### Village Board

### Village President

Frank DeSimone

**Trustees** 

Rosa Carmona Ann Franz

Agnieszka "Annie" Jaworska

McLane Lomax Nicholas Panicola Jr. Armando Perez

Village Clerk

Nancy Quinn



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

6:20 PM January 16, 2018

### Village Manager

Evan K. Summers

- 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
  - 1. January 9, 2018 Village Board Meeting Minutes
- VI. WARRANT
- VII. CONSENTAGENDA CONSIDERATION OF AN "OMNIBUS VOTE"

### VIII. REPORTS OF STANDING COMMITTEES

- A. Community and Economic Development Committee
  - 1. A RESOLUTION OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES, ILLINOIS AUTHORIZING THE SALE OF SURPLUS REAL PROPERTY ADJACENT TO PLEASANT STREET AND A PORTION OF THE BROOKWOOD STREET RIGHT-OF-WAY AND APPROVING AMENDMENT ONE TO THE AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE BY AND BETWEEN DRG BROOKWOOD STREET, LLC AND THE VILLAGE OF BENSENVILLE
- B. Infrastructure and Environment Committee No Report
- C. Administration, Finance and Legislation Committee No Report
- D. Public Safety Committee No Report
- E. Recreation and Community Building Committee No Report
- F. Technology Committee No Report
- IX. REPORTS OF VILLAGE OFFICERS:

- A. PRESIDENT'S REMARKS:
- 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

TYPE:	SUBMITTED BY:	<b>DEPARTMENT:</b>	DATE:		
<u>Minutes</u>	Corey Williamsen	Village Clerk's Office	<u>January 16, 2018</u>		
DESCRIPTION:  January 9, 2018 Village Board Meeting Minutes					
SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:					
COMMITTEE ACTION:		DATE:			
BACKGROUND:					
KEY ISSUES:					
ALTERNATIVES:					
RECOMMENDATION:					
BUDGET IMPACT:					
ACTION REQUIR	RED:				

**ATTACHMENTS:** 

<u>Description</u> <u>Upload Date</u> <u>Type</u>

DRAFT\_180109\_VB 1/11/2018 Cover Memo

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

### MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING January 9, 2018

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

ROLL CALL: 2. Upon roll call by Village Clerk, Nancy Quinn, the following Board

Members were present:

Carmona, Franz, Jaworska, Panicola, Lomax, Perez

Absent: None

A quorum was present.

Staff Present: E. Summers, J. Caracci, F. Kosman, G. Ferguson, T.

Finner, A. Thakkar, S. Viger, C. Williamsen

**PUBLIC COMMENT:** There was no public comment.

APPROVAL OF

MINUTES: 3. The December 19, 2017 Special Village Board Meeting minutes were

presented.

Motion: Trustee Franz made a motion to approve the minutes as

presented. Trustee Panicola seconded the motion.

All were in favor. Motion carried.

WARRANT NO.

**18/01:** 4. President DeSimone presented **Warrant No. 18/01** in the amount of

\$710,348.67.

Motion: Trustee Perez made a motion to approve the warrants as presented.

Trustee Jaworska seconded the motion.

**ROLL CALL:** AYES: Carmona, Franz, Jaworska, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

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### Resolution No.

R-1-2018:

5. President DeSimone gave the summarization of the action contemplated in Resolution No. R-1-2018 entitled a Resolution Granting the Authority to the Village Manager to Seek, Execute, and Extend for Lower Natural Gas Rates for the Village of Bensenville.

There were no questions from the Village Board.

Motion:

Trustee Lomax made a motion to approve the resolution as presented. Trustee Carmona seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Jaworska, Lomax, Panicola, Perez

NAYS: None

All were in favor. Motion carried.

PRESIDENT'S REMARKS:

President DeSimone welcomed everyone back from the Holiday Break and wished all a Happy New Year.

President DeSimone is spoke about two recent ruse burglaries that have occurred near the York Road and Jacquelyn/Forestview area. President DeSimone stated the first occurred on December 12, 2017 and the second occurred on January 3, 2018. President DeSimone stated in both instances, an uninvited male knocks on the door and distracts the resident by bringing them outside about repairing a fence or trimming a tree. President DeSimone stated once the resident is distracted outside, an accomplice enters the home and rummages through the home in search of valuables to steal.

