

RESOLUTION R-2025-63

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT NO. 557 AT A LATER DATE IF NECESSARY WITH EARTHWERKS LAND IMPROVEMENT & DEVELOPMENT CORPORATION FOR THE 700 & 800 EAST ROOSEVELT ROAD SITE RESTORATION PROJECT FOR A TOTAL AMOUNT NOT TO EXCEED \$260,900 AND A 10% CONTINGENCY

WHEREAS, the City of Wheaton, Illinois, ("City") is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution of 1970; and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City filed suit against the owner of 700 & 800 Roosevelt Road ("Property") in 2022 for numerous code violations, and requested that the buildings on the property be demolished, which occurred in July 2023; and

WHEREAS, as part of the demolition permit, the Property was supposed to be graded and seeded within 60 days of demolition if construction of a new structure would not commence within that time period, which did not occur; and

WHEREAS, the City and the Property owner reached an agreement requiring the owner to begin construction or grade and seed the Property by October 11, 2024; if it failed to do so, then a fine of \$100 per day would be assessed until construction or grading began; and if neither had begun by May 11, 2025, then the City had the authority to grade and seed the property; and

WHEREAS, the owner failed to begin either activity by May 11, 2025, so the City solicited an Invitation to Bid package (ITB Number 25-131) for the 700 & 800 East Roosevelt Road Site Restoration Project and Earthwerks Land Improvement & Development Corporation was determined to be the lowest, responsive, responsible bidder with a bid amount of \$260,900.00; and

WHEREAS, the owner has now indicated that it has hired a contractor to grade and seed the Property, which said work should commence within seven (7) days; and

WHEREAS, in the event the owner's contractor does not begin the work within seven (7) days and/or diligently pursue the work to completion, the City Council authorizes the City Manager to enter into an agreement with Earthwerks Land Improvement & Development Corporation, Inc. located at 2111 Ogden Avenue, Lisle, IL 60532 for the 700 & 800 East Roosevelt Road Site Restoration Project for a total amount not to exceed \$260,900.00 and a 10% contingency at a later date to complete the work.

WHEREAS, both parties agree to the terms and conditions set forth in the Invitation to Bid package and the agreement contained in the City's ITB package for the 700 & 800 East Roosevelt Road Site Restoration Project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois, that:

The City Council is hereby authorizing the City Manager to enter into City of Wheaton Agreement No. **557** with Earthwerks Land Improvement & Development Corporation for the 700 & 800 East Roosevelt Road Site Restoration Project at a later date if necessary without having to bring the agreement back to the City Council for approval; and that a copy of that certain City of Wheaton Agreement No. **557** is on file in the City Clerk's office and is incorporated herein as if fully set forth as Exhibit A.

ADOPTED this 4th day of August 2025.



Mayor

ATTEST:



City Clerk

	Roll Call Vote:
Ayes:	Councilwoman Bray-Parker Councilwoman Brice Councilman Brown Mayor Suess Councilman Clousing Councilwoman Robbins Councilman Weller
Nays:	None
Absent:	None
	<u>Motion Carried Unanimously</u>