank Soto, ex-officio

Patty Johnson  
Marty O'connell  
Scott Viger, staff

**BACKGROUND:** Attached is a contract between the Robert Morris University and The Village of Bensenville specifically the Edge I & II ice rinks for a period of 3yrs from December 1, 2010 to November 30, 2013 for the use of the East locker Room at Edge II. Within the contract, the terms are identified specifically but I would like to highlight a few key points.

- Twenty Five Thousand Dollars (\$25,000.00) annually for the use of the East Locker Room
- Payment Schedule is as follows: December 1, 2010, December 1, 2011, December 1, 2012
- Robert Morris is responsible for all repairs, and renovations etc of the East Locker Room.

**KEY ISSUES:** Action by the Village Board is needed authorizing the contract between the Robert Morris University and the Village of Bensenville.

**ALTERNATIVES:**

- Not to approve the resolution executing a contract between the Robert Morris University and the Village of Bensenville.
- Loss of revenue generated by this agreement and not achieving the projected revenue for the 2010 budget.

**RECOMMENDATION:** Staff recommends approval of the resolution executing a contract between Robert Morris University and The Village of Bensenville specifically the Edge I & II ice rinks.

**BUDGET IMPACT:** Revenue needed to meet 2010 budgeted revenue projections and beyond.

**ACTION REQUIRED:** Board action on the resolution and execution of contract between the Robert Morris University and the Village of Bensenville.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING A FACILITY USAGE LICENSE AGREEMENT  
WITH ROBERT MORRIS UNIVERSITY**

**WHEREAS**, the VILLAGE OF BENSENVILLE (hereinafter the “VILLAGE”) is a municipal corporation established and existing under the laws of the State of Illinois pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS**, the VILLAGE is empowered to make all contracts and to undertake other acts as necessary in the exercise of its statutory powers pursuant to 65 ILCS 5/2-2-12; and

**WHEREAS**, the VILLAGE owns and operates ice rink facilities commonly known as the Edge One Arena and Edge Two Arena (collectively the “ARENA”); and

**WHEREAS**, the VILLAGE has determined that it is necessary and desirable to license ice time and use of the ARENA for the purposes of generating revenue to fund the costs of maintenance, operation and management of the ARENA; and

**WHEREAS**, an organization known as the Robert Morris University, an Illinois Corporation, currently has a license with the VILLAGE for ice time and use of the ARENA pursuant to the terms and conditions as expressed in a certain Ice Arena and Locker Room Facility Usage License Agreement; and

**WHEREAS**, the Robert Morris University has expressed a desire to renew the Ice Arena and Facility Locker Room Usage License Agreement for the use of the ARENA in accordance with the terms and conditions as expressed in the subsequent Ice Arena and Facility Usage License Agreement (hereinafter the “AGREEMENT”) attached hereto and incorporated by reference herein as Exhibit “A”; and

**WHEREAS**, President and Board of Trustees have determined that it is in the best interests of the VILLAGE and its residents to approve the AGREEMENT with the Robert Morris University

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of



the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

**SECTION ONE:** The recitals set forth above are incorporated herein and made a part hereof.

**SECTION TWO:** The Village President is hereby authorized and directed to execute on behalf of the Village of Bensenville, and the Village Clerk is hereby authorized to attest thereto, the Ice Arena and Facility Use Agreement attached hereto and incorporated herein by reference as Exhibit "A."

**SECTION THREE:** This Resolution shall take effect immediately upon its passage and approval as provided by law.

**SECTION FOUR:** THAT the Village Board authorizes the Village Manager to execute a contract and other associated documents to Robert Morris University, for the use of the East Locker Room in the amount of Twenty Five Thousand Dollars (\$25,000.00) annually starting December 1, 2010, thru December 1, 2012.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, Illinois, October 26th, 2010.

APPROVED:

\_\_\_\_\_  
Frank Soto, Village President

ATTEST:

\_\_\_\_\_  
Jo Ellen Ridder, Village Clerk

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

**VILLAGE OF BENSENVILLE**  
**EDGE II ICE ARENA LOCKER ROOM USAGE LICENSE AGREEMENT**

This Edge II Ice Arena Locker Room Usage License Agreement (hereinafter the "Agreement") is made and entered into by and between the Village of Bensenville, an Illinois municipal corporation (hereinafter the "LICENSOR") and Robert Morris University Illinois, an Illinois not-for-profit corporation (hereinafter the "LICENSEE") (collectively the "Parties"), on the date the Agreement is fully executed by the Parties.

**WITNESSETH:**

WHEREAS, the LICENSOR owns a public multi-use complex known as The Edge II Ice Arena (hereinafter the "Arena"); and

WHEREAS, the LICENSEE owns and operates a hockey team known as the Robert Morris Colonials and desires to enter into this Agreement with the LICENSOR for a certain license to use the East Locker Room at the Arena; and

WHEREAS, the Parties desire that this Agreement shall set forth their full and complete understanding of the terms and conditions under which the LICENSOR shall use the East Locker Room at the Arena.

NOW, THEREFORE, in consideration of the premises, the mutual promises and covenants herein contained, and other good and valuable consideration, the receipt, sufficiency and adequacy of which are expressly acknowledged, the Parties, each intending to be legally bound, do hereby mutually agree as follows:

**TERMS AND CONDITIONS**

**ARTICLE I**  
**(DEFINITIONS)**

1.1 Arena. The term "Arena" shall mean the ice surface and related facilities commonly known as The Edge Ice II Arena, located at 735 Jefferson Street, Bensenville, Illinois 60106.

1.2 East Locker Room. The term "East Locker Room" shall mean the locker room located at the east end of the Arena.

ARTICLE II  
(TERM)

2.1 The term of the Agreement shall be one (3) years beginning on December 1, 2010 and shall terminate on November 30, 2013.

ARTICLE III  
(USE OF THE ARENA)

3.1 Scope of License. Subject to the terms and conditions of this Agreement, LICENSEE is authorized by LICENSOR to use the East Locker Room for the purpose of regularly scheduled hockey games, practice sessions, and try-out camps during the Hockey Season, and for no other purpose whatsoever, without the prior written consent of LICENSOR.

3.2 LICENSEE Payment. LICENSEE shall pay to LICENSOR Twenty Five Thousand and 00/100 Dollars (\$25,000.00), annually, for the use of the East Locker Room with full payment due upon the following schedule:

December 1, 2010  
December 1, 2011  
December 1, 2012

3.3 Locker Room Maintenance. LICENSOR shall provide maintenance services for the East Locker Room.

3.4 Repairs and Modifications of Arena Facilities. LICENSEE agrees that it shall pay and be liable for all repairs, renovations and replacements to any portions of the east Locker Room, including but not limited to fixtures and equipment made necessary as the result of any LICENSEE-sponsored events. Further, LICENSEE shall be responsible for any and all modifications to the East Locker Room performed by LICENSEE without the prior written consent of the LICENSOR. In the event of any such modifications, LICENSEE shall, at its expense, return modified Arena Facilities to their condition existing prior to LICENSEE'S use.

ARTICLE IV  
(INSURANCE)

4.1 LICENSEE shall secure at its own expense and provide LICENSOR a Certificate of Insurance naming LICENSOR as Additional Named Insured and shall be in such form and amounts (not less than \$2,000,000.00) as are acceptable to the LICENSOR.



ARTICLE V  
(INDEMNIFICATION GENERAL)

5.1 Assumption of Risk. LICENSEE accepts and clearly understands that there are inherent and other risks involved in the activities of hockey and/or ice-skating and that injuries are a common and ordinary occurrence of these activities. LICENSEE freely assumes any and all risks to itself, its members, competitors, and/or affiliates while these parties are participating in these activities on the Arena premises.

5.2 LICENSEE shall defend, and indemnify and hold harmless LICENSOR and its assigns, and its officers, officials, members, agents, from and against all claims, damages liabilities, and expenses, including costs and attorneys fees, arising from bodily injury, and personal injury expenses, including death at any time resulting therefrom, sustained by any person or persons or on account of damage to property including loss of the use thereof, arising out of or in consequence of LICENSEE'S performance of this agreement, provided such injuries to persons or damage to property is due to the negligent or intentional acts or omissions of LICENSEE, its officers, members, employees or agents. The provisions under this paragraph, however, shall only apply in proportion to and to the extent of such negligent or intentions acts or omissions.

ARTICLE VI  
(TERMINATION/DEFAULT)

6.1 Automatic Termination Date. This Agreement shall automatically terminate on November 30, 2013.

6.2 Failure to Pay Costs, Reimbursements and Expenses. LICENSOR shall serve written notice upon LICENSEE of LICENSEE'S failure to pay any costs, reimbursements and expenses as required under this Agreement. LICENSEE'S failure to pay, in full, any costs, reimbursements and expenses as required under this Agreement, within five (5) calendar days of receipt of such notice, shall be cause for termination of this Agreement without further notice, provided that this remedy of termination shall be in addition to any other remedies provided by law or under this Agreement.

6.3 Other Default. The non-defaulting Party shall serve written notice upon the defaulting Party of a default of any term or condition of this Agreement. Failure to cure such default within thirty (30) calendar days of receipt of such notice shall be cause for termination of this Agreement by the non-defaulting Party without further notice, provided that this remedy of termination shall be in addition to any other remedies provided by law or under this Agreement.

6.4 Attorneys Fees. If LICENSOR institutes any suit or action to enforce its rights hereunder, the LICENSOR, as a prevailing party in such suit or action, shall be entitled to

recover from the LICENSEE whatever sum the court may award as reasonable attorneys fees and court costs in such suit or action and in any appeals therefrom.

6.5 Jurisdiction and Venue. Any dispute arising from this Agreement shall be resolved in the 18th Judicial Circuit Court, DuPage County, Illinois.

#### ARTICLE VII (ASSIGNMENT)

7.1 Neither this Agreement, nor the rights, privileges, duties, nor obligations of the parties hereunder may be assigned or delegated without the prior written consent of all other parties.

#### ARTICLE VIII (ENTIRE AGREEMENT)

8.1 This Agreement constitutes the entire Agreement between the parties hereto with respect to the subject matter herein contained. There are no other agreements or understandings between the parties hereto, whether oral or written, regarding the subject matter hereof, which have not been embodied herein or incorporated herein by reference.

8.2 No rights, benefits, proceeds, revenues, reimbursements or other entitlements of any kind or type, whether arising or existing at the time of or after the execution of this Agreement, other than those specifically granted in this Agreement, shall in any way accrue to the benefit of LICENSEE unless upon the prior written consent of LICENSOR, which consent the LICENSOR may grant or withhold in LICENSOR'S sole discretion for any or no reason.

#### ARTICLE IX (SEVERABILITY)

9.1 If any provision of this Agreement shall be waived or be determined to be invalid, illegal or unenforceable, the remaining provisions of this Agreement shall be unaffected thereby and shall remain binding and in full force and effect.

#### ARTICLE X (NOTICE)

10.1 Any and all notices required or permitted to be given hereunder may be given by personal delivery, or by facsimile followed by express mail delivery, or by mailing. If personally delivered, notice shall be deemed given when actually received; if by facsimile, notice shall be deemed given when actually received; if by mail, notice shall be deemed given when deposited with the U.S. Postal Service, first class postage prepaid, certified or registered mail return receipt requested, and addressed as follows:



If to LICENSEE:

Robert Morris University Illinois

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If to LICENSOR:

Village of Bensenville  
Michael Cassady, Village Manager  
12 South Center Street  
Bensenville, IL 60106

With a Copy To:

Patrick K. Bond, Village Attorney  
Bond, Dickson & Associates P.C.  
400 S. Knoll Street, Unit C  
Wheaton, Illinois 60187

ARTICLE XI  
(FURTHER REPRESENTATIONS)

11.1 Authority. The Parties and each of them, by their signatures below, represent and warrant that they each have the full right, power and authority to enter into this Agreement and to perform their obligations hereunder; and this Agreement is valid and binding upon and enforceable against them, their heirs, successors and assigns in accordance with its terms. At the time of execution hereof, the parties and each of them shall provide to the others certified copies of corporate resolutions or other enabling resolutions authorizing execution of this Agreement.

11.2 Contract Interpretation. Each Party represents that they have mutually drafted this Agreement and that the rule of contract interpretation construing a contract against the drafter shall not apply.

11.3 No Third-Party Beneficiaries. The Parties agree that no third-party shall have any rights or benefits under this Agreement.

11.4 Counterparts. The terms of this Agreement are contractual and not a mere recital. This Agreement may be executed by the Parties in one or more counterpart originals, each of which shall be considered part of the same original document.



VILLAGE OF BENSENVILLE

Attest:

By: Michael Cassady, Village Manager

JoEllen Ridder, Village Clerk


Date: \_\_\_\_\_

Date: \_\_\_\_\_

ROBERT MORRIS UNIVERSITY  
ILLINOIS

Attest:

By:  \_\_\_\_\_

 \_\_\_\_\_  
Secretary

Date: 9/15/10

Date: 9/15/10

F:\PKB\Bensenville\Edge Arena\Agreements\Robert Morris\LockerRoomLicense2010.doc



# CERTIFICATE OF LIABILITY INSURANCE

OP ID JH

DATE (MM/DD/YYYY)

09/14/10

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b>  Purdum-Gray-Ingledue, Inc. 215 E. Jackson Street Macomb IL 61455-2201 Phone: 309-833-1755 Fax: 309-836-1446		<b>CONTACT</b> NAME: PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL: ADDRESS: PRODUCER CUSTOMER ID #: ROBER19	
<b>INSURED</b>  Robert Morris University IL Mr. Ronald Arnold 401 South State Street Chicago IL 60605		<b>INSURER(S) AFFORDING COVERAGE</b>  INSURER A: Cincinnati Ins. Co. NAIC # 10677 INSURER B: Midwest Insurance Company INSURER C: North River Insurance Co. INSURER D: INSURER E: INSURER F:	

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X		CPP0895257	06/30/10	06/30/11	EACH OCCURRENCE \$ 1000000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 5000
							PERSONAL & ADV INJURY \$ 1000000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 3000000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						PRODUCTS - COM/OP AGG \$ 3000000
A	AUTOMOBILE LIABILITY			CPP0895257	06/30/10	06/30/11	COMBINED SINGLE LIMIT (Ea accident) \$ 1000000
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS						\$
	<input type="checkbox"/> NON-OWNED AUTOS						\$
A	UMBRELLA LIAB	X	OCCUR	CPP0895257	06/30/10	06/30/11	EACH OCCURRENCE \$ 24000000
	<input type="checkbox"/> EXCESS LIAB						AGGREGATE \$ 24000000
	<input type="checkbox"/> DEDUCTIBLE						\$
	<input checked="" type="checkbox"/> RETENTION \$ 0						\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N	N/A	0101WP000064906	06/30/10	06/30/11	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$ 1000000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1000000
							E.L. DISEASE - POLICY LIMIT \$ 1000000
C	Excess Liability			5520146643	06/30/10	06/30/11	Ea Occurr 10000000
							Aggregate 10000000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
Certificate holder added as additional insured with regard to insured's general liability for Edge II Ice Arena License Agreement.

