

# Village taps law firm for Murphy Road suit

By Don Grigas

Staff writer

Bolingbrook has appointed Naperville-based Dommermuth, Brestal, Cobine & West as special counsel to represent the village in an ongoing lawsuit filed by Bolingbrook against the village of Woodridge over the status of Murphy Road in Woodridge.

On June 13 Bolingbrook trustees voted 4-0 to retain the firm as special counsel in the lawsuit, which is being heard in Will County.

But two brothers who are co-plaintiffs in the suit with Bolingbrook -- initially filed Nov. 23 -- say there is a growing concern Woodridge eventually will vacate the road, and they are now less optimistic the issue will be resolved in their favor.

"Recently (Woodridge administrator) John Perry contacted my brother and implied Murphy Road may be vacated at some time in the future, and that could include just tearing up the road so it doesn't even exist anymore," said Larry Budnik, who co-owns the property with half-brother Jay White.

Murphy Road, in Woodridge, is the only access to the Budnik property, which is located in Bolingbrook adjacent to the Woodridge border near Boughton Road and Woodward Avenue.

Murphy Road dead ends at the Budnik property to the north, and accesses Woodward Avenue at the south end of the road.

Perry and Peg Halik, assistant village administrator for Woodridge, were out of town and unavailable for comment.

Budnik and White are Downers Grove residents, and have applied for -- and received -- permits from Bolingbrook to build on the property.

However, on Nov. 13 Woodridge Public Works Department personnel erected a locked gate across Murphy Road, barring access to the property. There is no other access road to get onto the property.

"They (Woodridge) must think it is the Wild West," said Bolingbrook Mayor Roger Claar during the June 13 board meeting. "It's ridiculous."

Woodridge claims the property owners must participate in a public hearing regarding the potential impact of the proposed construction on Woodridge property owners residing near the property, and in addition must pay a \$3,000 fee to initiate the hearing process.

"Woodridge thinks a Bolingbrook property owner should go before a Woodridge Plan Commission to get a special-use permit, when they already

have gone through the process in Bolingbrook," Claar said.

According to Budnik, the brothers are prepared to file a separate lawsuit in Will County seeking injunctive relief, and re-open the road.

Bolingbrook's action to retain the law firm -- which also is representing Budnik and White in their separate lawsuit -- comes on the heels of a motion to dismiss the suit filed recently by Woodridge.

Halik confirmed recently Woodridge had filed for the motion to dismiss the suit.

Bolingbrook Village Attorney Jim Boan said the Woodridge motion to dismiss the case "says there is an administrative remedy, which would require the property owners to go to Woodridge to obtain a special-use permit, which is the basis of the lawsuit anyway," Boan said.

Boan said the motion could be heard before the end of June. Halik said, "My understanding is it will be heard some time in August."

"Recent developments have us spooked a little bit, to say the least," Budnik said.

Back in March, Budnik said legal fees and permit/construction plans totaled more than \$45,000, equal to the price he and White paid for the property.

Halik said Woodridge has spent about \$9,700 on legal fees associated with the lawsuit.