

# Woodridge gate still locked

Staff writer

By Don Grigas

A lawsuit filed by Bolingbrook and two Bolingbrook property owners against Woodridge will be heard in Will County instead of federal court after the plaintiffs agreed to drop one of the three counts in the suit.

The lawsuit, initially filed Nov. 23 in Will County Circuit Court, was scheduled to be moved to the U.S. District Court in Chicago in mid-February. One of the counts claimed Woodridge violated the federal rights of property owners Larry Budnik and Jay White by placing a locked gate across Murphy Road in Woodridge.

The gate is illegally blocking access to the property, which is within the corporate boundaries of Bolingbrook, the suit alleges.

"It is our understanding (the plaintiffs) have agreed to drop the count dealing with federal code, and so the case will be sent back to the state to be heard in Will County," Woodridge Assistant Village Manager Peggy Halik said.

Halik said attorneys are still filing the appropriate paperwork, and no new court date has been assigned.

"We don't have all the details yet. But both parties are aware the portion of the lawsuit involving federal codes has been dropped, and are in agreement the case will now go back to Will County," Bolingbrook village attorney Jim Boan said.

The suit seeks a declaratory judgment to have Woodridge remove the gate and compensate the plaintiffs \$50,000. It also seeks to prevent further obstruction of the property.

On Nov. 13, 2005, a gate erected by Bolingbrook at the south entrance to the 20-acre Budnik property was removed by Bolingbrook Public Works Department employees.

The gate had been erected to prevent dumping at the site, which borders Woodridge's corporate boundary on Murphy Road. The gate was erected on a portion of Murphy Road under Woodridge's jurisdiction, Woodridge officials said.

Within hours after Bolingbrook removed the gate, work crews from the Woodridge Public Works Department erected a similar gate and padlocked it, preventing access to the site.

According to Budnik and White, obtaining a guarantee from Woodridge that it will not further obstruct the road after the gate is removed is a critical

component of the lawsuit.

"It wouldn't do us any good if we resolved this in or out of court without the guarantee they cannot lock us out again after we begin developing the property," White said. "We need that in writing."

There is no other vehicular access point to the property.

Budnik and White -- who have not been back to the property since Woodridge erected the gate in November -- have Bolingbrook's approval for plans and have obtained all the necessary permits to develop the property and construct a coating business there.

But Woodridge claims the property owners must participate in a public hearing regarding the potential impact of the proposed business on Woodridge homeowners near the site, and in addition must pay a \$3,000 fee to Woodridge to take part in the hearing process.

"We already have gone through the permit process and payment of all the fees to Bolingbrook to get the project started. Then we received a letter from Woodridge telling us we had to pay them \$3,000 to begin the same process for that village, and that is just the start," Budnik said. "The property is located within Bolingbrook, and we have complied with everything they (Bolingbrook) have asked us. I don't see how another municipality can try and force us to duplicate what we already have done and incur even more cost when the property is not within their village limits."

Budnik said he and White, who are half-brothers and Downers Grove residents, paid about \$45,000 more than five years ago to obtain the property -- which has less than 2 acres of buildable land on the 20-acre site. They have spent more than \$45,000 on permits and legal fees to build a three- to four-tenant building on the site, he said.

"This whole ordeal has been ludicrous," White said. "But we are not going away. We are staying put."

Initial plans called for groundbreaking at the site in the spring. But the brothers said the project likely will be delayed at least a year, pending the outcome of the lawsuit and ongoing negotiations.

Attempts to settle the dispute out of court have been unsuccessful, officials from both villages said.