## CERTIFICATE HOLDER

## CANCELLATION

<b>BENSEN3</b>  Village of Bensenville 12 South Center Street Bensenville IL 60106	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  <i>Beau A. Ingledue</i>
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**TYPE:** Resolution **SUBMITTED BY:** K. Rubach **DATE:** 10/21/10

**DESCRIPTION:** Resolution to approve the Purchase of an Asphalt Hotbox/Reclaimer

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input checked="" type="checkbox"/>	<i>Financially Stable Government</i>	<input checked="" type="checkbox"/>	<i>Safe Place to Live</i>
<input checked="" type="checkbox"/>	<i>Cost Effective Services Responsive to Citizens</i>	<input type="checkbox"/>	<i>Downtown as a Community Focal Point</i>
<input type="checkbox"/>	<i>Open Government w/ Involved Citizens</i>	<input type="checkbox"/>	<i>Regional Partnerships</i>

**COMMITTEE ACTION:** Approved Unanimously

**DATE:** October 19, 2010

**BACKGROUND:**

A key mission of the Public Works Department is to provide timely and efficient maintenance of roads within the Village. Currently when patching roadway or filling potholes, asphalt is placed into the back of a truck and driven to the site, this method allows a limited timeframe for the asphalt to be used before it cools down and becomes hard. A hotbox will allow for the asphalt to stay warm and pliable for an extended period of time. In addition this unit also provides us with the option of having hot asphalt mix all year round which improves the quality of the repairs made and is a cheaper alternative to traditional cold patch which we currently use during winter months.

**KEY ISSUES:**

A recent bid advertisement for the hotbox/reclaimer produced the following results:

<b>Company</b>	<b>Bid Amount</b>
Asphalt Maintenance & Construction Company Des Moines, IA 50305	\$ 19,996.50

**RECOMMENDATION:**

Staff recommends a contract to be awarded to Asphalt Maintenance & Construction Company of Des Moines, IA as the lowest and most responsible bidder for the hotbox/reclaimer.

**BUDGET IMPACT:**

This item has been budgeted for in the fiscal year 2010 budget.

**ACTION REQUIRED:**

Motion to approve a Resolution authorizing the Village Manager to execute a purchase order and other associated documents to Asphalt Maintenance & Construction Company of Des Moines, IA for the asphalt hotbox/reclaimer unit.



**Resolution No.**

**Authorizing the Execution of a Purchase Order for an Asphalt Hotbox/Reclaimer to  
Asphalt Maintenance & Construction Company**

BE IT RESOLVED by the President and Board of Trustees of the Village of  
Bensenville, Counties of DuPage and Cook, Illinois as follows:

THAT the Village Board authorizes the Village Manager to execute a purchase  
order and other associated documents to Asphalt Maintenance & Construction Company  
of Des Moines, IA for purchase of an Asphalt Hotbox/Reclaimer for an amount of  
\$19,996.50

PASSED AND APPROVED by the President and Board of Trustees of the  
Village of Bensenville, Illinois, \_\_\_\_\_, 2010.

APPROVED:

\_\_\_\_\_  
Frank Soto  
Village President

ATTEST:

\_\_\_\_\_  
JoEllen Ridder  
Village Clerk

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

TYPE: Ordinance SUBMITTED BY: S. Viger DATE: 10.26.10

**DESCRIPTION:**

Ordinance granting a Conditional Use Permit and variances to allow a drive-through banking facility at 1151 S. York Road in an existing C – 2 Highway Commercial District.

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input checked="" type="checkbox"/>	<i>Financially Sound Village</i>	<input type="checkbox"/>	<i>Enrich the lives of Residents</i>
<input type="checkbox"/>	<i>Quality Customer Oriented Services</i>	<input checked="" type="checkbox"/>	<i>Major Business/Corporate Center</i>
<input checked="" type="checkbox"/>	<i>Safe and Beautiful Village</i>	<input checked="" type="checkbox"/>	<i>Vibrant Major Corridors</i>

-----  
**COMMITTEE ACTION:** Community & Economic Development **DATE:** 10.19.10  
-----

**BACKGROUND:**

The property in question is a small corner lot surrounded by the Brentwood Commons Shopping Center. The property is improved with a long vacant former gasoline station that creates an eyesore at one of the southern gateways to the Village. The proposal is to raze the existing structure and construct a new approximately 3,100 square foot full service banking facility with three drive-through lanes.

**KEY ISSUES:**

Whether the application as presented meets the approval criteria found in the Zoning Ordinance for the Conditional Use Permit and variances and if the proposed use is in the best interest of the Village as a whole and will not be detrimental to the local environs.

**ALTERNATIVES:**

Approve the Ordinance as presented.  
Approve the Ordinance with altered or additional conditions.  
Remand the Ordinance to the CDC for further deliberation.  
Deny the Ordinance.

**RECOMMENDATION:**

The staff respectfully requests that the Committee approve the Conditional Use Permit and variances. At their October 11, 2010 Public Hearing the CDC voted unanimously (4 – 0) to recommend that the Village President and Board of Trustees approve the CUP and variances with conditions. The Community & Economic Development Committee voted 3 – 1 to approve the requests at their 10.19.10 meeting.

**BUDGET IMPACT:**

N/A

**ACTION REQUIRED:**

Enactment of the Ordinance approving the Conditional Use Permit and variances for the proposed drive-through banking facility to be located at 1151 S. York Road in an existing C – 2 Highway Commercial District..



# Village of Bensenville

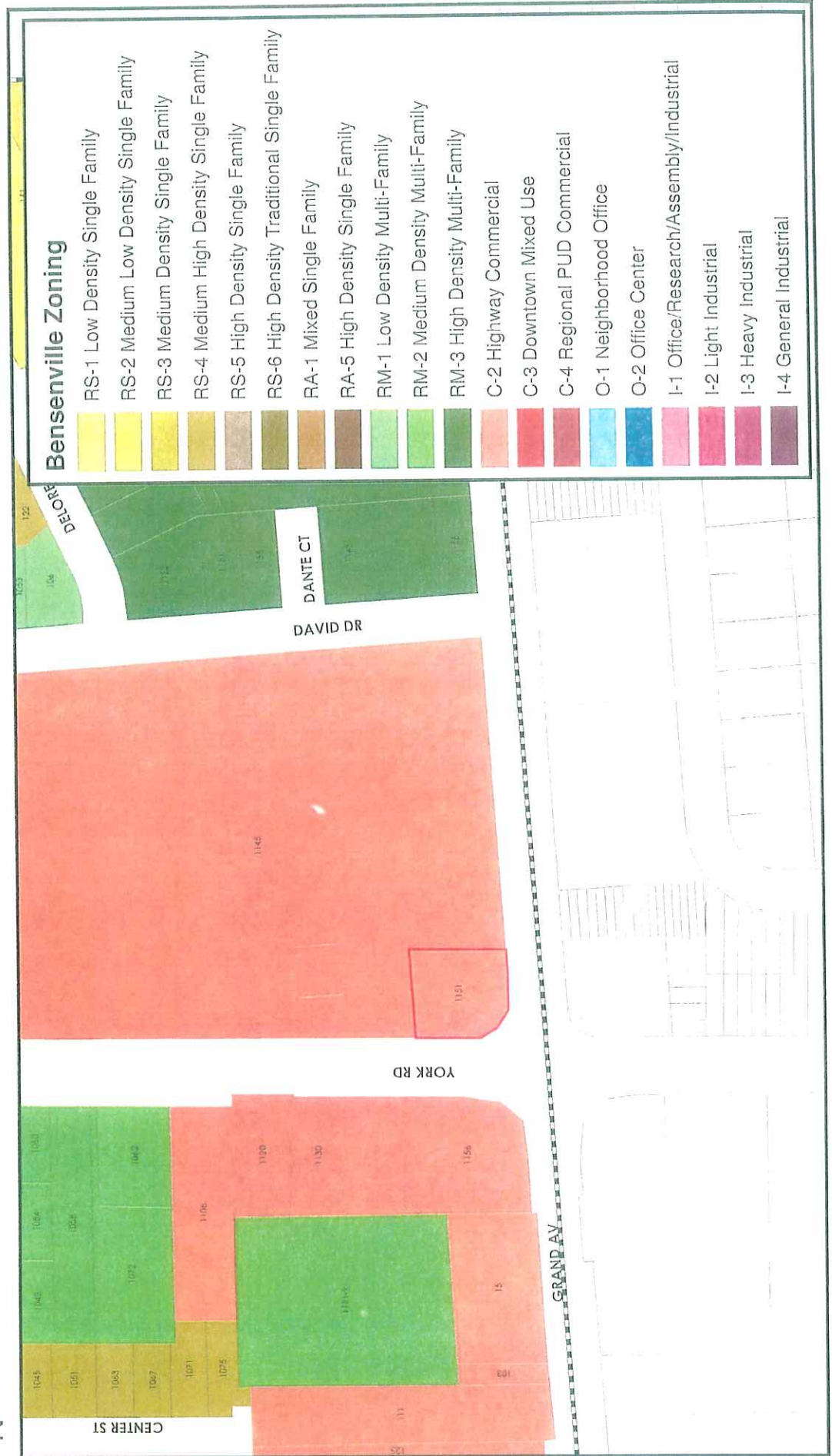
1151 S. York Rd.







1151 S. York Rd.



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING THE GRANT OF A CONDITIONAL USE PERMIT  
AND RELATED VARIANCES TO ALLOW CONSTRUCTION AND OPERATION OF A  
BANK AND DRIVE THROUGH FACILITY AT 1151 S. YORK ROAD,  
BENSENVILLE, ILLINOIS**

**WHEREAS**, PNC Bank (the applicant), filed an application seeking a conditional use permit and related variances to allow construction of a new bank with related drive through facility pursuant to Section 10-3-4-C of *The Village of Bensenville Zoning Ordinance* ("Zoning Ordinance") at property commonly known as 1151 S. York Street, and legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being on file in the Community and Economic Development Department; and

**WHEREAS**, Notice of Public Hearing with respect to the conditional use permit sought by the Applicant was published in a newspaper of general circulation in the Village of Bensenville all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on October 11, 2010, as required by the statutes of the State of Illinois and the ordinances of the Village, and after hearing the application, adopted the findings of fact as made by the Village staff; and

**WHEREAS**, upon said findings of facts, the Community Development Commission, voted to 3 – 1 to approve the application for conditional use permit and related variances to allow construction of a new bank with related drive through facility at the Subject Property, subject to certain conditions; and

**WHEREAS**, the Community Development Commission forwarded its recommendation to approve the application to the Village Board's Community and Economic Development Committee which concurred in the recommendation to approve the application, adopting the same conditions as recommended; and

**WHEREAS**, the Community and Economic Development Committee then forwarded its recommendation, along with that of the Community Development Commission, to the President and Board of Trustees on October 26, 2010; and

**WHEREAS**, the President and Board of Village Trustees considered the matter and determined, based on its consideration, that the permit should be granted, allowing the relief

requested, finding that it is consistent with the Zoning Ordinance and the orderly and harmonious development of the Village.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That the application for a conditional use permit and related variances to allow PNC Bank to construct a bank and related drive through facility on the Subject Property, in conjunction with its use of the Subject Property is hereby granted subject to the following conditions: (1) That the property be developed in substantial compliance with the plans submitted as part of the application, prepared by GPD Associates, dated August 17, 2010; (2) that the conditional use permit shall be applicable during the tenancy of PNC Bank or any successor in interest it may have in assumption of the tenancy of the Subject Property; (3) that cross access easement between the Subject Property and the abutting shopping center be recorded with the DuPage Recorder, and copy of the recorded agreement be submitted to the Village for maintenance in its records. The variances granted, based upon the requisite finding of facts are as follows: (1) the stacking requirement for drive through facilities is reduced from the required 15 to 12; (2) the number of parking spaces is reduced from 16 to 13; (3) the landscape frontage strip is reduced from the required 6 feet to zero feet; and the number and total square footage of wall signs is allowed increased, to an amount and square footage to be determined by staff in consultation with the applicant, and in keeping with the requirements as contained in the minutes of the Community and Economic Development Committee meeting on this topic.

**SECTION THREE:** That this Ordinance shall be in full 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 Bensenville, this 26th day of October, 2010.

\_\_\_\_\_  
Frank Soto, Village President

ATTEST:

\_\_\_\_\_  
JoEllen Ridder, Village Clerk

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**Exhibit "A"**  
**1151 S. York Road**

The Legal Description is as follows:

THAT PART OF LOT 271 IN BRENTWOOD TERRACE, ACCORDNG TO THE PLAT THEREOF RECORDED NOVEMBER 10, 1956 AS DOCUMENT NO. 823155, AND CERTIFICATES OF CORRECTION RECORDED DECEMBER 14, 1956 AS DOCUMENT NO. 826909 AND SEPTEMBER 12, 1957 AS DOCUMENT NO. 856155, BEING A SUBDIVISION OF PART OF THE SOUTH  $\frac{1}{2}$  OF SECTION 24 AND PART OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF GRAND AVENUE AND EAST RIGHT-OF-WAY LINE OF YORK ROAD; THENCE NORTHERLY, ALONG THE EAST RIGHT-OF-WAY LINE OF YORK ROAD, 150.00 FEET; THENCE EASTERLY AND PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF GRAND AVENUE, 150.00 FEET; THENCE SOUTHERLY AND PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF YORK ROAD TO A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND AVENUE, WHICH POINT IS 150.00 FEET EASTERLY FROM THE PLAE OF BEGINNING, AS MEASURED ALONG SAID NORTHERLY RIGHT-OF-WAY GRAND AVENUE; THENCE WESTERLY, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF GRAND AVENUE, A DISTANCE OF 150.00 FEET TO THE PLACE OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS; EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

COMMENCING AT THE SOUTHWEST CORNER OF AFORESAID PROPERTY FOR A POINT OF BEGINNING; THENCE NORTHERLY, ALONG SAID WESTERLY PROPERTY LINE, A DISTANCE OF 46.44 FEET TO A POINT; THENCE SOUTHERLY, ALONG A LINE TURNING AN ANGLE OF 145 DEGREES 51 MINUTES 27 SECONDS TO THE RIGHT OF THE LAST DESCRIBED LINE, A DISTANCE OF 25.64 FEET TO A POINT, THENCE SOUTHEASTERLY ALONG A LINE TURNING AN ANGLE OF 26 DEGREES 56 MINUTES 29 SECONDS TO THE LEFT OF THE LAST DESCRIBED LINE EXTENDED, A DISTANCE OF 28.40 FEET TO A POINT; THENCE EASTERLY ALONG A LINE TURNING AN ANGLE OF 23 DEGREES 28 MINUTES 02 SECONDS TO THE LEFT OF THE LAST DESCRIBED LINE EXTENDED A DISTANCE OF 55.88 FEET TO A POINT ON THE SOUTHERLY PROPERTY LINE; THENCE WESTERLY, ALONG THE AFORESAID PROPERTY LINE, A DISTANCE OF 95.12 FEET TO THE POINT OF BEGINNING.

THE SUBJECT PROPERTY CONTAINS 0.49 ACRES OR 21,2789 SQUARE FEET, MORE OR LESS.



