

**MINUTES OF THE REGULAR BOARD MEETING OF THE MAYOR AND  
BOARD OF TRUSTEES OF THE VILLAGE OF WOODRIDGE, ILLINOIS,  
HELD ON SEPTEMBER 21, 2006 AT THE VILLAGE HALL**

- A. Proposed Ordinance No. 2006-50 Granting Preliminary and Final Plat Approval for Gacki Woodridge Subdivision – Conrad Gacki – North Side of Vernon Court Approximately 130 Feet West of Timke Road.

Mayor Murphy drew attention to Ordinance Number 2006-50 – Preliminary and Final Plat Approval for the Gacki Woodridge Subdivision. He recognized Administrator Perry for the purpose of the proceeding. Mr. Perry stated that this matter is the subject of a settlement agreement and asked Attorney Good to outline what is required of the Village in regards to this matter.

Attorney Good stated, as a brief summary, that the property was annexed into the Village of Woodridge in 1978 as part of the Timke Estates Subdivision and that the existing open space was intended to be dedicated to the Village for open space and storm water detention. He indicated that the subject property was never dedicated to the Village and the annexation agreement expired in 1983.

Attorney Good indicated that, prior to 1998, Mr. Gacki purchased the property at a tax sale. He explained that, in 1998, the Village prosecuted Mr. Gacki for weed violations and Mr. Gacki, in turn, filed a complaint with the Circuit Court seeking to have the Village's rights extinguished. Mr. Good noted that the Court

indicated that they would extinguish the Village's rights. He stated that, pursuant to that, the Village entered into a settlement agreement which required that the Village approve the plan that comes before the Board this evening. Attorney Good stated that, as part of this agreement, the Village would receive Lot 3 for storm water detention purposes. He also stated that the settlement agreement does not allow the Village to require any changes. He indicated that only the County can require changes, but only with the approval of Mr. Gacki. He indicated that the Ordinance is now before the Board.

Mayor Murphy entertained the motion to approve the Ordinance. The motion was made by Trustee Kagann, and seconded by Trustee Frank

Trustee Brandt asked what the storm water lot is going to look like as far as fencing. He noted that there was some confusion in the Plan Commission minutes.

Mr. Mays reviewed the plans. He described the detention area, retaining wall and fencing.

Trustee Brandt noted his concern that it is physically impossible for individuals to travel from the nearby school to Vernon Court without trespassing on private property with the way that the plan is designed.

Mr. Mays indicated there would be a 5 foot wide path for people to walk on to get to the park. He indicated the design meets all Village codes.

Trustee Brandt noted that one of the adjacent houses is placed in an abnormal direction. He noted that the driveway backs out directly at the detention basin. He asked what kind of fence would be placed along the property line.

Mr. Mays indicated that the fence would be wrought iron.

Trustee Brandt stated his concern for the Village's liability if a car were to back off of that driveway and into the detention basin. He asked what consideration staff gave to the configuration of the house.

Mr. Mays indicated that, in the previous designs, the two proposed houses were to be built next to 2821 Vernon Court and the proposed detention area was located on the other side of the lots. He stated that, due to the comments of residents in the area, the plan was reversed and submitted in the form that comes before the Board this evening. He indicated that this is the best design for the development and that the design meets Village Code requirements.

Mayor Murphy recognized John Pfingston for comments.

Mr. Pfingston addressed the Board. He noted that he has come before the Board a number of times and referred to a handout that he provided for the Board. He indicated that the property owner does not take care of the property. He stated that the residents were not given drawings of the proposed development until 12 days prior to the proposed development going before the Plan Commission for consideration. Mr. Pfingston noted his history of backing off of his driveway and indicated that there is a potential for hazard in the proposed design, especially in the winter when there is snow and ice on the ground. He stated that a wrought iron fence would not stop a car from going into the detention area. He suggested trying to figure out a way to provide more room between his property and the detention area. He asked that the Board reconsider the proposed development and try to find a better solution. He thanked the Board members who came out to view his property and expressed disappointment to those who did not.

Mayor Murphy asked Attorney Good to comment on the court order aspects.

Attorney Good noted that he disagrees with the statement that the law recognizes a zone of safety for someone to use a property that is not their own. He indicated that he does not believe that there is extensive liability exposure to the Village based on the Tort Immunity Act. He stated that there is no ability for the Village to go back and alter this agreed order. He indicated that, if the Village doesn't approve the plan, they will be ordered to do so by the court. He stated that Mr. Pfingston has every right to approach Mr. Gacki directly or Mr. Pfingston's attorney can file a petition to intervene in the matter and express his concerns to the court. He noted that the Village previously made Mr. Pfingston aware of these options. However, he reiterated that the Village is bound by the terms and agreement of the order that requires that the Board approve the development.

Trustee Brandt asked if the plan was approved without a fence around the retaining wall.

Attorney Good indicated that the plan was originally approved with no fence adjacent to Mr. Pfingston's property. He indicated that the fence was added upon request to Mr. Gacki by the Village on behalf of Mr. Pfingston, in order to increase safety. He indicated that fence placement did not come as a staff recommendation.

Trustee Brandt noted that he is disturbed that the Village approved a wall around the detention area. He stated that most detention areas have a natural feel. He expressed concern that there might be a tripping hazard around the area due to the retaining wall. He explained that engineers have a role in the process, but that their recommendations are not the be all or end all of the discussion. Trustee Brandt encouraged Mr. Pfingston to contact Mr. Gacki. He gave suggestions on how to alter the property. Trustee Brandt agreed that the fence is better, but that

the property still needs work. He noted that the plan, as approved, is not acceptable.

Joe Kucera, a neighbor of Mr. Pfingston to the south addressed the Board. He noted that Mr. Pfingston needs better representation from the involved parties. He stated that Mr. Pfingston's property will be devalued by this plan.

Attorney Good noted that a petition can be filed to intervene. He stated that it is unfortunate that the house is in a bad configuration. He reiterated that the plan was reversed at the request of the homeowner. He indicated that Staff tried to accommodate the resident by flipping the plan so that the detention basin rather than homes would be adjacent to Mr. Pfingston's property. Attorney Good again reminded the Board that the Village is obligated to approve the plan based on a court order.

Trustee Wood asked Mr. Good what would happen if the Board did not approve the plan.

Attorney Good indicated that Mr. Gacki's attorney will ask the court to order the Mayor and Village Clerk to sign or the court would approve it on its own.

There was no further discussion on the motion.

**Ayes:** Trustees Beavers, Kagann, Frank, Wood

**Nays:** Brandt

**Absent:** Curran

**All in Favor:** Motion approved