

Resident told he must insure bridge to keep it

By Don Grigas

Staff writer

Woodridge resident Mark Filipiak says the Woodridge Park District is forcing him to go to unreasonable and expensive lengths to sign a license agreement that would ensure a bridge spanning a minor tributary of Prentiss Creek behind his Winston Drive home remains intact.

A few months ago the Park District sent a letter to residents whose homes border the stream -- including Filipiak -- stating structures on Park District property such as foot bridges are not allowed.

The Filipiak family built a foot bridge crossing the stream more than 30 years ago to access a large vegetable garden on

Commonwealth Edison property just east of the creek. Filipiak and his family members continue to cultivate the garden.

"To take out the bridge means we could not access the garden, and we would have to shut it down after 30 years of feeding our families, neighbors and charitable organizations," Filipiak said.

"Why so suddenly is the Park District acting when the bridge has been there for decades?" he asked.

Park officials said they want to work with Filipiak to license the bridge, but also said they won't put the Park District or its residents in jeopardy of future lawsuits.

On July 17, Park District Director Mike Adams met with Filipiak to review a letter dated July 17 Adams wrote listing conditions under which the Park District would allow a license agreement over the bridge.

Two of the conditions are that Filipiak provide an annual letter of certification from a licensed structural engineer stating the bridge is safe and could withstand a "100 year flood," and also provide a minimum of \$3 million in insurance to cover the bridge.

According to the letter, Filipiak has until Friday, Sept. 1, to respond to the district's demands, and if he does not comply the district could tear down the structure.

Filipek said the requirements as stated in the July 17 letter "shocked me. ... I feel he (Adams) has gone overboard and knows I could never comply with the high cost" of providing an annual engineer's inspection and evaluation, as well as \$3 million in insurance.

"I think the Park District knows I cannot afford those conditions, and is

using it as a reason to justify taking out the bridge, which has been in place since the 1970s. Why force me to take it out now when it has been there for that long and there has never been either an injury or even a report of an injury caused by that bridge?" he said.

In a July 25 interview with Filipiak, the longtime Woodridge resident and Lisle Park District employee said the cost to certify and insure the bridge may force him to abandon plans to license it.

The Park District owns an easement of about 5 feet wide on each side of the creek, so any structure that spans the creek sits on Park District property. The Park District also leases Commonwealth Edison property along the bike/walking trail under the utility's power lines.

ComEd allows several area residents to plant gardens on their property, including Filipiak.

"We plan to stay in contact with Mr. Filipiak to make sure we communicate with each other prior to that date, but if those two requirements cannot be provided, then the bridge could be removed," Adams said.

"We will try and work with Mr. Filipiak to license the bridge, but the fact is the property on which the bridge sits is Park District property and there are liability issues. We represent not just one resident, but all the residents of our district," Adams said.

The issue of licensing the bridge came up at a May 9 Park Board meeting at which park officials said a license agreement would be the preferred method of allowing the bridge to remain on Park District property.

"At that meeting they suggested \$2 million in insurance. Now they are saying the minimum required is \$3 million," Filipiak said.

Adams said the amount of insurance coverage -- \$3 million -- is the minimum being recommended by the Park District Risk Management Agency, the district's risk management/insurance firm.

"Liability is the key issue here. The bridge is on our property and is accessible to the public when they are in that area using the walking trail along the ComEd easement," Adams said.

Since the mid-1970s no mention was made of the legality of the bridge until last year, when the bridge came to light when DuPage County inspectors noticed the bridge while reviewing the creek, which is designated as part of the county's storm-water relief plan.

The county informed the Park District of the existence of bridges along the creek, and in April residents living along the creek on Winston Drive received notification from the Park District that bridges on park property would not be allowed.

Filipek said he can absorb "some of the cost" to provide annual engineering inspections and to pay the premiums on a \$3 million insurance policy, "but not all of it."

"Those demands are very unrealistic for a small foot bridge," Filipiak said.

Filipek said he has contacted engineers who say the cost to inspect and certify the bridge could range from \$750 to \$1,000.

He said recent requests to the village of Woodridge and the Park District to provide the engineering reports were turned down.

Filipiak said he has not had time to research insurance quotes because of his mother's illness.

"I am taking care of both of my parents, both of whom are older and have medical issues. I work full time, and I only have so much time to devote to this," Filipiak said.

Filipiak said he will ask the Park District to extend the deadline for his response while he reviews the Park District's demands, and prepares a possible counter offer.

The Park District will not consider selling off a portion of the easement on which the bridge sits to Filipiak.

"It is not our policy to sell off property, and Mr. Filipiak has not approached the district about that possibility," Adams said.

"The bottom line is the easiest solution would be for Mr. Filipiak to relocate the garden on his own property. We would love to accommodate him, but our first objective is to protect the Park District and all of its residents," Adams said.

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