WEST ELEVATION



SOUTH ELEVATION



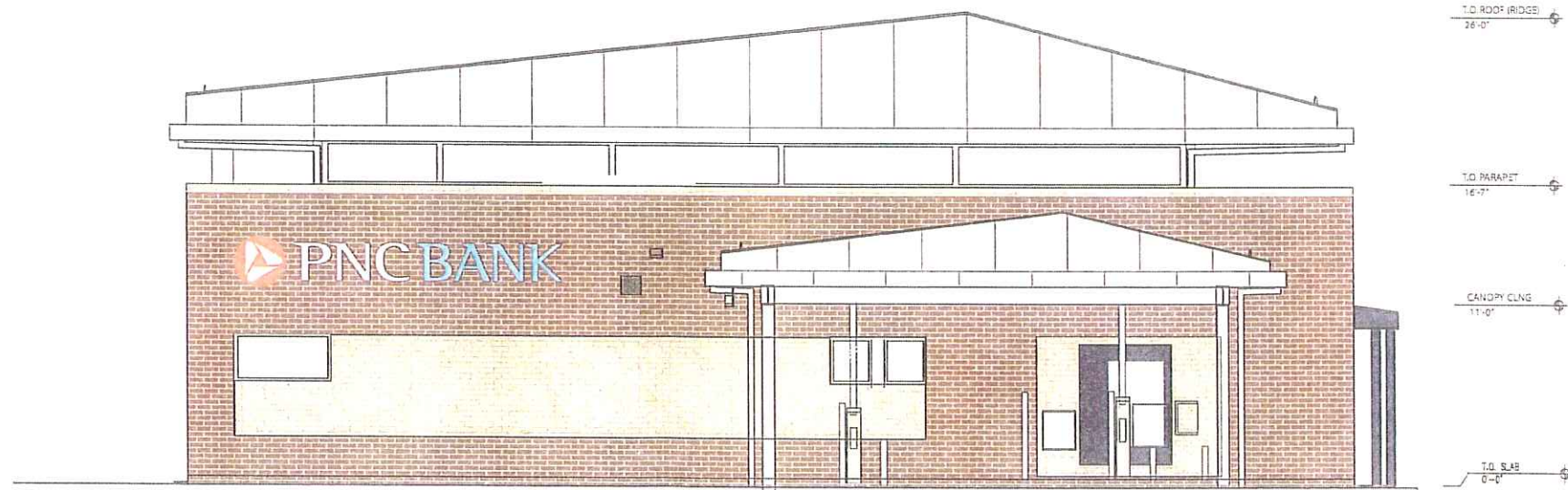
Bensenville, IL

Permitted Sign Elevations  
Scale: Not to Scale

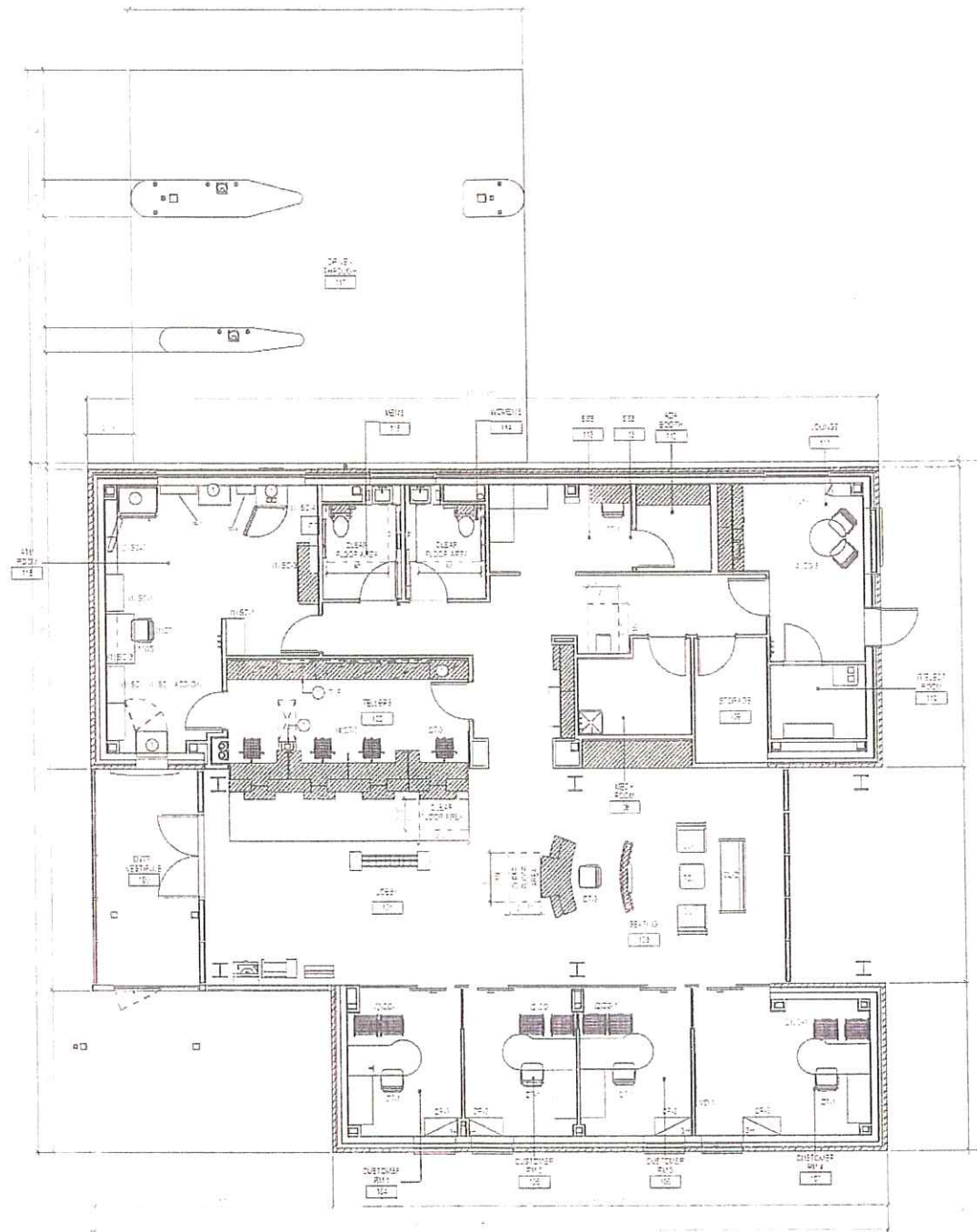




EAST ELEVATION



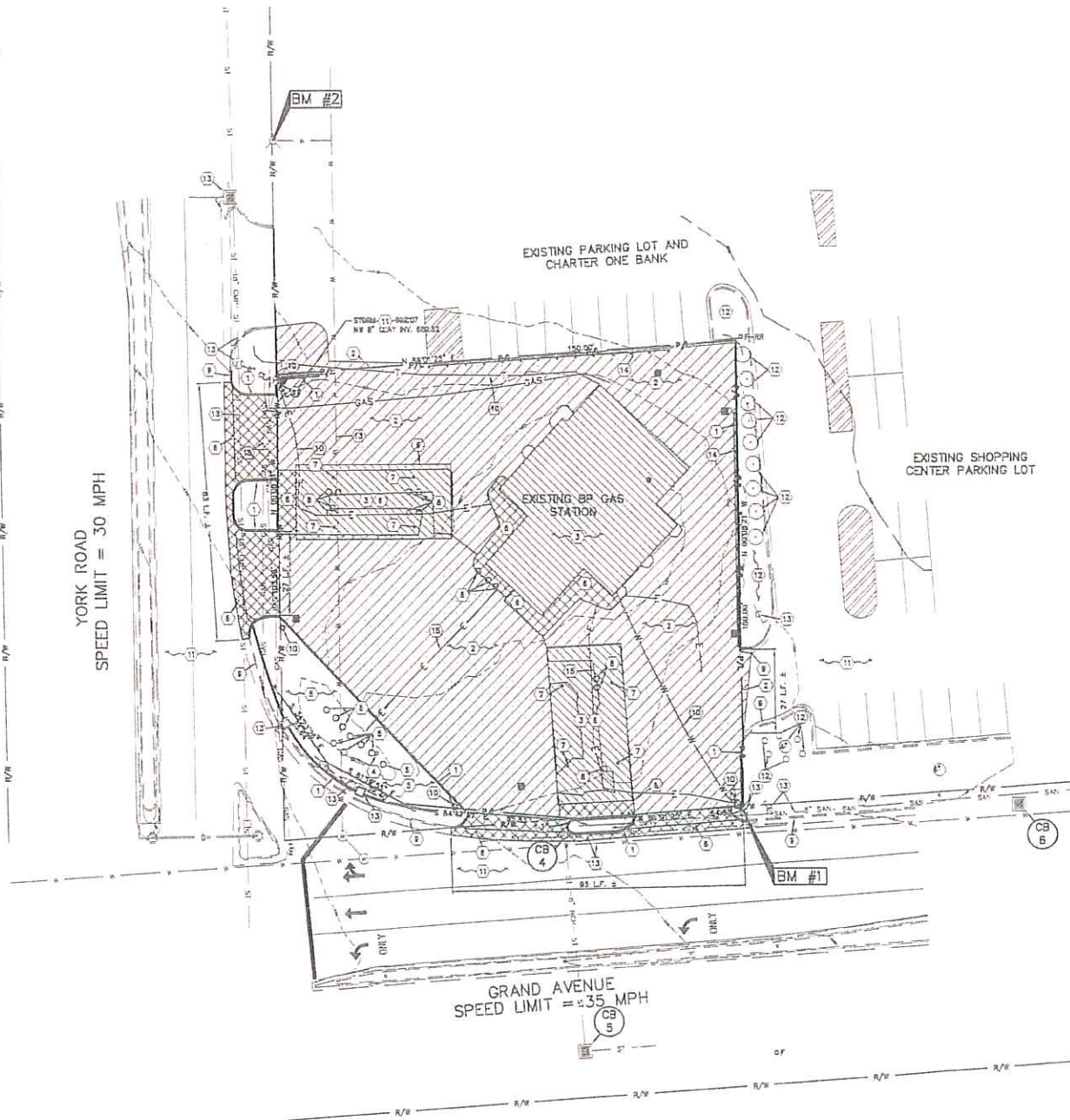
NORTH ELEVATION











# DEMOLITION NOTES

- EXISTING CURB OR CURB AND GUTTER TO BE REMOVED.
- EXISTING PAVEMENT TO BE REMOVED.
- EXISTING BUILDING/STRUCTURE INCLUDING FOUNDATION AND SUBSTRUCTURE TO BE REMOVED.
- EXISTING SIGNAGE TO BE REMOVED.
- EXISTING LANDSCAPING (INCLUDING BUSHES, TREES, ETC.) TO BE REMOVED.
- EXISTING CONCRETE PAVEMENT TO BE REMOVED.
- EXISTING COLUMNS TO BE REMOVED.
- EXISTING BOLLARD TO BE REMOVED.
- EXISTING CURB OR CURB AND GUTTER TO REMAIN AND BE PROTECTED THROUGHOUT CONSTRUCTION.
- EXISTING UTILITIES TO BE REMOVED.
- EXISTING PAVEMENT TO REMAIN AND BE PROTECTED THROUGHOUT CONSTRUCTION.
- EXISTING LANDSCAPING (INCLUDING BUSHES, TREES, ETC.) TO REMAIN AND BE PROTECTED THROUGHOUT CONSTRUCTION.
- EXISTING UTILITIES TO REMAIN AND BE PROTECTED THROUGHOUT CONSTRUCTION.
- EXISTING GUARDRAIL TO BE REMOVED.

\* REFER TO SHEET C-141 FOR UTILITY DATA

## LEGEND

(SEE SHEET C-001 FOR GENERAL LEGEND)

- EXISTING ASPHALT TO BE REMOVED
- EXISTING CONCRETE TO BE REMOVED
- EXISTING BUILDING/STRUCTURE TO BE REMOVED
- DENOTES LIMITS OF SURVEY/REMOVAL
- DEMOLITION NOTE
- EXISTING WATER TO BE REMOVED
- EXISTING GAS TO BE REMOVED
- EXISTING TELEPHONE TO BE REMOVED
- EXISTING ELECTRIC TO BE REMOVED

## BENCHMARKS:

BASIS OF BEARING: ILLINOIS STATE PLANE COORDINATE SYSTEM - EAST ZONE (NAD83)

BENCHMARK #1 - ARROW BOLT ON HYDRANT LOCATED ON THE EAST SIDE OF YORK RD., APPROXIMATELY 75' NORTH OF THE PARCELS NORTH PROPERTY LINE. ELEVATION=554.12

BENCHMARK #2 - ARROW BOLT ON HYDRANT LOCATED ON THE NORTH SIDE OF GRANT AVE., APPROXIMATELY 1' EAST OF THE PARCELS EAST PROPERTY LINE. ELEVATION=553.39

CALL J.U.L.I.E.

1-800-892-0123  
Call Monday thru Friday - 24 Hours a Day

## NOTICE TO CONTRACTOR

PER ILLINOIS STATE LAW, IT IS AGAINST THE LAW TO EXCAVATE WITHOUT NOTIFYING THE UNDERGROUND LOCATION SERVICE TWO (2) WORKING DAYS BEFORE COMMENCING WORK.