President DeSimone is urging residents to call 911 immediately if someone shows up unexpectedly at the door about something similar or if you notice other suspicious activity. President DeSimone stated by calling 911, you will not only be protecting yourself but also your neighbors.

MANAGERS REPORT:

Mr. Summers announced a letter will be mailed in the next week in regards to the Village's electrical aggregation program. Mr. Summers stated the letter will come from MC Squared. Mr. Summers stated all questions should be directed to MC Squared at 855-724-6294.

VILLAGE ATTORNEY REPORT:

Village Attorney, Joseph Montana, had no report.

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**EXECUTIVE** 

SESSION: Village Attorney, Joseph Montana, stated there was not a need for

Executive Session.

**ADJOURNMENT:** Trustee Carmona made a motion to adjourn the meeting. Trustee

Franz seconded the motion.

All were in favor. Motion carried.

President DeSimone adjourned the meeting at 6:36 p.m.

TYPE: SUBMITTED BY: DEPARTMENT: DATE:

Resolution S. Viger Community & Economic Development 01.16.18

### **DESCRIPTION:**

A RESOLUTION OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES, ILLINOIS AUTHORIZING THE SALE OF SURPLUS REAL PROPERTY ADJACENT TO PLEASANT STREET AND A PORTION OF THE BROOKWOOD STREET RIGHT-OF-WAY AND APPROVING AMENDMENT ONE TO THE AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE BY AND BETWEEN DRG BROOKWOOD STREET, LLC AND THE VILLAGE OF BENSENVILLE

### SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

X Financially Sound Village	Enrich the lives of Residents
Quality Customer Oriented Services Safe and Beautiful Village	X Major Business/Corporate Center X Vibrant Major Corridors
COMMITTEE ACTION: N/A	<b>DATE:</b> N/A

### **BACKGROUND:**

- 1. This is an addition to the recent sale of assembled properties to Distribution realty Group (DRG).
- 2. The President and Village Board of Trustees authorized the sale of surplus property and adjacent Rights of Way via Resolution # 156 2017 approved on 12.12.17.
- 3. Subsequent to the publications for that meeting, the developer was able to come to terms with an additional private property owner.
- 4. This amendment alters the original Village agreement by including the right of way adjacent to the newly acquired private property.

### **KEY ISSUES:**

- 1. These properties are within Tax Increment Finance District 12 and returning them to the tax roll and their development will have a positive impact on the TIF District and the Village.
- 2. The Purchaser has plans to erect a 188,000 square foot industrial facility that mimics the vision presented in the CEDS.
- 3. The purchase price is significantly higher than the price the Village paid to acquire the property over the past several years.
- 4. The purchase price is higher than the price identified in a recent appraisal report.

### **ALTERNATIVES:**

The discretion of the Board.

### **RECOMMENDATION:**

Staff respectfully recommends approval of the Resolution and sale of the Rights of Way.

### **BUDGET IMPACT:**

The original Purchase Price is increased to a new total of \$1,678,387.

### **ACTION REQUIRED:**

### **ATTACHMENTS:**

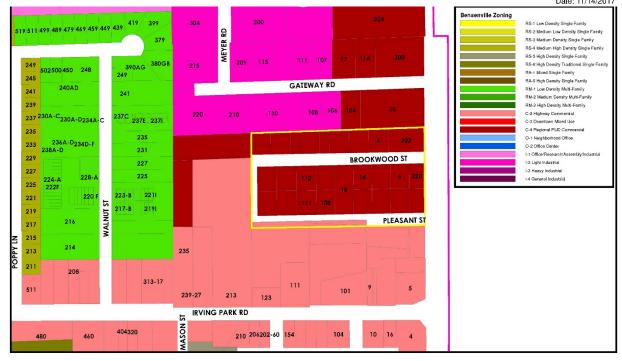
<b>Description</b>	<u>Upload Date</u>	<u>Type</u>	
Aerial and Zoning Map	1/11/2018	Backup Material	
Resolution	1/12/2018	Cover Memo	
Exhibit A	1/12/2018	Cover Memo	
Exhibit A - East Brookwood	1/12/2018	Cover Memo	
Exhibit B	1/12/2018	Cover Memo	



