

Woodridge vacates part of Murphy Road

By Don Grigas

Staff writer

Plaintiffs in lawsuit consider legal options

Co-plaintiffs in an ongoing lawsuit filed eight months ago against Woodridge over a locked gate erected on Murphy Road in November now are considering new legal options following the Woodridge Village Board's unanimous decision June 29 to vacate a portion of the road.

The Village Board approved an ordinance vacating a section of the road, which transferred ownership of the section of road to home builder Gallagher & Henry.

"When a road is vacated, it can be transferred to the property owner adjacent to the road, and Gallagher & Henry owns property on both sides of the road, so they obtain the right of way," Woodridge Public Works Director Phil Modaff said.

On the morning of June 30, less than 12 hours after the Woodridge Village Board action, Woodridge Public Works Department crews replaced the existing gate with a new one about 100 feet south of the original gate, Modaff said.

The action likely will trigger a response from the plaintiffs in the ongoing suit -- the village of Bolingbrook and Downers Grove residents Larry Budnik and Jay White, co-owners of a 20-acre parcel north of the vacated section of road within the corporate limits of Bolingbrook.

They said the action illegally blocks access to private property.

"I don't really know what to say except that we have talked to our own attorney about (the decision) and feel it is not within the legal right of Woodridge to do this," Budnik said. "We are looking at all possible options, including the possibility that our civil rights are being violated."

Bolingbrook village attorney James Boan said Bolingbrook and the property owners "will weigh our options and go from there."

One of the options could include a request for "injunctive relief to prevent destruction of the road," Boan said. "We believe there still is an issue over the road's jurisdiction, which we believe to be under Bolingbrook's jurisdiction."

Many years ago DuPage Township maintained jurisdiction over Murphy Road, which is located just east of the North-South Tollway and connects with Woodward Avenue just north of Internationale Centre. The township transferred jurisdiction to Bolingbrook more than a decade ago, Boan said.

Woodridge then annexed property adjacent to Murphy Road, and claims it

now has jurisdiction over the road.

The issue of jurisdiction never was cited in the suit, filed Nov. 23 in Will County Circuit Court.

The suit asked the court to force Woodridge to remove a gate it erected and locked in November, and also asked the court to prevent further obstruction of Murphy Road.

The squabble over Murphy Road dates back to Nov. 13, when Bolingbrook Public Works Department workers removed a gate Bolingbrook had authorized on Murphy road near the Budnik Property to prevent illegal trash dumping on the site.

Shortly after Bolingbrook employees left the site, Woodridge sent a crew out to erect a gate of its own and locked it near the site of the original Bolingbrook gate.

"They were concerned about fly dumping and erected a gate," Modaff said in November. "That was our concern as well."

Signs on the newly erected Woodridge gate state trespassers will be subject to arrest.

"We cannot even get onto our own property now," Budnik said.

Budnik and White planned to develop their parcel and build a facility to house a spray coating business on the site, and Bolingbrook had approved all plans and approved permits for construction.

However, Woodridge issued a letter to the owners seeking a \$3,000 fee to begin a project review process, even though the property is in the corporate limits of Bolingbrook.

"I can't believe it, that a time when we celebrate our country's independence -- and the individual liberties that the Fourth of July holiday stands for -- one community can illegally block access to property owned by private citizens," Budnik said. "Woodridge is just steamrolling our rights as private property owners."

A report accompanying the ordinance approved by the Woodridge Board citing the history of the issue recommended the 25-foot-wide section of Murphy Road be "vacated in order to limit village liability, maintenance and police service costs."