REV.	DATE	DESCRIPTION
		SUBMITTED FOR TECHNICAL REVIEW

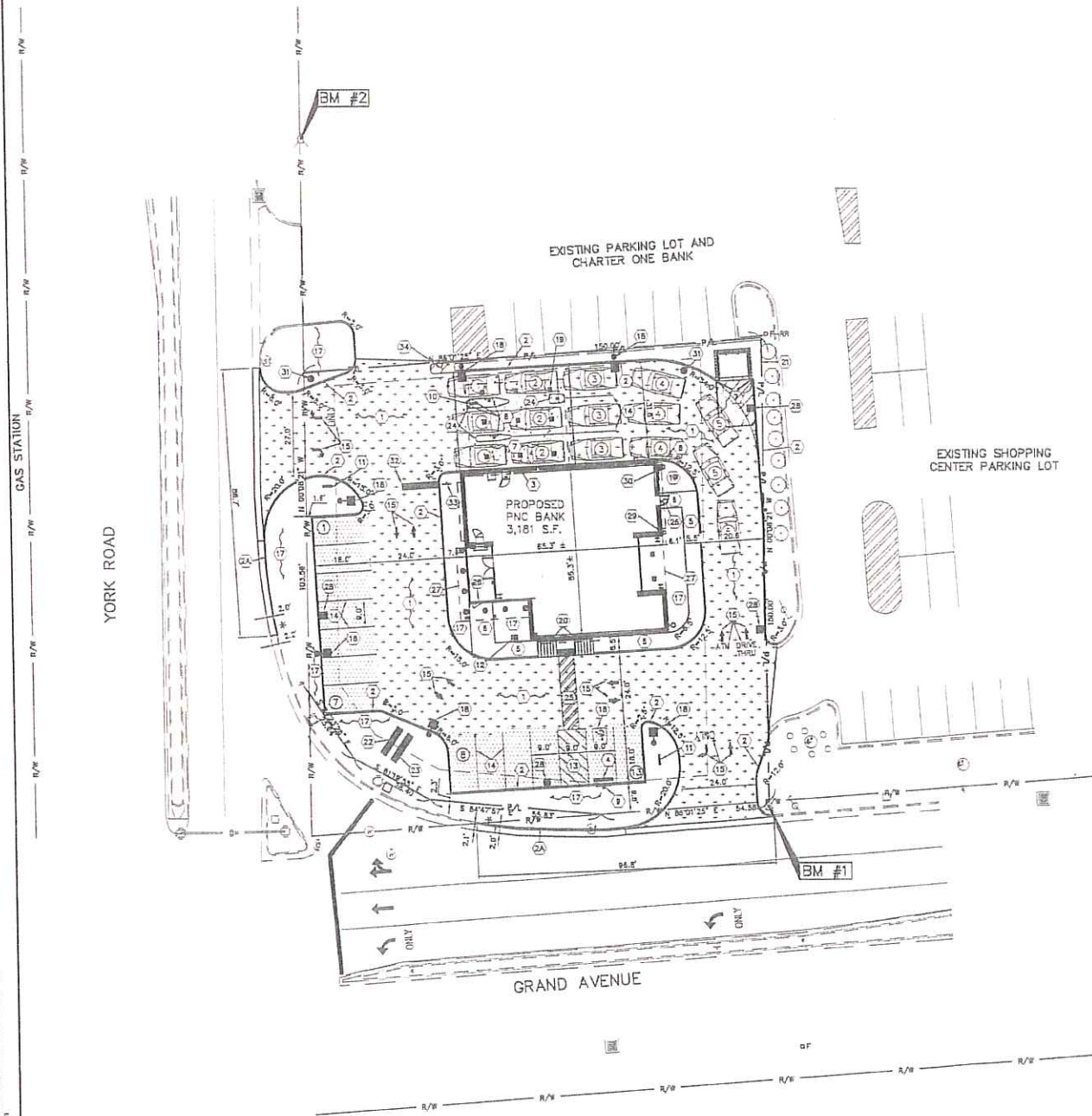
PNC BANK  
1151 SOUTH YORK ROAD  
BENSENVILLE, IL

## DEMOLITION PLAN

DESIGNED	DATE
R.A.B.	8-17-10
DRAWN	DATE
E.E.S.	8-17-10
CHECKED	DATE

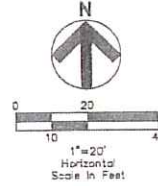
JOB NO.  
2010190.03

C-101



**LEGEND**  
(SEE SHEET C-001 FOR GENERAL LEGEND)

[Symbol]	PROPOSED TEMPORARY CONSTRUCTION SIGN
[Symbol]	PROPOSED ASPHALT
[Symbol]	PROPOSED HEAVY DUTY ASPHALT
[Symbol]	CONSTRUCTION NOTE
[Symbol]	PROPOSED PARKING SPACE NUMBER
[Symbol]	PROPOSED DRIVE THRU STACK CAR AND NUMBER
[Symbol]	PROPOSED DETENTION BASIN



## CONSTRUCTION NOTES

1. PROPOSED ASPHALT PAVEMENT AS SPECIFIED.
- NOTE: SOILS REPORT GOVERNS IF ANY DISCREPANCIES OCCUR.
- | MATERIAL            | DEPTH (MIN. DUTY) | DEPTH (STD. DUTY) | DOT SPECIFICATIONS ITEM |
|---------------------|-------------------|-------------------|-------------------------|
| A.C. SURFACE COURSE | 1 1/2"            | 1 1/2"            | 1-3.5                   |
| A.C. BINDER COURSE  | 2 1/2"            | 1 1/2"            | 1-10.0                  |
| A.G. BASE COURSE    | 4"                | 4"                | 1-10.0                  |
| SUBGRADE COMPACTION | PER SOILS REPORT  | PER SOILS REPORT  | PER SOILS REPORT        |
2. SEE TYPICAL SECTION, DETAIL 1, SHEET C-501.
3. PROPOSED P.C.C. CURB PER DETAIL 2, SHEET C-501.
4. PROPOSED P.C.C. CURB & GUTTER PER DOT SPECIFICATIONS.
5. PROPOSED CURB AT DRIVE THRU PER DETAIL 3, SHEET C-501.
6. PROPOSED P.C.C. WHEEL STOP PER DETAIL 4, SHEET C-501.
7. PROPOSED P.C.C. CURBED WALK PER DETAIL 5, SHEET C-501.
8. PROPOSED P.C.C. WALK PER DETAIL 6, SHEET C-501.
9. PROPOSED P.C.C. PAVEMENT W/ W.W.F. 6" x 6" W.W.F. & W.W.F. (CONTROL JTS. 12" x 12" B.C.) OVER CRUSHED AGGREGATE OR GRAVEL BASE. APPLY LIQUID ASPHALT AT ALL JOINTS BETWEEN CONCRETE AND ASPHALT.
10. PROPOSED BOLLARD IN CURB PER DETAIL 8, SHEET C-501.
11. PROPOSED ADA PARKING SIGN PER DETAIL 9, SHEET C-501.
12. PROPOSED NO ENTRY SIGN MOUNTED TO COLUMN AT DRIVE THRU DOT.
13. PROPOSED NON-ILLUMINATED DIRECTIONAL SIGN PER SIGN SUPPLIER SPECIFICATIONS. CONTRACTOR SHALL INSTALL FOUNDATION PER SIGN SUPPLIER DESIGN. SEE DETAIL 12, SHEET C-501.
14. PROPOSED BIKE RACK MOUNTED ON 4" P.C.C. PAVEMENT OVER 6" FINE SAND BASE PER DETAIL 13, SHEET C-501. CONTRACTOR SHALL CONSTRUCT THE PAD (2'x2') AND BOLT/ANCHOR THE BIKE RACK TO THE PAD (PNC WILL SUPPLY THE BIKE RACK).
15. PROPOSED PAINTED TRANSVERSE STRIPING PER DETAIL 13, SHEET C-501.
16. PROPOSED PAINTED 4" WIDE SOLID STRIPE - WHITE ON ASPHALT, YELLOW ON CONCRETE.
17. PROPOSED DIRECTIONAL PAVEMENT MARKINGS - WHITE ON ASPHALT, YELLOW ON CONCRETE - PER DETAIL 13, SHEET C-501.
18. PROPOSED PAINTED INTERNATIONAL ADA SYMBOL PER ADA SPECIFICATIONS AND DETAIL 16, SHEET C-501.
19. PROPOSED LANDSCAPING AREA. SEE SHEET L-101.
20. PROPOSED LIGHT POLE AND FOUNDATION. SEE ELECTRICAL DRAWINGS AND DETAIL 2, SHEET C-501 FOR SPECIFICATIONS.
21. PROPOSED CANOPY LIGHTING FIXTURE (TYP. OF 8). SEE ELECTRICAL DRAWINGS FOR SPECIFICATIONS.
22. PROPOSED ADA ACCESSIBLE RAMP PER ADA SPECIFICATIONS AND DETAIL 4, SHEET C-501.
23. PROPOSED BRICK DUMPSTER ENCLOSURE PER DETAIL 9, SHEET C-501.
24. PROPOSED 5'-3" O.A.H. 42.5 S.F. MONUMENT SIGN PER SIGN SUPPLIER SPECIFICATIONS. SEE DETAIL 12, SHEET C-501.
25. PROPOSED TEMPORARY CONSTRUCTION SIGN TO BE CONSTRUCTED AND INSTALLED BY SIGN COMPANY. GC SHALL COORDINATE EXACT LOCATION WITH PNC CONSTRUCTION/PROJECT MANAGER. SEE DETAIL 11, SHEET C-501.
26. PROPOSED P.C.C. CONCRETE ISLAND. SEE ARCHITECTURAL DRAWINGS.
27. PROPOSED CROSSEWALK STRIPING PER DETAIL 14, SHEET C-501.
28. PROVIDE FROST SLAB AT DOOR. SEE STRUCTURAL DRAWINGS.
29. PROPOSED ARCHITECTURAL AWNING. SEE ARCHITECTURAL DRAWINGS.
30. PROPOSED CATCH BASIN PER DOT SPECIFICATIONS AND DETAIL 1, SHEET C-501.
31. PROPOSED ELECTRIC METER PER ELECTRIC COMPANY SPECIFICATIONS. SEE ARCHITECTURAL DRAWINGS FOR EXACT LOCATION.
32. PROPOSED GAS METER PER GAS COMPANY SPECIFICATIONS. SEE ARCHITECTURAL DRAWINGS FOR EXACT LOCATION.
33. PROPOSED STORM MANHOLE PER DOT SPECIFICATIONS.
34. PROPOSED 1" WIDE BY 12" LONG PAINTED STOP BAR.
35. PROPOSED STOP SIGN.
36. PROPOSED P.C.C. CORE TO TRANSITION GRADE.
- \* CONTRACTOR TO TRANSITION CURB & GUTTER TO THE WIDTHS SPECIFIED WHERE INDICATED WITHIN 6".

BUILDING SETBACKS	
REQUIRED	PROVIDED
FRONT: S. YORK RD.	10' 50'
REAR: EAST	20' 31'
SIDE: GRAND AVE.	10' 57.1'
SIDE: NORTH	5' 5'

PARKING SETBACKS	
REQUIRED	PROVIDED
FRONT: S. YORK RD.	0' 1.8'
REAR: EAST	0' 0'
SIDE: GRAND AVE.	0' 0'
SIDE: NORTH	0' 0'

LANDSCAPE SETBACKS	
REQUIRED	PROVIDED
FRONT: S. YORK RD.	0' 1'
REAR: EAST	0' 0'
SIDE: GRAND AVE.	0' 0'
SIDE: NORTH	0' 0'

PARKING SPACES	
REQUIRED	PROVIDED
NUMBER OF SPACES	18 13
PARKING EQUIVALENTS	
5/ 1,000 SF = 3.781 SF = 18 SPACES	
REQUIRED 18 SPACES PROVIDED	

LAND USE DATA	
PERCENTAGE OF SITE AREA	AREA PROVIDED
BUILDING	14.29% .07 AC.
PAVEMENT/IMPERVIOUS	71.43% .35 AC.
LANDSCAPING	14.29% .07 AC.
TOTAL	100% .49 AC.

CURRENT ZONING: C-2 HIGHWAY COMMERCIAL

**BENCHMARKS:**  
BASIS OF BEARING: ILLINOIS STATE PLANE COORDINATE SYSTEM - EAST ZONE (NAD83)

BENCHMARK #1 - ARROW BOLT ON HYDRANT LOCATED ON THE EAST SIDE OF YORK RD., APPROXIMATELY 75' NORTH OF THE PARCELS NORTH PROPERTY LINE.  
ELEVATION=694.12

BENCHMARK #2 - ARROW BOLT ON HYDRANT LOCATED ON THE NORTH SIDE OF GRAND AVE., APPROXIMATELY 1' EAST OF THE PARCELS EAST PROPERTY LINE.  
ELEVATION=693.39

CALL J.U.L.I.E.  
1-800-692-0123  
Call Monday thru Sunday - 24 hours a day

**NOTICE TO CONTRACTOR**  
PER ILLINOIS STATE LAW, IT IS AGAINST THE LAW TO EXCAVATE WITHOUT NOTIFYING THE UNDERGROUND LOCATION SERVICE TWO (2) WORKING DAYS BEFORE COMMENCING WORK.



REV.	DATE	DESCRIPTION

PNC BANK  
 1151 SOUTH YORK ROAD  
 BENSVILLE, IL

SITE PLAN

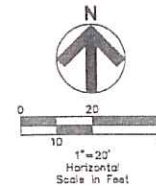
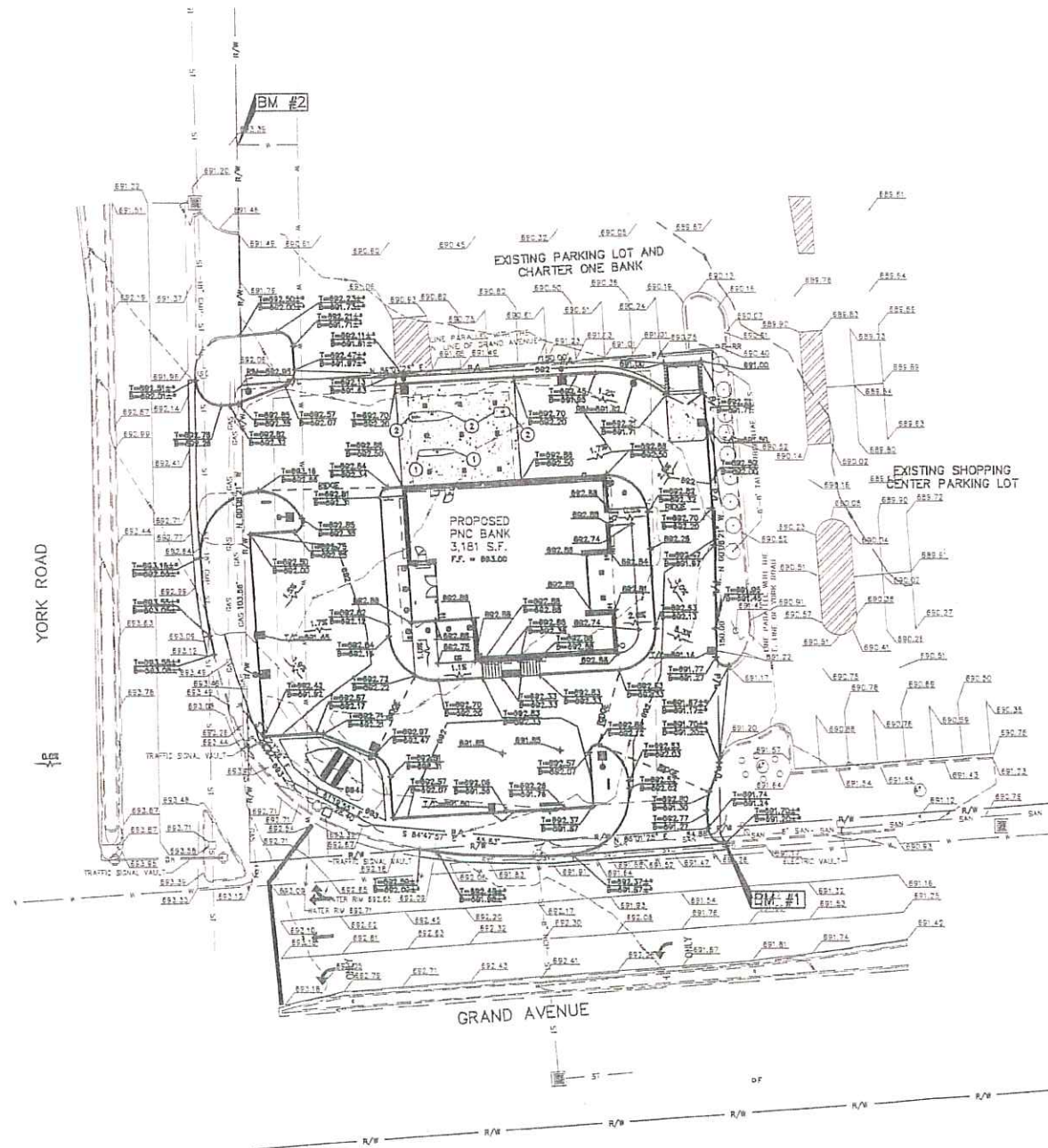
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R.A.E.	8-17-10
DRAWN	DATE
E.E.S.	8-17-10
CHECKED	DATE

JOB NO.  
2010190.03

C-111



Drawing file: 201019003\_015.dwg  
Drawing name: N: 201019003\_015.dwg  
Sep 02, 2010 - 6:07pm



#### LEGEND

(SEE SHEET C-101 FOR GENERAL LEGEND)

- PROPOSED CONTOUR
- EXISTING SPOT ELEVATION
- PROPOSED ELEVATION @ BOTTOM OF FRONT FACE AND/OR FINISHED PAVEMENT ELEVATION
- TOP OF CURB ELEVATION
- BOTTOM OF CURB/FINISHED PAVEMENT ELEVATION
- MATCH EXISTING ELEVATION
- PROPOSED DRAINAGE SLOPE & DIRECTION
- PROPOSED ELEVATION KEYNOTE

#### SPOT ELEVATIONS

- ① T=892.89
- ② T=892.89
- ③ T=892.89

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BASIS OF BEARING: ILLINOIS STATE PLANE COORDINATE SYSTEM - EAST ZONE (NAD83)

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ELEVATION=893.39



REV.	DATE	DESCRIPTION

PNC BANK  
1151 SOUTH YORK ROAD  
BENSENVILLE, IL

GRADING PLAN

DESIGNED	DATE
P.A.B.	8-17-10
DRAWN	
CHECKED	

JOB NO.  
2010190.03

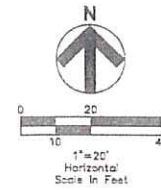
C-121



UTILITIES LOCATIONS NOT FINALIZED, IDEALIZED  
 LOCATIONS PROVIDED. AWAITING COORDINATION WITH  
 UTILITY PROVIDER AND ACCEPTANCE OF SITE PLAN.