220 N York







### RESOLUTION NUMBER

A RESOLUTION OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES, ILLINOIS AUTHORIZING THE SALE OF SURPLUS REAL PROPERTY ADJACENT TO PLEASANT STREET AND A PORTION OF THE BROOKWOOD STREET RIGHT-OF-WAY AND APPROVING AMENDMENT ONE TO THE AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE BY AND BETWEEN DRG BROOKWOOD STREET, LLC AND THE VILLAGE OF BENSENVILLE

**WHEREAS**, the Village of Bensenville, DuPage and Cook Counties, Illinois (the "Village") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, the Village is the owner of a parcel of vacant and undeveloped property in Bensenville, Illinois, approximately 19,399 square feet in size (the "Vacant Parcel"), which is depicted and legally described on Exhibit A, a copy of which is attached hereto and made a part hereof; and

**WHEREAS**, the Village is the owner of a portion of dedicated and undeveloped right-of-way in Bensenville, Illinois, commonly known as the Brookwood Street Right-of-Way, and approximately 28,885 square feet in size (the "*Right-of-Way Parcel*"), which is depicted and described on Exhibit A, a copy of which is attached hereto and made a part hereof; and

**WHEREAS**, the Vacant Parcel and Right-of-Way Parcel shall hereinafter collectively be known as the "*Property*"; and

WHEREAS, the Village President and Board of Trustees of the Village of Bensenville (the "Corporate Authorities") find that the Property serves no public use to the residents of the Village, inhibits future development and unnecessarily deprives the Village, township, county, park, local school districts and other taxing bodies from realizing any real estate taxes while

simultaneously creating an area of blight conducive to illegal dumping and the proliferation of criminal activities; and

WHEREAS, the Corporate Authorities further find that the Property is no longer necessary, appropriate, required for the use of, profitable to or serve any viable use to the Village and that the sale of the Property will eliminate burdensome maintenance cost and generate needed tax revenue for use in the general fund of the Village; and

WHEREAS, on December 12, 2017, the Corporate Authorities adopted Resolution Number R-156-2017 entitled "A Resolution Authorizing the Sale of Surplus Property on Brookwood and Pleasant Streets and Adjacent Rights-of-Way" and found that it was in the best interest of the Village to convey various vacant properties and undeveloped rights-of-way to DRG Brookwood Street, LLC (the "Purchaser"); and

WHEREAS, on December 12, 2017, the Corporate Authorities approved an "Agreement for Purchase and Sale of Real Estate by and between DRG Brookwood Street, LLC and the Village of Bensenville" at a purchase price of \$1,654,971.00 (the "Agreement"); and

WHEREAS, the Village and Purchaser now agree to enter into "Amendment One to the Agreement for Purchase and Sale of Real Estate by and between DRG Brookwood Street, LLC and the Village of Bensenville" (the "Amendment One") to provide for the sale of the Property for the purchase price of \$1,678,387.00; and the Corporate Authorities have determined it is in the best interests of the health, safety and welfare of the Village to sell the Property in accordance with the Agreement and Amendment One.

**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 1.** That the above recitals and legislative findings are found to be true and

correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. That the sale of the Property by the Village to the Seller for and in consideration of the purchase price, and subject to the conditions set forth herein, is hereby authorized and directed by the Corporate Authorities. That it is in the best interest of the Village to enter into Amendment One to the Agreement for Purchase and Sale of Real Estate by and between DRG Brookwood Street, LLC and the Village of Bensenville, a copy of which is attached hereto and made a part hereof, as Exhibit B; and that Amendment One is hereby approved substantially in the form presented to this Board of Trustees, with such necessary changes as may be authorized by the Village Manager, the execution and delivery thereof by the Village President to constitute the authorization and approval of the Corporate Authorities of any and all changes or revisions therein contained.

