BLOOMINGDALE TOWNSHIP

In re the Application of VB BTS II, LLC for	)	
	)	Permit Case No. 2023-49
A Bloomingdale Township Road Entrance Permit	)	

FINAL ADMINISTRATIVE DECISION

Findings and Conclusions:

The Bloomingdale Township Highway Director has the authority to issue road entrance permits for construction related activities that impact Township roads under the Illinois Highway Code and Township Ordinance.

On March 3, 2023, the Applicant, VB BTS II, LLC, submitted to Bloomingdale Township (the Township") an application for a road entrance permit, a copy of which is attached as Exhibit 1 (the "Application"). VB BTS II, LLC marked the application as a "Re-submittal." This is the first application for a road entrance permit that the Township has received from VB BTS II, LLC. The Township has no record of a prior application for a road entrance permit being submitted by VB BTS II, LLC and VB BTS II, LLC has not identified or produced one in this proceeding or any other proceeding. Accordingly, VB BTS II, LLC has erroneously marked its March 2, 2023 application as a "re-submittal."

At the time VB BTS II, LLC submitted the Application on March 3, 2023, VB BTS II, LLC was not a duly registered foreign limited liability company authorized to participate in administrative proceedings under section 1-30 of the Limited Liability Company Act. 805 ILCS 180/1-30. VB BTS II, LLC provided the Township evidence that it first applied for registration as a foreign limited liability company on March 20, 2023 which is supported by the records of the Illinois Secretary of State. A copy of business registration records for VB BTS II, LLC are attached as Group Exhibit 2. As of March 21, 2023, VB BTS II, LLC is authorized to participate in this administrative proceeding under the Limited Liability Company Act. *See id.*

VB BTS II, LLC proposes to construct a telecommunications tower, and to construct an access road entering onto Township property and roads at the intersection of Glendale Road and Spring Valley Drive (the "Project"). VB BTS II, LLC has indicated in filings in *VB BTS II, LLC v. Bloomingdale Township and the County of DuPage*, 2022 MR 752 (the "litigation") that it has leased certain real property from Medinah Spring Valley Lake Inc. located on lot 171 parcel no. 02-14-203-001 for the purpose of constructing the Project.

A general depiction of the Project is provided in a February 28, 2023 survey included with VB BTS II, LLC's March 3, 2023 Application as well as a September 30, 2021 survey filed by VB BTS II, LLC in the litigation. A copy of the 2023 and 2021 surveys have been considered by the Township in this proceeding and are attached hereto as Group Exhibit 3.

The surveys were performed by the same Professional Land Surveyor, Craig A. Keach, of Meridian Surveying, LLC. The surveys contrast in a significant manner. They indicate a different point of commencement of the northwest corner of lot 171. The point of commencement of the northwest corner of lot 171 in the 2021 survey shows that the lessor, Medinah Spring Valley Lake Inc., *does not* own the area upon which VB BTS II, LLC proposes to construct the access road connecting to Glendale Road

and Spring Valley Drive. Whereas the point of commencement of the northwest corner of lot 171 in the 2023 survey suggests that the lessor, Medinah Spring Valley Lake Inc., does own the area upon which VB BTS II, LLC proposes to construct its access road connecting to Glendale Road and Spring Valley Drive. VB BTS II, LLC has provided the Township no explanation for the discrepancy in the surveys it submitted in the litigation and in support of its Application.

The Township finds that the 2021 survey submitted by VB BTS II, LLC in the litigation properly indicates that the lessor, Medinah Spring Valley Lake Inc., *does not* own the 66' area designated for a future road upon which VB BTS II, LLC proposes to construct an access road connecting to Glendale Road and Spring Valley Drive for the following reasons.

First, DuPage County's GIS mapping of this area conforms with the 2021 survey submitted by VB BTS II, LLC in the litigation. A copy of DuPage County's GIS map of the affected area is attached as Exhibit 4. The GIS mapping shows that this area is within the Township's right-of-way jurisdiction and ownership. Although this area is not yet developed as a public road, its 66' width mirrors the width of the existing Spring Valley Drive which is undisputedly owned by the Township for the benefit of the public.

Additionally, the subdivision records indicate that the area at issue is designated for use as a future road. *See* a copy of the subdivision records attached as Exhibit 5. The Township finds that the intent of the language on the recorded subdivision records was to dedicate the area at issue to the Township for the benefit of the public for the construction of a future public road. This has been noted in the public records of the District Clerk for the Township, as authorized under section 6-315 of the Illinois Highway Code. 605 ILCS 5/6-315; *see also* a copy of the Official Entry in the Public Records of the District Clerk attached hereto as Exhibit 6. Under section 6-315 of the Illinois Highway Code, such notation is evidence in all cases that there was a dedication of a public highway and that the dedication complied with all statutory requirements, regardless of whether supporting records or documentation of the dedication is available. *Id.*

Public records show that the Township has accepted and acknowledged ownership of this area as Township Property. *See* Exhibit 6. Accordingly, the Township finds that the 66 ' area designated for a future road has been dedicated to the Township for the benefit of the public and is Township property.