**UTILITY STRUCTURES**

- ST 1 EXISTING CATCH BASIN  
R/W=690.0'
- ST 2 EXISTING CATCH BASIN  
R/W=692.37  
INV. 18" CWP (N)=686.12  
INV. 18" CWP (S)=686.37  
INV. 8" CLAY (SC)=686.67
- ST 3 EXISTING STORM SEWER MANHOLE  
R/W=692.37  
INV. 8" CLAY (N)=689.12
- ST 4 EXISTING CATCH BASIN  
R/W=692.37  
INV. 18" CWP (N)=686.12  
INV. 18" CWP (S)=686.37  
INV. 8" CLAY (SC)=686.67
- ST 5 EXISTING CATCH BASIN  
R/W=692.37  
INV. 8" CWP (S)=686.47
- ST 6 EXISTING CATCH BASIN  
R/W=692.37



**LEGEND**  
 (SEE SHEET C-007 FOR GENERAL LEGEND)

- ST PROPOSED STORM SEWER
- SAW PROPOSED SANITARY SEWER
- W PROPOSED WATER SERVICE
- GAS PROPOSED GAS SERVICE
- E PROPOSED UNDERGROUND ELECTRIC SERVICE
- T&C PROPOSED UNDERGROUND TELEPHONE & CABLE SERVICE
- D.S. # PROPOSED DOWNSPOUT
- C.O. # PROPOSED CLEAN OUT
- A APPOINTMENT
- U UTILITY CONSTRUCTION NOTE
- PROPOSED UNDERGROUND DETENTION
- DOC PROPOSED DETENTION BASIN

**CALL J.U.L.I.E.**

1-800-892-0123  
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**NOTICE TO CONTRACTOR**

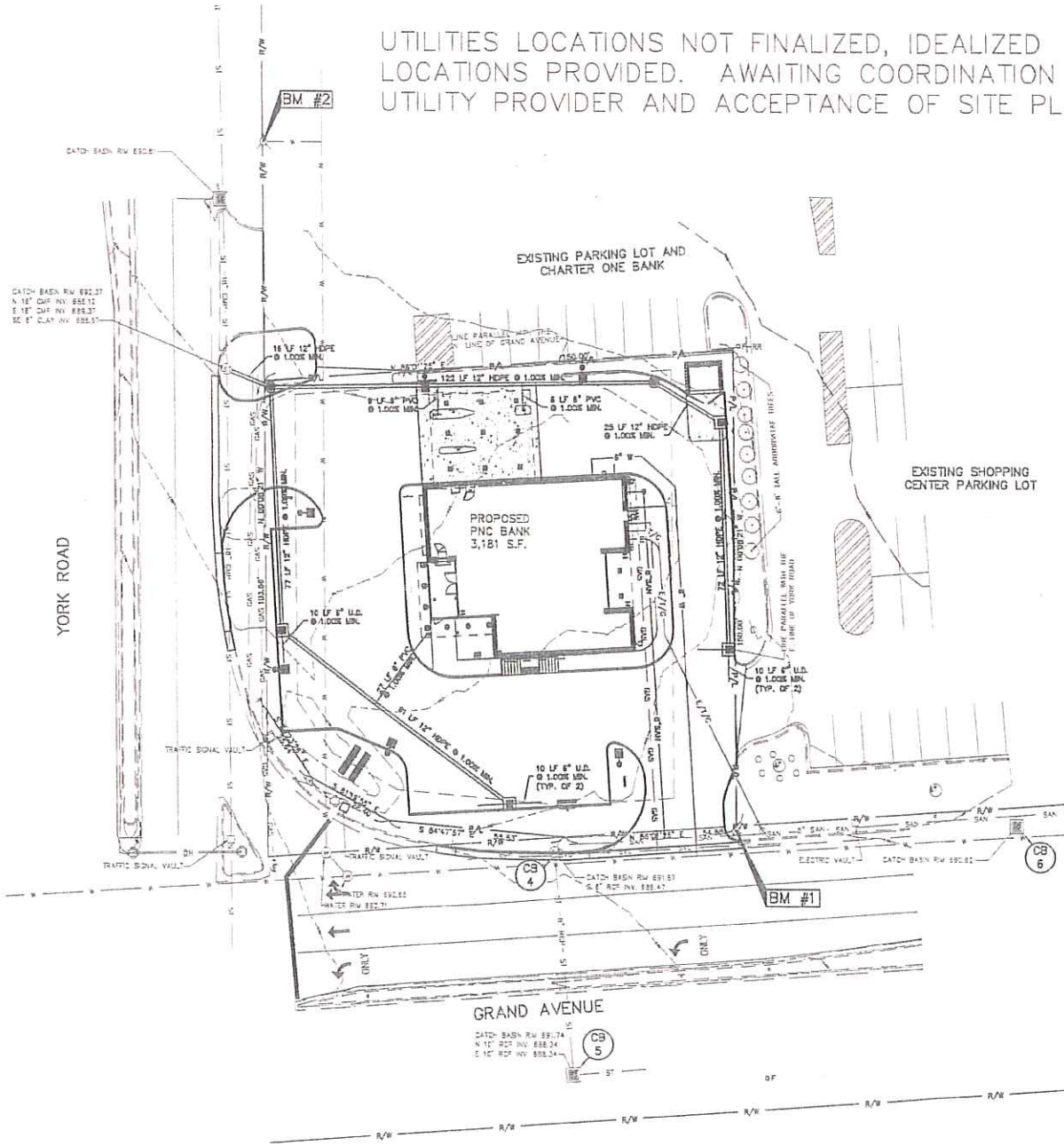
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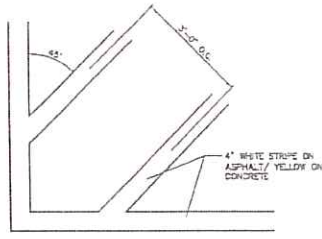
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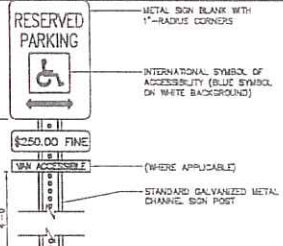
BENCHMARK #2 - ARROW BOLT ON HYDRANT LOCATED ON  
 THE NORTH SIDE OF GRAND AVE. APPROXIMATELY 1' EAST  
 OF THE PARCELS EAST PROPERTY LINE.  
 ELEVATION=693.39





TRANSVERSE STRIPING  
N.T.S.

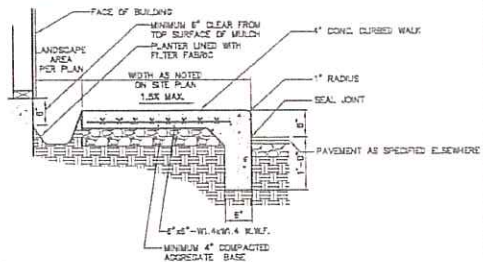
13



- NOTES:
1. CONTRACTOR SHALL INSTALL SIGN IN 8" DIA. x 24" DEEP CONCRETE FOOTING.
  2. CONTRACTOR SHALL VERIFY SIGN WITH CITY REQUIREMENTS AND SPECIFICATIONS BEFORE INSTALLATION. CITY-SPECIFIED SIGN SHALL TAKE PRECEDENCE OVER THIS DETAIL.
  3. SIGNS SHALL BE LOCATED SO THAT THEY CANNOT BE OCCUPIED BY A VEHICLE PARKED IN THE SPACE.

ADA PARKING SIGN  
N.T.S.

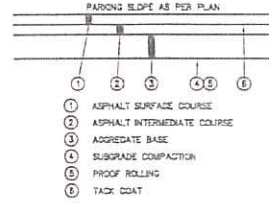
9



- NOTES:
1. CONTRACTOR SHALL INSTALL 1/2" PRE-FORMED EXPANSION JOINT MATERIAL AND JOINT SEALER WHERE PAVEMENT ABUTS BUILDING.

P.C.C. CURBED WALK  
N.T.S.

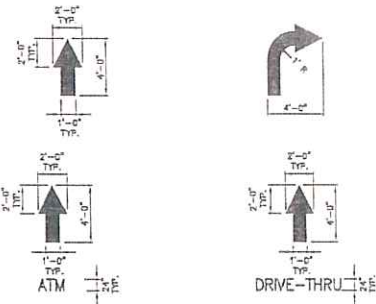
5



- NOTES:
1. APPLY LIQUID ASPHALT AT ALL JOINTS BETWEEN CONCRETE AND ASPHALT AND WHERE PROPOSED ASPHALT MEETS EXISTING ASPHALT INCLUDING SAW CUT JOINTS.
  2. SEE SITE PLAN FOR PAVEMENT THICKNESSES.

TYPICAL PAVEMENT SECTION  
N.T.S.

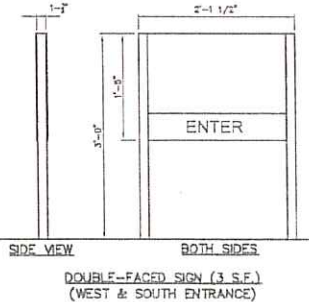
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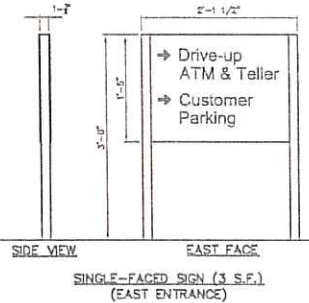
- NOTES:
1. ALL PAVEMENT MARKINGS TO BE WHITE PAVEMENT PAINT, UNLESS STATED OTHERWISE.
  2. MARKING (STRIPING) PAINT FOR PARKING SPACES, TRAFFIC ARROWS, ADA PARKING AND SYMBOLS, ETC., PER ASTM-P-75-86T STANDARDS AND AS FOLLOWS:
  3. NEW SURFACES: RUBBER BASE TYPE (CHLORINATED RUBBER) TO MEET FEDERAL SPECIFICATION TYP-115.
  4. EXISTING SURFACES WITHOUT ANY SEAL COATING OR SEAL COATING TYPE TO MEET FEDERAL SPECIFICATION TYP-85.
  5. NEW OR EXISTING SURFACES WITH A TOP COATING OR SEAL COATING (USUALLY WATER BASE). WATER BASE TYPE TO MEET FEDERAL SPECIFICATION TYP-075B2.
  6. PROVIDE A NON-SLIP AGGREGATE ADDITIVE TO MARKING PAINT USED AT ADA ACCESS RAMP.
  7. APPLY 2 COATS WITH STRAIGHT EDGES, YELLOW ON CONCRETE/WHITE ON ASPHALT EXCEPT WHEN MATCHING ADJACENT OR EXISTING COLOR WHEN THE PAVING IS AN EXPANSION OR SEGMENT OF A LARGER LOT.
  8. PAINT ADA SYMBOLS BLUE.

PAVEMENT MARKINGS & NOTES  
N.T.S.

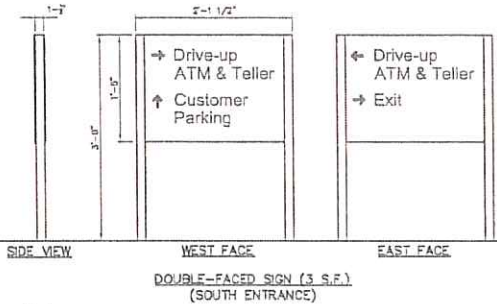
15



DOUBLE-FACED SIGN (3 S.F.)  
(WEST & SOUTH ENTRANCE)

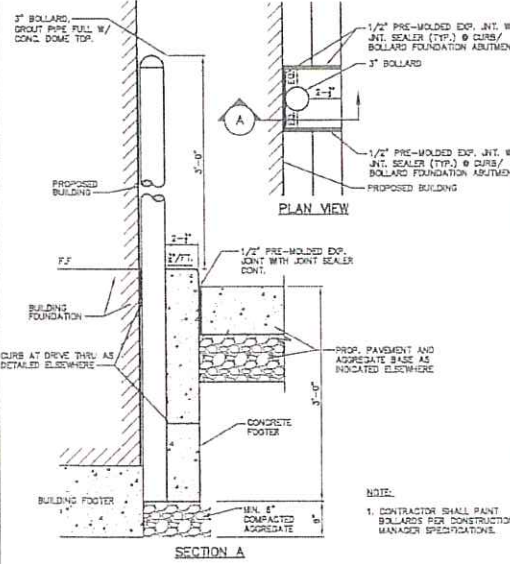


SINGLE-FACED SIGN (3 S.F.)  
(EAST ENTRANCE)



DOUBLE-FACED SIGN (3 S.F.)  
(SOUTH ENTRANCE)

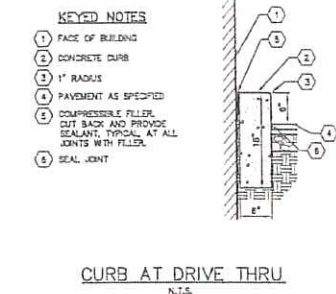
12



- NOTE:
1. CONTRACTOR SHALL PAINT BOLLARDS PER CONSTRUCTION MANAGER SPECIFICATIONS.

