

**RESOLUTION 2011-145**

**A RESOLUTION AMENDING RESOLUTION 2011-027 AUTHORIZING THE TEMPORARY CLOSING OF ATRIUM DRIVE TO ALLOW CONSTRUCTION RELATED ACTIVITIES FOR VICTORY CENTRE OF VERNON HILLS**

**WHEREAS**, Atrium Drive is a publically dedicated right-of-way owned by the Village of Vernon Hills which extends from its intersection with Phillip Drive and runs generally south and east to its intersection with Deerpath, as depicted in Exhibit A; and

**WHEREAS**, Vernon Hills SLF Associates LP and Vernon Hills SA Associates LP are the owners of the property upon which Victory Centre of Vernon Hills is being constructed and Joseph J, Duffy Company is the general contractor for said project; and

**WHEREAS**, the Victory Centre of Vernon Hills project is located at the southwest corner of the intersection of Atrium Drive and Phillip Road; and

**WHEREAS**, as a part of constructing this project, Joseph J, Duffy Company has previously requested from and was granted approval by the Village Board to temporarily close the portion of Atrium Drive located immediately adjacent to the project location to allow various construction related activities associated with the Victory Centre of Vernon Hills project to occur within the Atrium Road right-of-way, said closure area being depicted in Exhibit B; and

**WHEREAS**, due to delays in constructing this project, Joseph J, Duffy Company is requesting approval to extend time for the road closure until December 2, 2011 to allow completion of the required improvements to Atrium Drive.

**WHEREAS**, the Board of Trustees supports the Victory Centre of Vernon Hills project and agrees to the extension of time to allow Joseph J, Duffy Company to temporarily close the portion of Atrium Drive located immediately adjacent to the property, subject to certain terms and conditions.

**NOW THEREFORE BE IT RESOLVED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS:**

That the Joseph J. Duffy Company, acting as the authorized representative for the property owners Vernon Hills SLF Associates LP and Vernon Hills SA Associates LP, is authorized to temporarily close the portion of Atrium Drive located immediately adjacent to the Victory Centre of Vernon Hills property until December 2, 2011, subject to the following:

1. The limits of the closure shall be consistent with the attached plans as setforth in Exhibit B

**Exhibit A**

Location of Atrium Drive

# Exhibit A

3-10-11

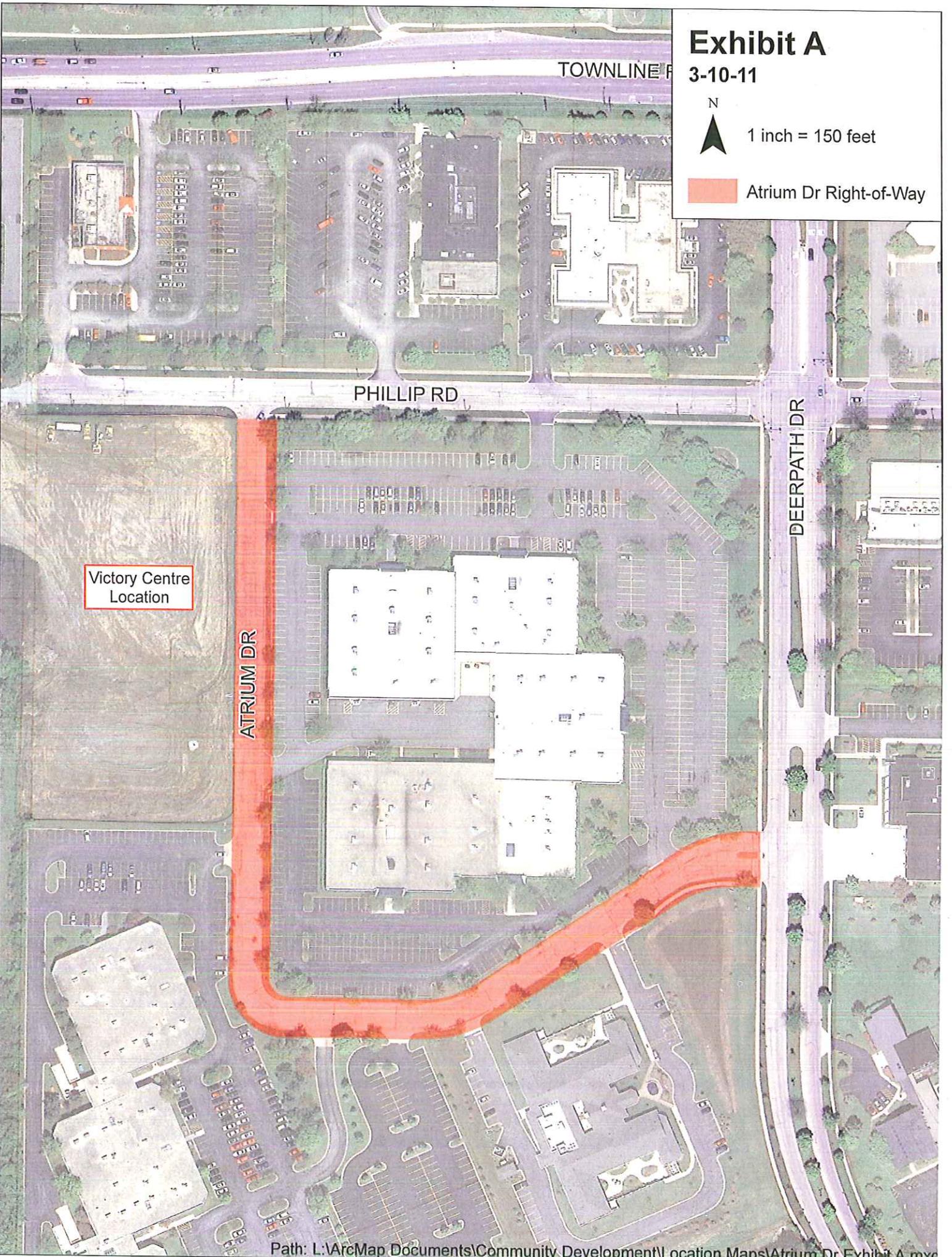
N



1 inch = 150 feet



Atrium Dr Right-of-Way



Victory Centre  
Location

ATRIUM DR

TOWNLINE RD

PHILLIP RD

DEERPATH DR

# Exhibit B

3-10-11

N



1 inch = 150 feet



Temporary Closure Area

Victory Centre  
Location

ATRIUM DR

PHILLIP RD

TOWNLINE

DEERPATH DR

**Exhibit C**

Terms and Conditions for the temporary closing of Atrium Drive

1. The closure of Atrium Drive is considered temporary.
2. The road may be closed from April 1 thru December 2, 2011. Prior to reopening Atrium Drive, the pavement must be installed and approved by the Village Engineer. An extension of time of not more than 30 days may be granted by the Village Manager for good cause.
3. The purpose of the closure is to allow construction of the buildings, utilities and related work along with certain road and landscaping improvements for this portion of Atrium Drive. It is not the intention of this road closure to provide for employee parking related to the construction activities for this project.
4. The Village shall require the contractor to defend, indemnify, and hold harmless the Village for damages and expenses arising out of the ongoing work or service being performed. The contractor's indemnification responsibilities shall include defending and/or indemnifying the Village of Vernon Hills for incidents in which the contractor causes the loss, in whole or in part and also "arising out of the ongoing work" on the property, either of the building(s) and/or roadway itself.
5. Adequate signage, subject to review and approval of the Village Engineer, shall be posted advising of the road closure from the adjacent public rights of way. The Village Engineer may require that the contractor prepare a signage plan.
6. All fencing and enclosures shall be reviewed and approved by the Village of Vernon Hills and shall be maintained in good working order.
7. The general contractor shall provide to the Village a revised schedule of work on the first day of each month. The schedule should include the timeline for the improvements to Victory Center and to Atrium Drive during this closure.
8. Any snowplowing or removal of snow within the Temporary Road Closure area as identified in Exhibit B shall be the responsibility of the property owners or their designated representative. Any removal or plowing of snow shall be done in a manor consistent with Village snow removal operations and shall not cause the depositing of snow on the pavement of Atrium Drive or the adjacent public roads that might, in the opinion of the Director of Public Works, obstruct the flow of traffic on these public roads.

2. The closure shall be subject to the Terms and Conditions as setforth in Exhibit C and in Resolution 2011-027.
3. Joseph J. Duffy Company shall acknowledge its agreement to the Terms and Conditions in a written agreement prepared by the Village Attorney prior to closing the road.

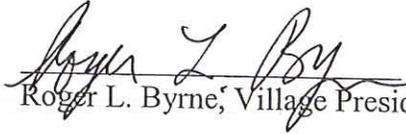
Dated the 18<sup>th</sup> day of October 2011

Adopted by roll call vote as follows:

AYES: 6 – Marquardt, Schultz, Williams, Koch, Schwartz, Hebda

NAYS: 0 - None

ABSENT AND NOT VOTING: 0 None

  
Roger L. Byrne, Village President

PASSED: 10/18/2011

APPROVED: 10/18/2011

ATTEST: 10/19/2011

  
Michael S. Allison, Village Clerk