**Section 3**. The Village President, Village Clerk, Village Manager and Village Attorney are hereby authorized to undertake any and all actions and execute any and all documents required to complete the conveyance of the Property.

**Section 4**. The officials and officers of the Village are hereby authorized to undertake actions on the part of the Village as contained in the Agreement to complete satisfaction of the provisions, terms or conditions stated therein.

**Section 5**. The Village Clerk is hereby authorized and directed to publish a copy of this Resolution at the first opportunity following its passage and approval in a newspaper published within the Village.

**Section 6**. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity thereof shall not affect any other provision of this Resolution.

**Section 7**. All ordinances, resolutions, motions or orders in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 8**. This Resolution shall be in full force and effect immediately after its passage and publication as required by law.

(Intentionally Left Blank)

# PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, this \_\_\_\_\_ day of January 2018. APPROVED: Frank DeSimone, Village President ATTEST: Nancy Quinn, Village Clerk AYES: NAYS: ABSENT:

### Exhibit A

Vacant Parcel and Right-of-Way Parcel

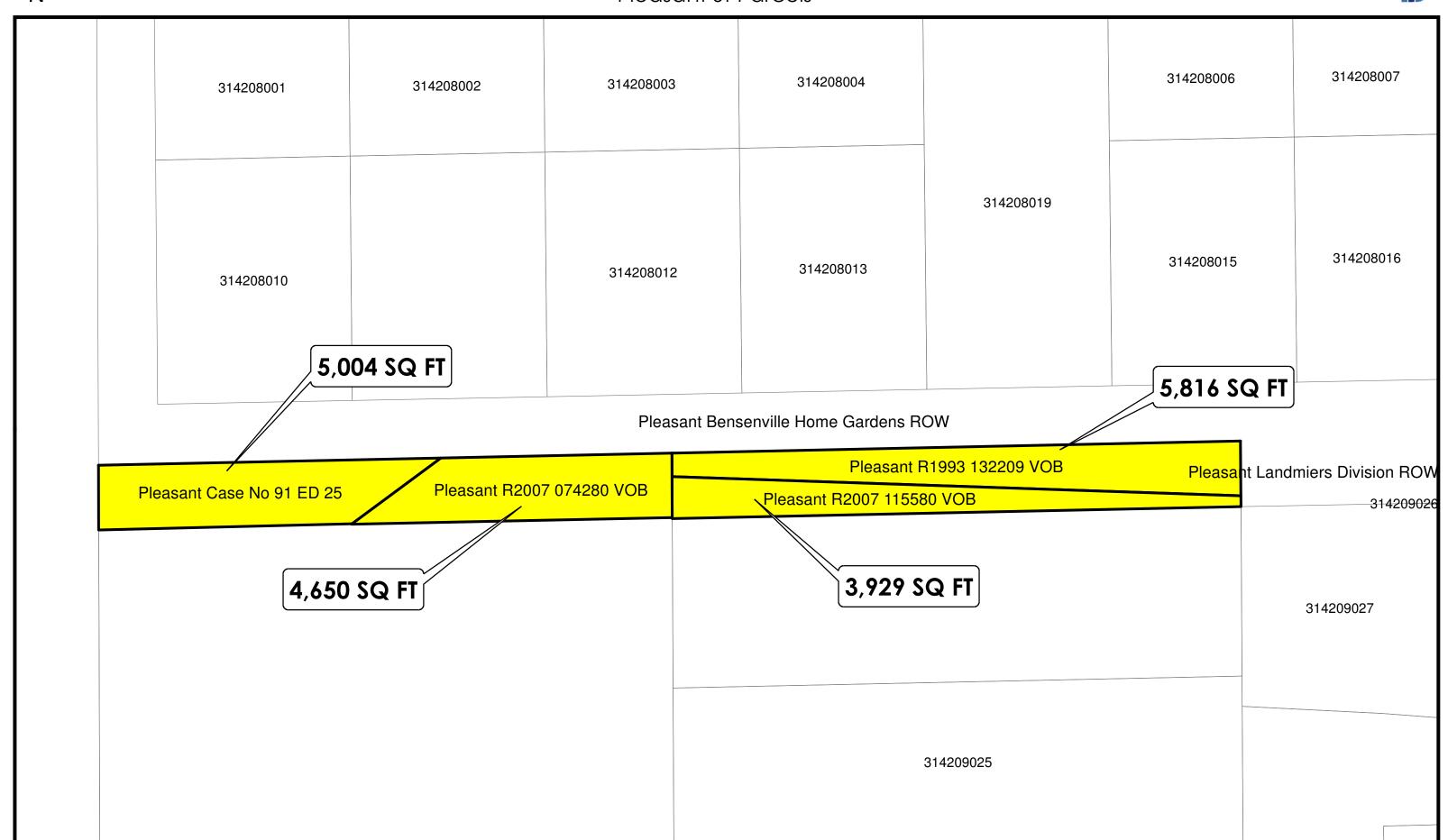
### Exhibit B

### Amendment One





Pleasant St Parcels



Date: 1/10/2018





Brookwood Right-of-Way



Date: 1/10/2018

## AMENDMENT ONE TO THE AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE BY AND BETWEEN DRG BROOKWOOD STREET, LLC AND THE VILLAGE OF BENSENVILLE

This Amendment One to the Agreement for Purchase and Sale of Real Estate by and between DRG Brookwood Street, LLC and the Village of Bensenville (the "Amendment One") is made and entered into as of this \_\_\_\_\_ day of January 2018, by and between DRG Brookwood Street, LLC, a Delaware limited liability company (the "Purchaser") and the Village of Bensenville (the "Seller").

### WITNESSETH:

WHEREAS, the Purchaser and Seller entered into an Agreement for Purchase and Sale of Real Estate by and between DRG Brookwood Street, LLC and the Village of Bensenville (the "Agreement") pursuant to which the Purchaser is to acquire certain parcels of property and rights-of-way; and

WHEREAS, the Purchaser and Seller desire to amend the Agreement to provide for additional parcels of property and right-of-way; and

WHEREAS, it is the best interest of the Purchaser and Seller to amend the Agreement for the additional consideration herein provided.