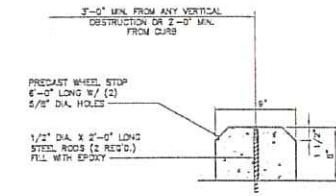
BOLLARD (IN CURB)  
N.T.S.

8



CURB AT DRIVE THRU  
N.T.S.

3



- NOTE:
1. SEE SITE PLAN FOR LOCATION AND QUANTITY OF WHEELSTOPS.

P.C.C. WHEELSTOP  
N.T.S.

4



REV.	DATE	DESCRIPTION
		SUBMITTED FOR TECHNICAL REVIEW

PNC BANK  
 1151 SOUTH YORK ROAD  
 BENSONVILLE, IL

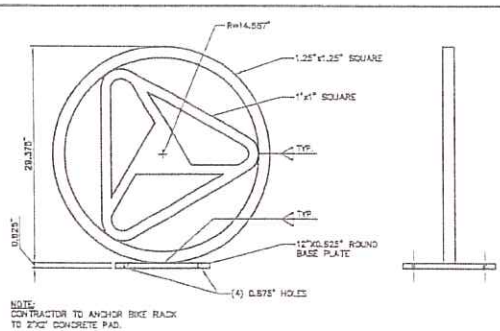
DETAILS

DESIGNED	DATE
R.A.S.	8-17-10
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JOB NO.  
 2010190.03

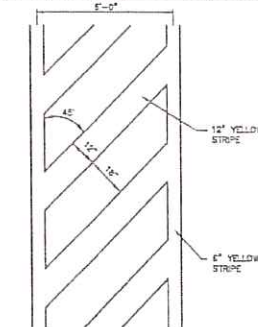
C-501





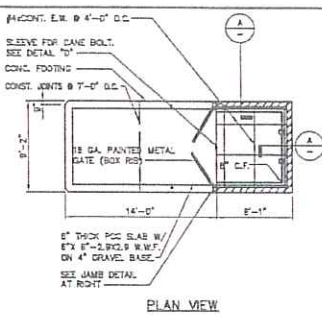
PNC BIKE RACK  
N.T.S.

13

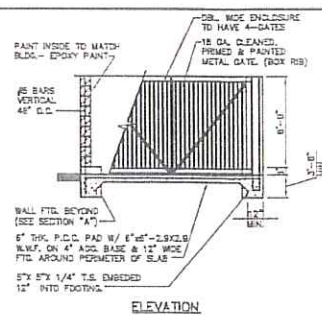


CROSSWALK STRIPING  
N.T.S.

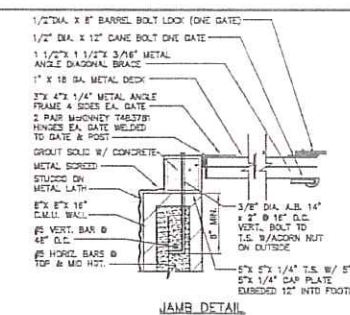
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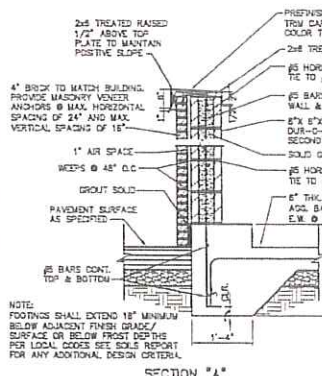
PLAN VIEW



ELEVATION



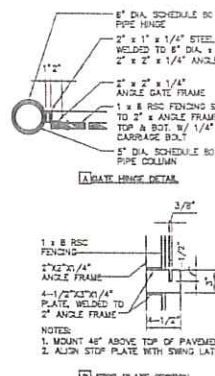
JAMB DETAIL



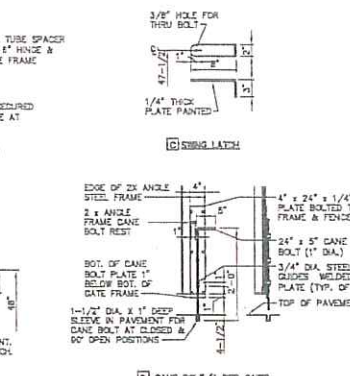
SECTION "A-A"

BRICK DUMPSTER ENCLOSURE  
N.T.S.

15

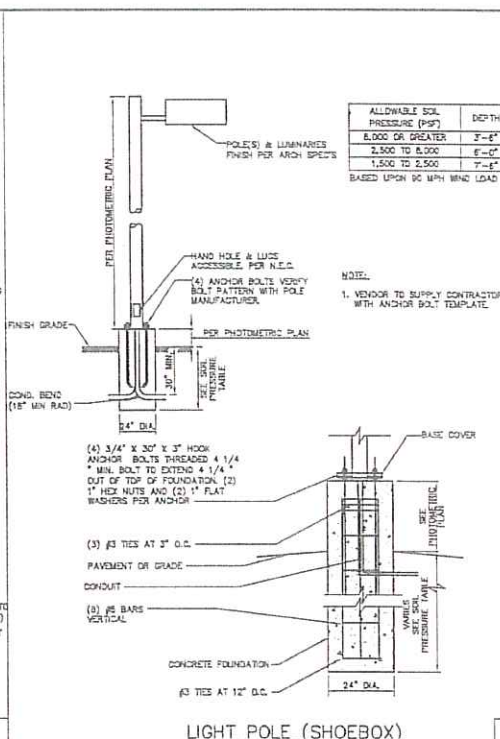


STOP PLATE DETAIL



CANE BOLT (1 REP. GATE)

6



LIGHT POLE (SHOEBOX)  
N.T.S.

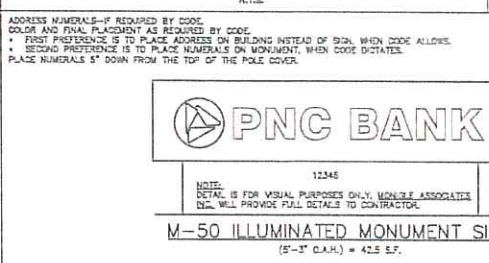
2



NON-ILLUMINATED  
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TEMPORARY CONSTRUCTION SIGN  
N.T.S.

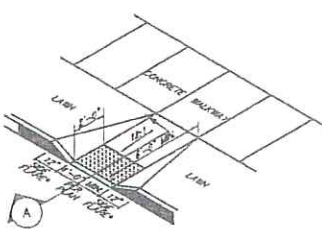
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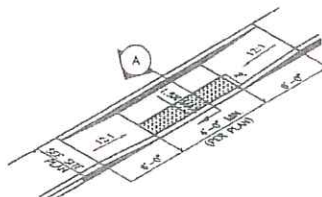
M-50 ILLUMINATED MONUMENT SIGN  
(5'-3\"/>

MONUMENT SIGN  
N.T.S.

16



PERPENDICULAR RAMP



PARALLEL RAMP

12

ADA ACCESSIBLE RAMP  
N.T.S.

4



REV.	DATE	DESCRIPTION
		SUBMITTED FOR TECHNICAL REVIEW

PNC BANK  
1151 SOUTH YORK ROAD  
BENSONVILLE, IL

DETAILS

DISIGNED	DATE
R.A.B.	8-17-10
DRAWN	E.E.S.
CHECKED	8-17-10

JOB NO.  
2010190.03

C-502





13

- ELECTRICAL & COMMUNICATIONS SERVICE TRENCH



- CATCH BASIN



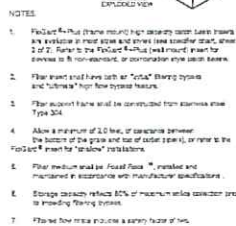
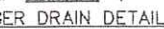
- 1



## N.T.E.




- 6




U.S. PATENT # 5,000,313 &amp; 5,177,025

**Figard<sup>3</sup>+PLUS**  
CATCH BASIN FILTER INSERT  
(Flat Grated Inlet Style)

 **KriStar Enterprises, Inc.**  
380 Sutton Place, Santa Rosa, CA 95407  
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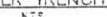
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1. IF SELECT GRANULAR BACKFILL EXISTS: REMOVE WITHIN WIDTH OF PROPOSED SEWER TRENCH AND REPLACE WITH SELECT EXCAVATED MATERIAL AND COMPACT.



- SEWER TRENCH



- CLEAN OUT (LAWN AREA)



PNC BANK  
1151 SOUTH YORK ROAD  
BENSONVILLE, IL

## DETAILS

DESIGNED	DATE
R.A.B.	8-17-10
DRAWN	
E.E.E.	8-17-10
CHECKED	
-	-

IDB NO.  
2010190.03

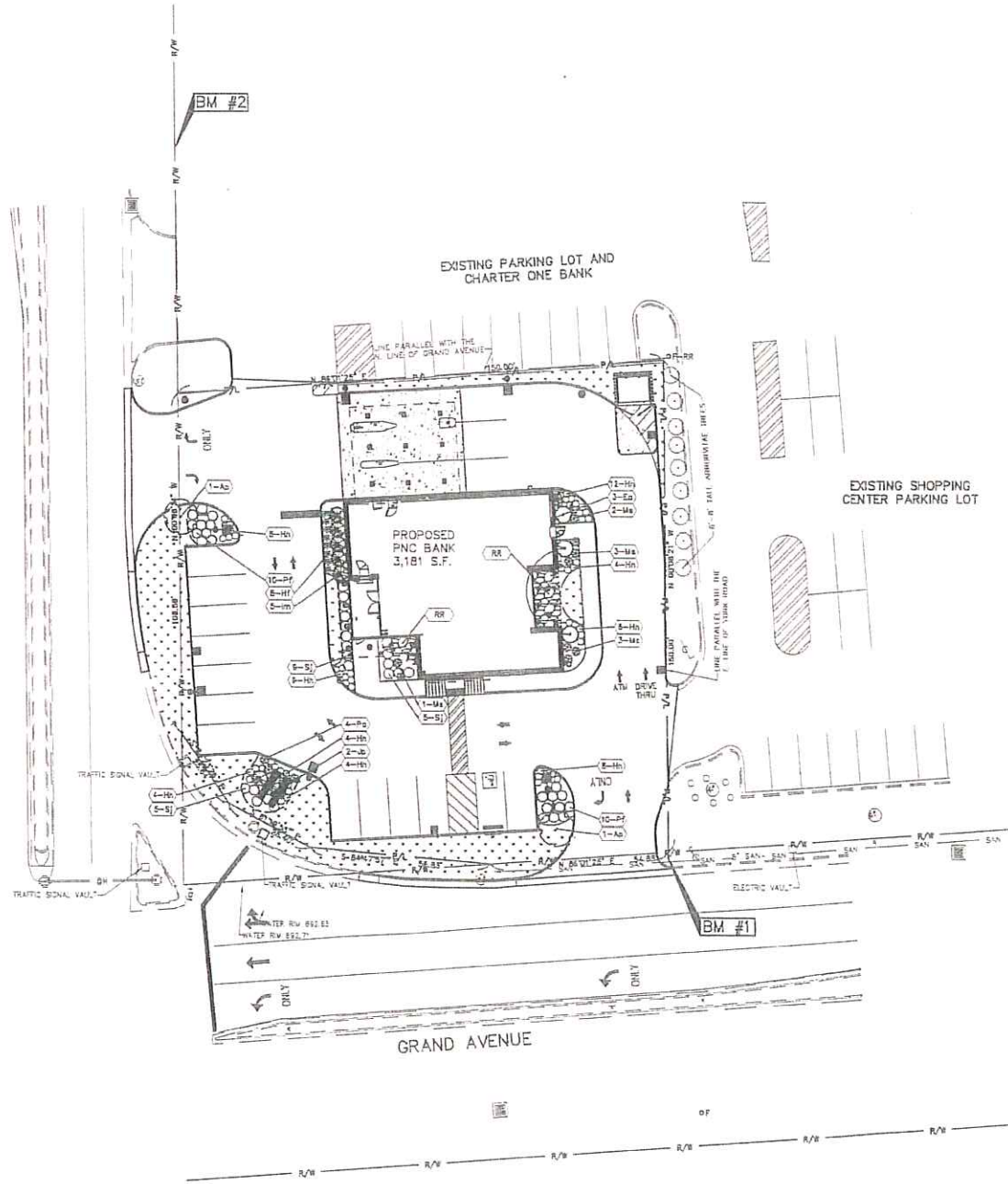
C-503



L-001

Drawing file: 201019003\_03.dwg  
Drawing name: 201019003.dwg  
Sep 02, 2010 - 10:07pm

YORK ROAD



PLANT LIST

Symbol	Botanical Name	Common Name	Qty.	Size	Condition	Remarks
Ap	Acer platanoides 'Columnar'	Columnar Norway Maple	2	2.5" cal.	B&B	--
Ec	Eucynus alata 'Compacta'	Compact Burning Bush	3	No. 5	Cont.	5' o/c
Hh	Hemerocallis Stella D'Oro	Stella D'Oro Daylily	59	No. 1	Cont.	18" o/c
Hf	Hosta fortunei 'Aureo-marginata'	Aureo-marginata Plantain Lily	8	No. 2	Cont.	30" o/c
Im	Ilex x. meserveae 'Blue Prince(ess)'	Blue Holly	5	No. 5	Cont.	5' o/c
Ja	Juniperus procumbens 'Nana'	Dwarf Carpet Juniper	2	No. 3	Cont.	5' o/c
Mx	Miscanthus sinensis 'Morning Light'	Morning Light Maiden Grass	9	No. 2	Cont.	3' o/c
Pa	Pennisetum alopecuroides 'Hansen'	Hansen Fountain Grass	4	No. 2	Cont.	3' o/c
Pf	Potentilla fruticosa 'Pink Beauty'	Pink Beauty Potentilla	20	No. 3	Cont.	3' o/c
Sj	Sorbus japonica 'Neon Flash'	Neon Flash Spirea	15	No. 3	Cont.	3' o/c

**BENCHMARKS:**  
BASIS OF BEARING: ILLINOIS STATE PLANE COORDINATE SYSTEM - EAST ZONE (NAD83)  
**BENCHMARK #1** - ARROW BOLT ON HYDRANT LOCATED ON THE EAST SIDE OF YORK RD., APPROXIMATELY 75' NORTH OF THE PARCELS NORTH PROPERTY LINE.  
ELEVATION=894.12  
**BENCHMARK #2** - ARROW BOLT ON HYDRANT LOCATED ON THE NORTH SIDE OF GRANT AVE. APPROXIMATELY 1' EAST OF THE PARCELS EAST PROPERTY LINE.  
ELEVATION=893.39

CALL J.U.L.I.E.  
1-800-892-0123  
Call Monday thru Sunday - 24 Hours a Day  
**NOTICE TO CONTRACTOR**  
PER ILLINOIS STATE LAW, IT IS AGAINST THE LAW TO EXCAVATE WITHOUT NOTIFYING THE UNDERGROUND LOCATION SERVICE TWO (2) WORKING DAYS BEFORE COMMENCING WORK.

