

Bolingbrook sues Woodridge over gate

By Don Grigas

Staff writer

Bolingbrook officials say owners of a 20-acre parcel of private property on Murphy Road in Bolingbrook are being illegally blocked access to the property by the village of Woodridge, which recently erected a locked gate across Murphy Road near the property's entrance.

Woodridge officials say the gate is on a road under Woodridge jurisdiction, was legally erected to prevent fly dumping on the property and replaces a similar gate recently taken down by Bolingbrook.

The dispute is now headed to court.

According to Jim Boan, Bolingbrook village attorney, the village of Bolingbrook and the two owners of the 20-acre Budnik Property are co-complainants in a lawsuit filed Nov. 23 in Will County Circuit Court asking the courts to force Woodridge to remove the gate, and prevent further obstruction to the property.

The suit also asks the courts to prevent Woodridge from trying to apply Woodridge codes to the property; recently Woodridge issued letters to Bolingbrook property/business owners along Murphy Road stating they had to take part in public hearings and pay \$3,000 in fees to go through the process. The suit also seeks the courts to award an amount "in excess of \$50,000" to the property owners to compensate them for delays in developing the property resulting from Woodridge's actions.

"The suit asks for declaratory judgment and injunctive relief," Boan said.

Owners of the property, Jay White and Larry Budnik, recently applied for building permits to develop a powder coating business on the site after having their plans approved by Bolingbrook.

However, attempts by contractors to gain access to the property to begin site work were blocked by the gate, which was erected Nov. 15 by Woodridge.

"We are not pleased to have to resort to this, and it is a shame when two governmental bodies cannot resolve their differences without having to go to court," Bolingbrook Mayor Roger Claar said. "We have tried to talk to the village of Woodridge without success, and now have no choice but to go to the court system for relief.

"Clearly, it isn't appropriate that one village should block the only access road to property in another village. We would never think of doing the same thing and blocking off a street to a neighboring town," Claar said.

Woodridge Mayor William Murphy said village attorneys and staff will

review the complaint before making official comment.

"We haven't seen it yet, and we need to have our attorneys review it first and understand what the complaint entails," Murphy said. "But I will say I am optimistic the village of Woodridge and the village of Bolingbrook will eventually resolve the matter in a amicable way."

In an interview Nov. 22, Woodridge Director of Public Works Phil Modaff said Woodridge erected a locked gate at the Murphy Road site a few hours after Bolingbrook crews took theirs down.

"We placed it across the road on Murphy Road, which is under the village of Woodridge's jurisdiction," he said.

"Bolingbrook put it up to prevent people from fly dumping at the site, and when we saw the gate was gone, we just re-installed one to keep dumpers from using that site," Modaff said.

Modaff said public works employees have had to remove cans of oil and furniture that were left near the gate over the past few years.

Modaff said Murphy Road north of the gate is cracked, covered with vegetation, "and is in no condition to be traveled."

"Murphy Road is our roadway, and there are some issues that (property owners) need to deal with Woodridge on regarding access and use," Modaff said.

Modaff confirmed that a Woodridge employee has been stationed in a village vehicle on Murphy Road near the entrance to the E.C. Rizzi & Associates Inc., located near Murphy and Woodridge roads, to monitor vehicles entering the site and using Murphy Road.

The controversial Rizzi site, which houses a business that stores and recycles some landscape and construction materials, has been the subject of scrutiny by Woodridge officials and area residents.

Some Woodridge residents have formed a citizen advocacy group called Citizens Opposed to Dump Expansion, or CODE, to voice opposition to the Rizzi business.

Woodridge continues to collect data about the business, and has not ruled out legal action against E.C. Rizzi.

"We have monitored activity along there for a few weeks," Modaff said.

Woodridge is in the process of collecting information -- photographs, identities of contractors who visit the E.C. Rizzi site, Illinois Environmental Protection Agency citations against E.C. Rizzi and permit filings -- for potential use in action against E.C. Rizzi.

"We are not backing off," Modaff said.

"We have been collecting data, and it is a lot," Modaff said.

According to Michael Mays, director of planning and development for Woodridge, the municipality "continues to look at all of our options."

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