**NOW THEREFORE**, in consideration of the mutual covenants hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree, as follows:

1. Article I of the Agreement is hereby amended by deleting Article 1 entitled "Agreement to Purchase and Sell" in its entirety and inserting in its place the following:

### "ARTICLE 1 AGREEMENT TO PURCHASE AND SELL

Seller agrees to sell and convey to Purchaser, and Purchaser agrees to purchase from Seller, upon the terms and conditions set forth in this Agreement, all of Seller's right, title and interest in and to the following: (i) the land legally described on Exhibit A attached hereto and made a part hereof and commonly known as 6, 10, 18, 108 Brookwood Street, Bensenville, Illinois, as well as the public rights of way, Pleasant Street, Brookwood Street and Addison Street, as depicted on Exhibit C attached to this Amendment One) (which public streets Seller shall cause to be vacated and conveyed to Purchaser in accordance with Section 8.1(b) hereof) (for a total of 4.0263 acres), together with all privileges, rights, easements, hereditaments, and appurtenances belonging to the land, and all right, title and interest of the titleholder thereof in and to any streets, alleys, passages and other rights-of-way included therein or adjacent thereto (before or after the vacation thereof) (collectively, the "Land"); any buildings, structures, parking areas and other improvements located on the Land and any and all fixtures attached thereto

(collectively, the "Improvements": the Land and the Improvements are collectively, the "Property")."

- 2. Section 2.1 of the Agreement is hereby amended by deleting Section 2.1 entitled "Purchase Price" in its entirety and inserting in its place the following:
  - "2.1 Purchase Price. The purchase price (the "Purchase Price") to be paid by Purchaser to Seller for the Property shall be One Million, Six Hundred Seventy Eight Thousand, Three Hundred Eighty Seven and 00/100 Dollars (\$1,678,387.00). The Purchase Price, plus or minus any adjustments, credits or prorations provided for herein, shall be paid to Seller at the Closing by wire transfer of immediately available funds."
- 3. Section 8.1(b) of the Agreement is hereby amended by deleting Section 8.1(b) in its entirety and inserting in its place the following:
  - "(b) Seller hereby covenants that it shall cause Pleasant Street, Brookwood Street, and Addison Street, as depicted on Exhibit C, to be legally vacated and conveyed to Purchaser or its designee, within thirty (30) days of the Closing. The covenant set forth in this Section 8.1(b) shall survive the Closing."