GPD ASSOCIATES  
222 South West Street, Suite 202, Bensenville, IL 60015  
312-272-2100, Fax 312-272-2101

PNC  
LEADING THE WAY

REV.	DATE	DESCRIPTION
		SUBMITTED FOR TECHNICAL REVIEW

PNC BANK  
1151 SOUTH YORK ROAD  
BENSenville, IL  
LANDSCAPE PLAN

DISIGNED	DATE
R.A.S.	8-17-10
DRAWN	
E.E.S.	8-17-10
CHECKED	

JOE NO.  
2010190.03

L-101



Drawing file: 201019003\_CIS.dwg  
Drawing name: 201019003.dwg  
Sep 02, 2010 - 6:07pm



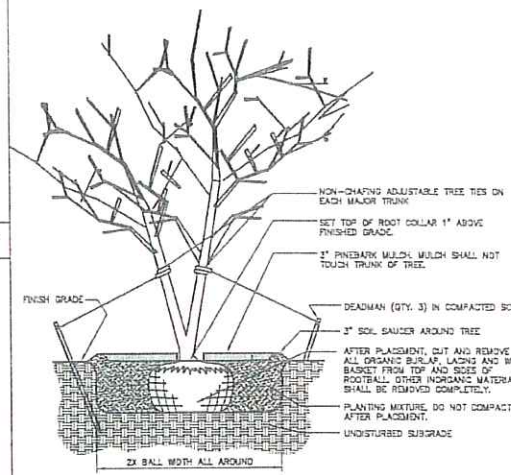
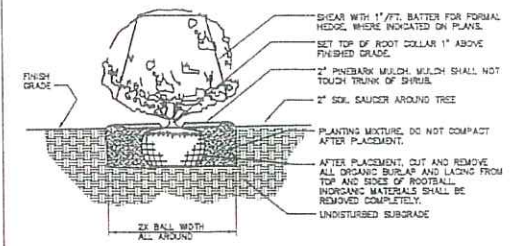
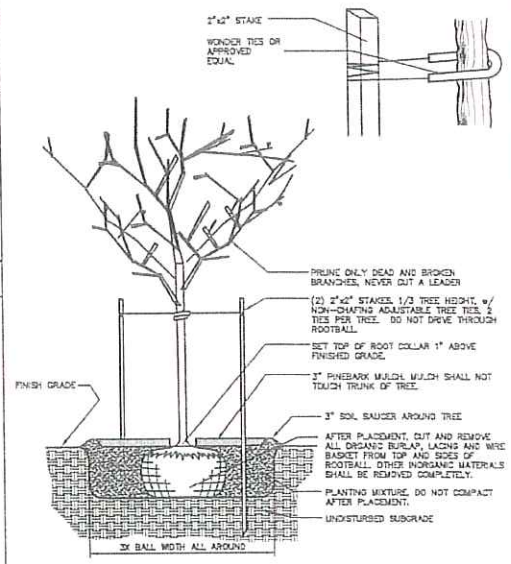
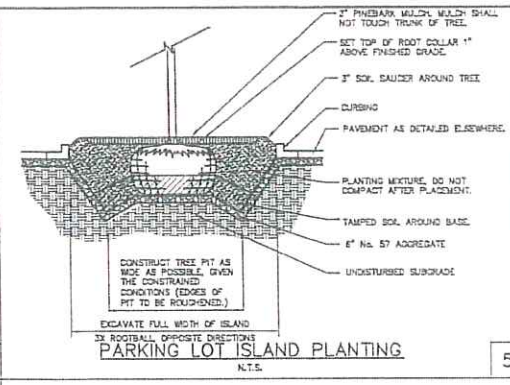
REV.	DATE	DESCRIPTION

PNC BANK  
1151 SOUTH YORK ROAD  
BENSONVILLE, IL  
LANDSCAPE DETAILS

DESIGNED	DATE
E.A.B.	8-17-10
DRAWN	DATE
E.E.S.	8-17-10
CHECKED	

JOB NO.  
2010190.03

L-501



**TYPE:** Ordinance **SUBMITTED BY:** Village Clerk's Office **DATE:** 10/26/10

**DESCRIPTION:** Ordinance Amending The Bensenville Village Code Title 3 – Chapter 3 – Section 5 – Class B - Liquor Regulations

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input type="checkbox"/>	<i>Financially Stable Government</i>	<input type="checkbox"/>	<i>Safe Place to Live</i>
<input type="checkbox"/>	<i>Cost Effective Services Responsive to Citizens</i>	<input type="checkbox"/>	<i>Downtown as a Community Focal Point</i>
<input type="checkbox"/>	<i>Open Government w/ Involved Citizens</i>	<input type="checkbox"/>	<i>Regional Partnerships</i>

---

**COMMITTEE ACTION: 3 AYES – 1 NAY**

**DATE: October 26, 2010**

---

**BACKGROUND**

Eddy & Sons III, Inc. DBA Foremost Liquor & Grocery applied for a class B liquor license in August 2010 for the location at 1045 S. York Road. On April 26, 2010, Inspector Bagnola conducted an inspection of the property and found no life safety issues to deny a liquor license. Police Chief, Frank Kosman, submitted his report finding no criminal history with the applicant pending the results of finger prints by the State. Director of Community and Economic Development, Scott Viger, has approved the sale of liquor from a zoning standpoint.

**KEY ISSUES:**

The current Village Code allows four (4) class B licenses to be issued and outstanding at one time. All four (4) licenses are currently in use.

**RECOMMENDATION:**

Staff recommends the approval of an ordinance amending the Bensenville Village Code Title 3 – Chapter 3 – Section 5 – Class B - Liquor Regulations. This will increase the number of class B licenses to allow five (5) to be issued and outstanding at one time.

**BUDGET IMPACT:**

N/A

**ACTION REQUIRED:**

Motion to approve the adoption of an ordinance amending the Bensenville Village Code Title 3 – Chapter 3 – Section 5 – Class B - Liquor Regulations.



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE BENSENVILLE VILLAGE CODE  
TITLE 3 – CHAPTER 3 – SECTION 5 – CLASS B - LIQUOR REGULATIONS**

**BE IT AND IT IS HEREBY ORDAINED** by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, as follows:

**SECTION ONE:** That Section 3-3-5 of the Bensenville Village Code, entitled “License classification; fees; number” is hereby amended by the addition of one (1) class B license and the following language shall be inserted in lieu thereof:

“B. Class B:

3. There shall be no more than five (5) class B licenses issued and outstanding at any one time.”

**SECTION TWO:** All resolutions and ordinances in conflict herewith are repealed to the extent of said conflict.

**SECTION THREE:** This Ordinance shall be in full 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 at the Village of Bensenville this 26<sup>th</sup> day of October, 2010.

APPROVED:

\_\_\_\_\_  
Frank Soto  
Village President

ATTEST:

\_\_\_\_\_  
JoEllen Ridder  
Village Clerk

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**TYPE:** Resolution      **SUBMITTED BY:** Tim Sloth      **DATE:** October 26, 2010

**DESCRIPTION:** Resolution establishing the Tax Levy Estimate for 2010 per the Truth in Taxation Act.

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input checked="" type="checkbox"/>	<i>Financially Sound Village</i>	<input type="checkbox"/>	<i>Enrich the lives of Residents</i>
<input type="checkbox"/>	<i>Quality Customer Oriented Services</i>	<input type="checkbox"/>	<i>Major Business/Corporate Center</i>
<input type="checkbox"/>	<i>Safe and Beautiful Village</i>	<input type="checkbox"/>	<i>Vibrant Major Corridors</i>

---

**COMMITTEE ACTION:** **Passed AFL Committee Unanimously**      **DATE:** October 19, 2010

---

**BACKGROUND:** The Truth in Taxation Act provides that not less than 20 days before any taxing body approves the property tax levy, it must prepare an estimate (also referred to as the "determination") as to how many dollars in aggregate property tax extensions may be necessary. If this estimate (determination) is an increase of more than 5% over the previous year's extension, an additional notice published in the newspaper and a public hearing is required before the levy can be adopted. We have prepared a Levy Estimate which is only 4.33% (excluding debt service) greater than last year's extension and less than the 5% threshold that triggers a Truth in Taxation hearing. The total levy including debt service is only 3.85% greater than last year. This levy is sufficient to capture the 2.7% CPI increase as well as any new construction / property improvements which we estimate to be at or near zero.

**KEY ISSUES:** It is important to prepare an estimate that ensures the Village will capture the maximum amount in property taxes subject to the "Tax Cap" provisions of the statute. This Levy achieves that without requiring a Truth in Taxation Hearing. The Ordinance approving the Levy will be presented to the Board on November 23, 2010. Additional details on the various components of the levy will be prepared and presented at the time of the consideration of the Levy Ordinance.

**ALTERNATIVES:**

- Adjust the amounts reflected in the estimate (determination)

**RECOMMENDATION:** Recommend approval of a resolution approving the 2010 Tax Levy Estimate.

**BUDGET IMPACT:** Approval at the recommended level will allow for the greatest flexibility to ensure that the levy can be set at an amount that will capture the maximum amount allowed under the Tax Cap legislation.

**ACTION REQUIRED:** Village Board approval of the resolution approving the 2010 Tax Levy Estimate.



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DETERMINING AN ESTIMATE OF REAL PROPERTY TAXES TO  
BE LEVIED BY THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK  
COUNTIES, ILLINOIS, FOR THAT PORTION OF  
THE TRANSITIONAL FISCAL YEAR  
COMMENCING MAY 1, 2010, AND ENDING DECEMBER 31, 2010**

WHEREAS, a proposed estimate of real property taxes to be levied by the Village of Bensenville, DuPage and Cook Counties, Illinois ("Village"), for a portion of the transitional fiscal commencing May 1, 2010, and ending December 31, 2010 ("Proposed 2010 Tax Levy Estimates") has been prepared as set forth in Exhibit "A"; and

WHEREAS, the President and the Board of Trustees of the Village are proposing to adopt the Proposed 2010 Tax Levy Estimates as the estimated amount of money, exclusive of any portion thereof attributable to the cost of conducting an election required by general election law, to be raised by taxation for that portion of the Village's transitional fiscal year commencing May 1, 2010, and ending December 31, 2010 ("Village's Transitional Fiscal Year"), upon taxable real property in the Village; and

WHEREAS, the Proposed 2010 Tax Levy Estimates would be an increase of 4.33 percent in the "aggregate levy," as defined in Section 18-55(b) of the "Truth in Taxation" Law, 35 ILCS 200/18-55, over the final aggregate levy of the preceding year; and

WHEREAS, accordingly, there is no hearing required prior to notice being given of the Village's intent to adopt said Proposed 2010 Tax Levy Estimates.

WHEREAS, accordingly, it is proper that the President and the Board of Trustees of the Village determine the Proposed 2010 Tax Levy Estimates to be the amount of money estimated to be raised by taxation for the Village's 2010 Transitional Fiscal Year.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES, ILLINOIS, at a Regular Meeting duly assembled:**

**SECTION 1.** That foregoing recitals be and hereby are incorporated herein by reference as if fully set forth.

**SECTION 2.** That the "Village of Bensenville 2010 Tax Levy Estimates," for that portion of the transitional fiscal year referenced herein, attached hereto as Exhibit "A" and incorporated herein by reference, are determined to be the estimated amount of money, exclusive of any portion thereof attributable to the cost of conducting an election required by general election law, to be raised by taxation for that portion of the Village's 2010 Transitional Fiscal Year as set forth herein upon taxable real property in the Village.

**SECTION 3.** That, if any part or parts of this Resolution shall be held to be unconstitutional, void, or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining parts of this Resolution.

**SECTION 4.** That this Resolution shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, Illinois, this \_\_\_\_ day of November 2010.

APPROVED:

\_\_\_\_\_  
Frank Soto, Village President

ATTEST:

\_\_\_\_\_  
JoEllen Ridder, Village Clerk

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_



# Village of Bensenville

## 2010 Tax Levy Estimates

General Tax Levies	2009 Extension	2010 Estimate	% Change
Corporate	2,006,795	\$2,090,000	
Police Protection	1,027,706	\$1,060,000	
Police Pension	294,699	\$315,000	
Liability Insurance	270,016	\$285,000	
Workers Compensation	191,479	\$201,000	
IMRF	210,927	\$225,000	
Social Security (FICA)	245,333	\$255,000	
<b>Subtotal</b>	<b><u>4,246,955</u></b>	<b><u>4,431,000</u></b>	<b><u>4.33%</u></b>
 <b>Bonds</b>			
Bonds & Interest	538,536	538,536	
<b>Subtotal</b>	<b><u>538,536</u></b>	<b><u>538,536</u></b>	<b><u>0.00%</u></b>
 <b>Total</b>	<b><u>4,785,491</u></b>	<b><u>4,969,536</u></b>	<b><u>3.85%</u></b>

**NOTES:** The 2010 proposed Tax Levy and Estimated Equalized Assessed Valuation is based on the Consumer Price Index of 2.7% and \$0 of estimated new construction.

The General Tax Levies are estimated at a 4.33% increase with a total increase including debt service of 3.85%

**The projected increase will NOT require a Truth in Taxation Hearing.**

**TYPE:** Ordinance **SUBMITTED BY:** Denise Pieroni **DATE:** 10/21/10

**DESCRIPTION:** Ordinance authorizing issuance of General Obligation Bonds (Alternate Revenue Source) in the amount of \$11M for the purpose of financing infrastructure improvements in certain Special Service Areas proposed to be established by the Village

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input checked="" type="checkbox"/>	<i>Financially Sound Village</i>	<input type="checkbox"/>	<i>Enrich the lives of Residents</i>
<input type="checkbox"/>	<i>Quality Customer Oriented Services</i>	<input checked="" type="checkbox"/>	<i>Major Business/Corporate Center</i>
<input checked="" type="checkbox"/>	<i>Safe and Beautiful Village</i>	<input checked="" type="checkbox"/>	<i>Vibrant Major Corridors</i>

**COMMITTEE ACTION:** The Administration, Finance & Legislation  
Committee unanimously recommended Board approval of the Ordinance

**DATE:** 10/19/10

**BACKGROUND:** The Village is proposing \$22M in infrastructure improvements in the North Industrial Park. The scope of the work includes street reconstruction and improvements to the sanitary sewer, stormwater, street lighting and stormwater drainage systems within seven (7) Special Service Areas (SSA). 50% of the cost of these improvements is to be paid by the benefiting property owners within each of the SSA areas. The other 50% of the cost is to be paid for by the Village through the proposed North Industrial Park TIF District. Based on the need to commence these projects as soon as possible and the current favorable interest rates, it is recommended that the \$11M of bonds related to that portion of the cost to be paid by the property owners through the respective SSA be sold in December, immediately following final action by the Village Board on the SSAs. The draft ordinance that is being presented to the Committee at this time is the first step in the process required to allow for the issuance of this debt in December 2010. Pledged revenues include the ad valorem property taxes levied and collected in the SSAs for the payment of bonds and all collections of the simplified municipal telecommunications taxes imposed by the Village. Ultimately if these revenue sources would be insufficient to pay the bonds, then the bonds would be paid from the levy and collection of ad valorem property taxes upon all taxable property in the Village. The Administration, Finance & Legislation Committee reviewed this matter at their October 19<sup>th</sup> meeting and unanimously recommended that the Board move forward with this Bond issue.

