

Woodridge resident tries to save bridge to garden

By Don Grigas

Staff writer

It has been a long-standing tradition in the Filipiak family to gather in the patriarchal home of Ray Filipiak, 6417 Winston Drive, Woodridge, and can beets grown in the family garden behind the home.

"We've been doing this for many, many years; it is a family tradition," said son Mark Filipiak, who lives in the home and for the last 20 years has been the primary caretaker of a vegetable garden first planted in 1972 by Ray, his father.

But depending on how the Woodridge Park District responds to Filipiak's request for permission to maintain a wooden foot bridge leading from his backyard across a shallow creek to ComEd property on which the garden sits, the tradition could come to a halt.

"If the bridge were to go, so would the garden," Filipiak said.

ComEd has allowed the garden since Ray first began planting in 1972.

The Park District maintains the creek, which is a tributary to Prentiss Creek, and also owns the property on each side of the creek.

For 34 years a wooden foot bridge has existed, spanning the creek behind the Filipiak home. But in April the Park District sent letters to residents along Winston Drive -- including Filipiak -- informing them that bridges are not allowed due to a DuPage County storm-water ordinance, which has been in effect for several years.

The Park District plans to stabilize the creek bank in several spots north of Filipiak's home.

But during a May 9 Park Board meeting, trustees and staff vowed to examine other options that could lead to saving the bridge.

"The county has informed us

that the bridge, because it has been in place for more than 15 years, is grandfathered in and is not required to be removed," said Mike Adams, director designate of the Park District.

According to a DuPage County storm-water ordinance, bridges built over creeks used for storm-water management -- the creek is part of a storm-water system that carries water to Prentiss Creek to the north -- are considered illegal structures.

Because the bridge in question was constructed in 1972 before the ordinance was adopted, it is grandfathered in, park officials said.

That, however, doesn't guarantee the bridge can remain on park property.

"We do own the bridge, just to clarify," said Keith Frankland, director of the Woodridge Park District.

"But we now have some latitude to work with you based on the county's information," Frankland told Mark Filipiak. "What we need to do now is find the best instrument so we can best serve both your interests and protect the interests of the Park District and all its residents."

Options could include inking a license agreement with the Park District retaining property rights or granting an easement to Filipiak, which would make him the owner of the land on which the bridge now sits.

The Park District would prefer a license agreement that would terminate if Filipiak ever sold the home.

Liability is the key issue, Park Board President Fred Hohnke said.

"In case of a large judgment, liability is the most important issue, so we would want an agreement that indemnifies the Park District," Hohnke said.

Officials are concerned that in the event the bridge were to wash out under heavy storms and clog the culvert about 200 yards north of the Filipiak home, resultant floods to neighboring homes could result in lawsuits seeking damages.

Damages sought by plaintiffs could be extensive if damage was severe or if it entailed injuries or loss of life, officials said.

The Park District could be party to a lawsuit if it allowed the bridge to remain on its property.

During the meeting, Filipiak said he has contacted his home insurance carrier and has been assured damages caused by the bridge will be covered, although he did not provide a minimum or maximum dollar amount.

Hohnke said the district's insurance consultants recommend the policy to have a minimum coverage of \$1 million, and would prefer a maximum coverage of \$2 million.

Park District staff asked Filipiak to verify in writing the levels of coverage his insurance carrier would provide in case of a judgment, and also asked him to inform his insurance carrier the specific language of the storm-water ordinance.

Officials also suggested Filipiak consider taking out a separate insurance policy to cover the bridge alone.

Filipiak asked staff members to provide a letter from DuPage County verifying the bridge is grandfathered in so he can present it to his insurance carrier.

District officials and Filipiak will remain in contact over the next few weeks to resolve documentation issues and, possibly, come to a final agreement, which would require board approval.

"I am pretty happy with the progress," Filipiak said following the meeting. "Still, some things need to be worked out, but it is looking like we will be able to save the bridge. I am certainly more encouraged now than I was a few weeks ago."

If the bridge was to be removed, Filipiak said, access still could be gained to the garden site via an entrance to the Park District's bike path off of Woodridge Drive, about a quarter mile south of Filipiak's home.

"But the Park District does not allow trucks on the property, so I couldn't

use my pickup truck to haul gardening tools and equipment to the garden. We'd have to lug it all there by hand," Filipiak said. "There is no way I could do that on a daily basis. There is a lot of work that goes into keeping the garden going."

Filipiak said he has the support of several neighbors, as well as Village Trustee Robert Brandt.

Next-door neighbor R.D. Steinhaus, 6413 Winston Drive, said Filipiak has maintained the bridge and garden "in an exceptional manner, which adds beauty and enjoyment to the community."

"In my opinion the bridge adds no liability to the Park District or community, and it would be a discredit to Mark and our neighborhood to be forced to remove the bridge," Steinhaus said.

More than just local neighbors appreciate the garden, Filipiak said.

"This has become a part of the community. People jogging or riding their bikes have come to enjoy it," Filipiak said. "This has been here for 34 years without any problem; now suddenly there is a problem? This (garden) goes way beyond just the bridge and garden. It is about family heritage."



 LibertySuburban.com
For Preview Only