The provisions herein shall supersede any provisions of the Agreement inconsistent herewith. Except for the specific amendments herein, the Purchaser and Seller confirm the terms and conditions of the Agreement as being valid and binding on the parties and that such are made a part of the Agreement.

4. Exhibits A and B attached to the Agreement are hereby deleted in their entirety and replaced with Exhibits A and B attached to this Amendment.

(Intentionally Left Blank)

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

SELLER:	PURCHASER:	
Village of Bensenville	DRG Brookwood Street LLC	
_		
Frank DeSimone, Village President	James M. Love II	
Attest:		
	Managing Partner	
Nancy Quinn, Village Clerk		

### EXHIBIT A

### Parcel 1:

LOT 13 IN BENSENVILLE HOME GARDENS, BEING A RESUBDIVISION OF LOT 1 IN C. A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID BENSENVILLE HOME GARDENS, RECORDED JUNE 10, 1924 AS DOCUMENT 178806, IN DUPAGE COUNTY, ILLINOIS.

### Parcel 2:

LOT 16 IN BENSENVILLE HOME GARDENS, BEING A RESUBDIVISION OF LOT 1 IN C. A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID BENSENVILLE HOME GARDENS, RECORDED JUNE 10, 1924 AS DOCUMENT 178806, IN DUPAGE COUNTY, ILLINOIS.

### Parcel 3:

LOT 17 IN BENSENVILLE HOME GARDENS, BEING A RESUBDIVISION OF LOT 1 IN C. A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID BENSENVILLE HOME GARDENS, RECORDED JUNE 10, 1924 AS DOCUMENT 178806, IN DUPAGE COUNTY, ILLINOIS.

### Parcel 4:

LOTS 14 AND 23 IN BENSENVILLE HOME GARDENS, BEING A RESUBDIVISION OF LOT 1 IN C. A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID BENSENVILLE HOME GARDENS, RECORDED JUNE 10, 1924 AS DOCUMENT 178806, IN DUPAGE COUNTY, ILLINOIS.

### PARCEL 5:

THE NORTH 33 FEET OF LOT 4 IN C.A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID C.A. FRANZEN'S SUBDIVISION RECORDED NOVEMBER 11, 1919 AS DOCUMENT 133197, IN DUPAGE COUNTY, ILLINOIS

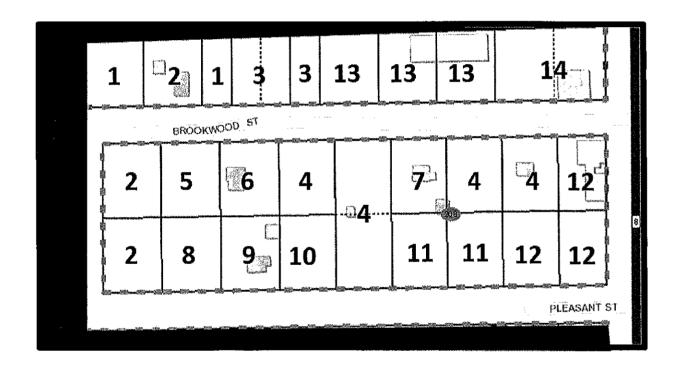
### PARCEL 6:

THE NORTH 33 FEET OF LOT 3 IN C.A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID C.A. FRANZEN'S SUBDIVISION RECORDED NOVEMBER 11, 1919 AS DOCUMENT 133197, IN DUPAGE COUNTY, ILLINOIS

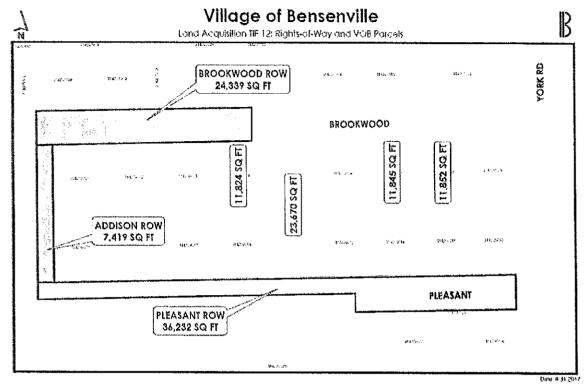
Together with the real property contained within the rights of way commonly known as Brookwood Street, Pleasant Street and Addison Street, as depicted on Exhibit C.