**KEY ISSUES:** Once this ordinance is adopted and published, it is subject to a 30-day backdoor referendum period. Additionally a public hearing concerning the intent of the Corporate Authorities to sell is required prior to the consideration of the ordinance providing for the sale in December (assuming no valid petition requiring that the question of the issuance of these bonds be submitted to the electors). This public hearing is to be held on November 23 as part of the regular meeting of the Village Board. As such, in order to be in a position to sell the bonds in 2010, the Village needs to move forward with the adoption of this ordinance which will serve to officially commence the process.

**ALTERNATIVES:**

- Discretion of Board

**RECOMMENDATION:** Consistent with the Committee's recommendation, adopt Ordinance which will commence the process required to issue \$11M in bonds by year-end to cover that portion of the cost of the improvements in the North Industrial Park to be paid by benefiting property owners through the SSA areas.

**BUDGET IMPACT:** The \$11M in debt proposed at this time is to be covered by the tax revenues derived from the SSA areas. Telecommunication tax revenues will be used to ensure coverage requirements of the issue are met. This could have minimal short term impacts on the availability of these funds to cover other operating or capital costs. The impact will be even further reduced once our fund and cash balance reserve objectives are achieved.

**ACTION REQUIRED:** Consistent with the Committee's recommendation, pass the Ordinance.



**ORDINANCE NUMBER \_\_\_\_\_**

AN ORDINANCE authorizing the issuance of General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, DuPage and Cook Counties, Illinois, in the aggregate principal amount of not to exceed \$11,000,000 for the purpose of financing infrastructure improvements in certain Special Service Areas proposed to be established in the Village.

**PREAMBLES**

**WHEREAS:**

A. The Village of Bensenville, DuPage and Cook Counties, Illinois (the "*Village*"), is a duly organized and existing municipality and unit of local government of the State of Illinois, and is operating under and pursuant to the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto (the "*Code*").

B. The President and Board of Trustees of the Village (the "*Corporate Authorities*") have heretofore determined and do hereby determine that it is advisable, necessary, and in the best interests of the public health, safety, and welfare to undertake certain capital projects including street reconstruction, sanitary sewer improvements, storm sewer improvements, street lighting conduit improvements, and storm water drainage improvements in and for Special Service Area Numbers 3 through 9 (collectively, the "*SSAs*") proposed to be established by the Village in the North Industrial District of the Village; and including, in connection with said works, acquisition of all land or rights in land, mechanical, electrical, and other services necessary, useful, or advisable thereto and, incidental to said works, to pay bond discount, bond interest, bond reserve account funding, legal, financing, and administrative expense (all of which said acquisition, construction, services, and incidental expenses may be referred to as the "*Project*"), all in accordance with the preliminary plans and specifications and estimates of costs, which have been prepared for the Village by the Village engineers, Village staff and other

Village consultants, and have been made available to the Corporate Authorities and are now on file in the office of the Village Clerk for public inspection.

C. The total estimated costs of the Project, as defined, are \$11,000,000.

D. There are insufficient funds of the Village on hand and lawfully available to pay costs of the Project.

E. Costs of the Project may be paid by borrowing money and issuing bonds (i) pursuant to the provisions of the Local Government Debt Reform Act of the State of Illinois, as amended (the "*Reform Act*"); payable from (ii) any portion of the ad valorem property taxes levied and collected in the SSAs for the payment of bonds issued for each SSA for the payment of respective projects therein; (iii) all collections of the simplified municipal telecommunications taxes imposed by the Village pursuant to the Simplified Municipal Telecommunications Tax Act, as supplemented and amended, or substitute taxes as may be provided in the future (collectively, the "*Pledged Revenues*"); (iv) if such revenue sources shall be insufficient to pay such bonds, then payable from the levy and collection of ad valorem property taxes upon all taxable property in the Village without limitation as to rate or amount.

F. There exists a source of funds, being the Pledged Revenues, which funds are other than enterprise revenues, received or available to be received by the Village and available for any one or more of its corporate purposes, and, as provided in the Reform Act, the Village is authorized to issue its alternate bonds payable from the Pledged Revenues to pay the costs of the Project.

G. It is necessary and for the best interests of the Village that the Project be undertaken, and in order to raise the funds required for such purpose, it will be necessary for the Village to borrow an amount not to exceed \$11,000,000 and in evidence thereof to issue alternate bonds, all as provided by the Reform Act, in an aggregate principal amount not to exceed \$11,000,000 with



a maximum interest rate not to exceed seven and one-half (7-1/2%) per annum, subject to the right of backdoor referendum as herein provided.

NOW THEREFORE Be It And It Is Hereby Ordained by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

*Section 1. Incorporation of Preambles.* The Corporate Authorities hereby find that all of the recitals contained in the preambles to this Ordinance are true, correct, and complete and do incorporate them into this Ordinance by this reference.

*Section 2. Determination to Issue Bonds.* It is necessary and in the best interests of the Village to undertake the Project for the public health, safety and welfare, all as described above, and that for the purpose of paying the costs of the Project, there are hereby authorized to be issued and sold General Obligation Bonds (Alternate Revenue Source) (the "*Alternate Bonds*") in the aggregate principal amount not to exceed \$11,000,000 with a maximum interest rate not to exceed seven and one-half (7-1/2%) per annum.

*Section 3. Publication.* This Ordinance, including the notice in statutory form set forth herein in Section 4 (the "*Notice*"), shall be published by the Corporate Authorities in the *Daily Herald*, being a newspaper of general circulation in the Village. Electors numbering \_\_\_\_ electors (being equal to the greater of (i) 7.5% of the number of registered voters of the Village or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less) shall have the right to petition that the question of issuing the Alternate Bonds be submitted to referendum. The time for filing of any of such petition with the Village Clerk is within thirty (30) days after the date of the publication of this Ordinance and the Notice. If no such petition is filed with respect to the Alternate Bonds, then such bonds shall be authorized to be issued, sold, and delivered by the Village. Petition forms shall be provided by the Village Clerk to any individual requesting one.

*Section 4. Notice.* The Corporate Authorities hereby determine that the Notice is in the proper statutory form and is made a part hereof and notice is hereby given as follows:

**NOTICE OF INTENT TO ISSUE GENERAL OBLIGATION BONDS  
(ALTERNATE REVENUE SOURCE)  
AND RIGHT TO FILE PETITIONS**

NOTICE IS HEREBY GIVEN that pursuant to an Ordinance, numbered \_\_\_\_\_ (the "*Alternate Bond Ordinance*"), and duly adopted by the President and Board of Trustees on the 26th day of October 2010, the Village of Bensenville, DuPage and Cook Counties, Illinois (the "*Village*"), intends to issue alternate bonds, designated General Obligation Bonds (Alternate Revenue Source) (the "*Alternate Bonds*") in the aggregate principal amount of not to exceed \$11,000,000, for the purpose of financing street reconstruction, sanitary sewer improvements, storm sewer improvements, street lighting conduit improvements, and storm water drainage improvements in and for Special Service Area Numbers 3 through 9 (collectively, the "*SSAs*") proposed to be established by the Village in the North Industrial District of the Village.

The Alternate Bonds shall have as the revenue source pledged to the payment of the principal of and interest on the Alternate Bonds therefor (i) any portion of the ad valorem property taxes levied and collected in the SSAs for the payment of bonds issued for each SSA for the payment of respective projects therein, (ii) all collections of the simplified municipal telecommunications taxes imposed by the Village pursuant to the Simplified Municipal Telecommunications Tax Act, as supplemented and amended, or substitute taxes as may be provided in the future; *provided, however*, that if such revenue sources shall be insufficient to pay the Alternate Bonds, ad valorem property taxes upon all taxable property in the Village without limitation as to rate or amount are authorized to be levied and extended to pay the principal of and interest on the Alternate Bonds. The Alternate Bonds shall bear interest at a rate or rates per annum not to exceed 7.5%.



NOTICE IS HEREBY FURTHER GIVEN that any \_\_\_\_ or more electors of the Village (being equal to the greater of (i) 7.5% of the number of registered voters of the Village or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less) shall have the right to petition that the question of issuing the Alternate Bonds be submitted to referendum. The time for the filing of any of such petitions with the Village Clerk is within thirty (30) days after the date of publication of the Ordinance and this notice. If any such petition is so filed within thirty (30) days after the date of publication of this notice and not later than the 22nd day of November, 2010, the question of the issuance of the bonds as set forth in said petition shall be submitted to the electors of the Village at the election to be held on the 22nd day of February 2011 (unless the electors of the Village are not scheduled to cast votes for any candidates for nomination for, election to or retention in public office at such election, in which case said question shall be submitted to the electors of the Village at the next succeeding election at which electors of the Village are scheduled to cast votes for candidates for nomination for, election to or retention in public office). If such petition is filed with the Village Clerk within said thirty (30) day period, but after the 22nd day of November, 2010, an election on the proposition to issue said bonds shall be held on the 5th day of April, 2011.

A form of petition for such purpose is available to any individual requesting one from the office of the Village Clerk.

Dated this 26th day of October 2010

/s/ JoEllen Ridder  
\_\_\_\_\_  
Village Clerk  
Village of Bensenville  
DuPage and Cook Counties, Illinois

*Section 5. Additional Ordinances.* If no petition meeting the requirements of applicable law is filed during the petition period hereinabove referred to, then the Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this ordinance providing for the issuance and sale of the Alternate Bonds, and prescribing all the details of such bonds, so long as the maximum aggregate principal amount of the Alternate Bonds as set forth in this Ordinance is not exceeded, there is no material change in the Project, and as further provided in the Reform Act. Such additional ordinances or proceedings shall in all instances become effective in accordance with law. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for the Village to issue the Alternate Bonds in accordance with applicable law.

*Section 6. Severability.* If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.



*Section 7. Superseder and Effective Date.* All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby superseded, and this Ordinance shall be in full force and effect forthwith upon its adoption and approval, as provided by law.

AYES: \_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Adopted on the 26th day of October 2010.

Approved October 26, 2010.

\_\_\_\_\_  
President  
Village of Bensenville  
DuPage and Cook Counties, Illinois

PUBLISHED in the *Daily Herald* on October \_\_, 2010.

RECORDED in the Village Records on October 26, 2010.

ATTEST:

\_\_\_\_\_  
Village Clerk  
Village of Bensenville  
DuPage and Cook Counties, Illinois

[SEAL]

## VILLAGE OF BENSENVILLE

TYPE: Ordinance SUBMITTED BY: Denise Pieroni DATE: October 21, 2010

DESCRIPTION: SSA Background Information and Clarification on Process and Dates

### SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input checked="" type="checkbox"/>	<i>Financially Sound Village</i>	<input type="checkbox"/>	<i>Enrich the lives of Residents</i>
<input checked="" type="checkbox"/>	<i>Quality Customer Oriented Services</i>	<input checked="" type="checkbox"/>	<i>Major Business/Corporate Center</i>
<input checked="" type="checkbox"/>	<i>Safe and Beautiful Village</i>	<input checked="" type="checkbox"/>	<i>Vibrant Major Corridors</i>

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**COMMITTEE ACTION:** N/A (Continuation of Actions relating to the Proposed  
Establishment of 7 SSA Areas in the North Industrial District)  
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**DATE:** N/A

**BACKGROUND:** In order to accommodate property owners within the proposed 7 SSA areas in the North Industrial Park that may desire to make a one-time payment for their respective share of the cost of the project components proposed for their area, a prepayment options was made available to those so requesting this opportunity. In order to participate in the prepayment option, execution of the prepayment agreement and full payment of that property owner's share of the cost had to occur by October 19, 2010. Approximately a dozen property owners, either individually or through their attorney, contacted the Village requesting information on this option. Only one property owner (Scott Forester of Forester Tools) chose to participate in this option. Mr. Forester's property is located in Special Service Area #6. As such the Village Board needs to take official action to delete this parcel from SSA #6. The Ordinance presented at this time will service to effectuate this change in SSA #6.

**KEY ISSUES:** This action to delete properties from an SSA must occur at the first regular meeting of the Board following the adjournment of the hearings. As such, action at this meeting is required.

**ALTERNATIVES:** N/A

**RECOMMENDATION:** Based on the receipt of the required payment by the owner of the parcel to be deleted, staff recommends that the Board proceed with the adoption of this Ordinance.

**BUDGET IMPACT:** The final bond issue will be reduced by the amount of this prepayment and as such there is not further impact on the budget.

**ACTION REQUIRED:** Adopt the Ordinance



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE  
DELETING CERTAIN PROPERTIES FROM PROPOSED  
BENSENVILLE SPECIAL SERVICE AREA NUMBER 6  
(NORTH INDUSTRIAL DISTRICT)**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

**SECTION 1:** The President and Board of Trustees find as follows:

- A. On September 14, 2010, the President and Board of Trustees (the "Village Board") adopted Ordinance No. 70-2010, entitled, "An Ordinance Proposing the Establishment of Special Service Area Number 6 in the Village of Bensenville and providing for a Public Hearing and Other Procedures in Connection Therewith," (the "Proposing Ordinance"), which proposed establishing a special service area to pay for the cost of special stormwater management improvements ("SSA 6") in the area legally described in said Ordinance No. 70-2010.
- B. Pursuant to the Proposing Ordinance, a public hearing was held, after the giving of proper notice as required by State statute, by the Village Board, relative to proposed SSA 6, on October 12, 2010, as part of the rescheduled regular Village Board meeting.
- C. That at said public hearing, the owners of property within proposed SSA 6 were advised that if an owner desired to prepay the owner's property's proportionate share of the cost of the SSA 6 improvements, and said owner entered into a prepayment agreement with the Village relative thereto, said owner's property would be deleted from proposed SSA 6.
- D. That 35 ILCS 200/27-35 provides in pertinent part as follows, relative to the deletion of property from a proposed special service area:

"At the public hearing or at the first regular meeting of the corporate authorities thereafter, the municipality ... may delete area from the special service area. However, the special service area must still be a contiguous area as defined in Section 27-5."
- E. That the October 26, 2010 Village Board meeting is the first regular meeting of the corporate authorities of the Village of Bensenville after the October 12, 2010 public hearing relative to proposed SSA 6.

- F. That the owner of 1135 Industrial Drive, Bensenville, Illinois, PIN 03-11-100-026, has prepaid said property's proportionate share of the costs of the proposed SSA 6 improvements, in the amount of \$19,882.19, and has entered into a prepayment agreement with the Village in relation thereto. (the "Deletion Parcel")
- G. That, notwithstanding the deletion of the Deletion Parcel from proposed SSA 6, proposed SSA 6 will remain a contiguous area.

**SECTION 2:** That the Deletion Parcel is hereby deleted from proposed SSA 6, pursuant to the authority provided by 35 ILCS 200/27-35.

**SECTION 3:** That in light of Section 2 above, the legal description for proposed SSA 6, as set forth in Ordinance No. 70-2010, referenced above, is hereby revised to remove the legal description, PIN and common address of the Deletion Parcel therefrom, with all future Ordinances adopted in relation to proposed SSA 6 referencing said revised legal description.

**SECTION 4:** That this Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

**ADOPTED** this 26<sup>th</sup> day of October, 2010, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this 26<sup>th</sup> day of October, 2010.

\_\_\_\_\_  
Frank Soto,  
Village President

ATTEST:

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JoEllen Ridder,  
Village Clerk