### EXHIBIT B

#	Parcel Owner	Address	PIN(s)
1	Faith Community United Church of Christ in Bensenville	207 & 115 Brookwood Street	314207008 / 0314207010
2	Craig & Stella Weldon	203 & 204 W Brookwood Street	0314207009 / 0314208001 / 0314208010
3	ITASCA BK & TR 11659	113 Brookwood Street	314207012 / 0314207011
4	Village of Bensenville	6, 10, 18, 108 Brookwood Street	0314208008 / 0314208007 / 0314208019 / 0314208004
5	Leszek Rybak	116 Brookwood Street	314208002
6	MDH Real Estate LLC	112 Brookwood Street	314208003
7	Edwin & Yanette Chavez	14 Brookwood Street	314208006
8	Edith Peterson	Pleasant Street	314208011
9	Abel S. & Celia L. Alfaro	111 W Pleasant Street	314208012
10	Plotr & D Pielaszkiewicz	108 Brookwood Street	314208013
11	Nicholas J. Selvaggi	9 Pleasant Street	314208016 / 0314208015
12	Pat Eliopoulos Trust	220 N York Road	314208009 / 0314208018 / 0314208017
13	American Bank & Trust Chicago 112448-03	9-13 Brookwood Street	314207015 / 0314207014 / 0314207013
14	Seng Equipment LLC	222 N York Road	0314207020



### EXHIBIT C

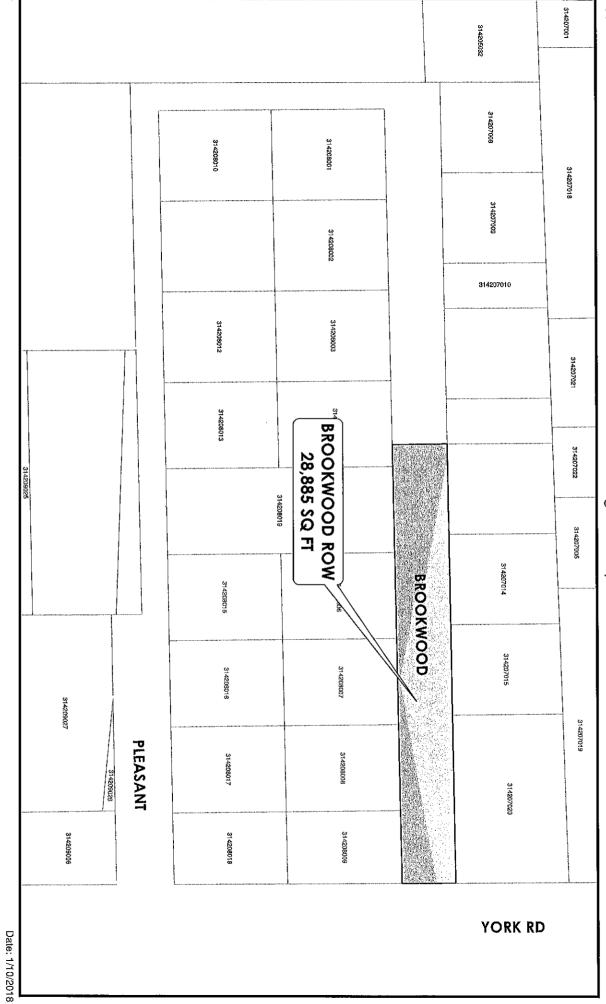


The subject property includes the Brookwood ROW, Addison ROW and Pleasant ROW.





Brookwood Right-of-Way



J