VB BTS II, LLC filed a number of Affidavits in the litigation which have been considered by the Township in this proceeding and are attached hereto as Group Exhibit 7. The Affidavit of David L. Streck indicates that he is the current President, Board Member and shareholder of Medinah Spring Valley Lake, Inc. *See id.* The Affidavit indicates that he has used the area on the Plat, which includes the 66' area designated for a future road. The Affidavit does not indicate that Medinah Spring Valley Lake, Inc. is the owner of 66' area designated for a future road. The Affidavit of Mike Filipski does not specifically indicate that Medinah Spring Valley Lake, Inc. is the owner of 66' area designated for a future road, although Mr. Filipski does indicate that lot 171 is generally owned by Medinah Spring Valley Lake, Inc. The Affidavit of Paul Peterson suggests that Medinah Spring Valley Lake, Inc. is the owner of the 66' area designated for a future road. Mr. Peterson makes this conclusion based on a "dotted line" at the southern portion of the 66' area designated for a future road. Yet, there is nothing on the Plat, including a legend, supporting Mr. Peterson's conclusion. Indeed, there are several other areas on the Plat marked with dotted lines, including portions of Spring Valley Drive, Broker Road and build to lines. The Township finds that the Affidavits do not overcome the evidence in the administrative record indicating that Medinah Spring Valley Lake Inc. does not own the 66' area designated for a future road upon which

VB BTS II, LLC proposes to construct an access road connecting to Glendale Road and Spring Valley Drive. The Township further finds that the Affidavits do not overcome the evidence in the record showing that the Township is the owner of 66' area designated for a future road.

Based on these findings, VB BTS II, LLC may use the 66 ' property area dedicated to the Township to construct a private access road to enter on onto the Township's roads at the intersection of Glendale Road and Spring Valley Drive pursuant to the authority under section 30-50 of the Township Code. 60 ILCS 1/30-50. Section 30-50 of the Township Code provides in pertinent part that "[t]he electors may make all orders for the purchase, sale, conveyance, regulation, or use of the township's corporate property (including the direct sale or lease of single township road district property) that may be deemed conducive to the interests of its inhabitants." *Id.* Such approval is required as a condition to access Township roads by using Township Property.

Alternatively, VB BTS II, LLC is free to amend its Application or file a new Application to propose the construction of its access road along the northern border of Lot 171 in a manner that will not encroach upon the 66 ' property area dedicated to the Township. VB BTS II, LLC's proposed Project is not landlocked but for access over the 66 ' property area dedicated to the Township. Based on the submittals, VB BTS II, LLC is free to construct its proposed access road over the northern portion of lot 171 in a manner that will not impact the 66 ' property area dedicated to the Township, subject to any DuPage County building and land use requirements. There is nothing in the record to suggest otherwise, including the surveys submitted by VB BTS II, LLC.

Finally, the Township finds that a Cash deposit of $7,500 posted to the Township before the Entry Bond will be issued is commensurate with the size and scope of the proposed new construction. Upon completion of construction and following a final inspection by the Highway Department, 90% ($6,750) will be returned to VB BTS II, LLC. The Entry Bond will expire 12 months after the date of issuance. If construction has not been completed but has started an extension may be requested. If construction has not commenced, a new application must be submitted.

Decision:

Based on the forgoing, the Township hereby denies VB BTS II, LLC's Application, as submitted. The Township hereby grants VB BTS II, LLC conditional approval of the Application, subject to of the following conditions:

1) VB BTS II, LLC to obtain approval of the Township Electors for use of the 66' area dedicated to the Township, pursuant to the requirements of section 30-50 of the Township Code.
2) VB BTS II, LLC to provide complete and accurate specifications for the construction of the access drive, including type of materials, and location of drive within the 66' area dedicated to the Township.
3) VB BTS II, LLC to post a cash deposit of $7,500.00 to Bloomingdale Township before the Entry Bond will be issued. Upon completion of construction and following a final inspection by the Highway Department 90% ($6,750) will be returned to VB BTS II, LLC. The Entry Bond will expire 12 months after the date of issuance. If construction has not been completed but has started an extension may be requested. If construction has not commenced, a new application must be submitted.

4) Once VB BTS II, LLC satisfies conditions 1-3, the Township to issue VB BTS II, LLC a road entrance permit.
5) VB BTS II, LLC to be responsible for all maintenance, repair and liability associated with its private access drive.
6) During construction or ongoing maintenance, proper traffic control must be utilized. If any traffic disruptions are anticipated, VB BTS II, LLC to provide Bloomingdale Township with a plan for signage and traffic control a minimum of 48 hours before work begins.
7) Dust control and street sweeping will be required as directed by the Township Highway Department.
8) If any oversized vehicle or equipment is to be used, VB BTS II, LLC is required to provide a minimum of 72 hours advance notice. Depending on the size of equipment and duration on the road an additional road bond may be required. A copy of any overweight vehicle permit received from the State of Illinois or DuPage County must be forwarded to Bloomingdale Township at the time of the advance notice.
9) If any utility interruptions are anticipated, VB BTS II, LLC must seek approval from the utility owner and advise all affected property owners 48 hours before work begins.
10) VB BTS II, LLC shall seek approval from the Township regarding the size and type of any culverts to be installed within the R.O.W.
11) Storage of construction materials or equipment will not be allowed in the Township R.O.W.
12) VB BTS II, LLC will be responsible for any repairs to the road or R.O.W. as a result of construction or any activities supporting the construction.

BLOOMINGDALE TOWNSHIP

By: */s/ Robert Nogan*
Robert Nogan, Highway Department Director

Please be advised that In the event any party of record is aggrieved by this Final Administrative Decision or a portion thereof, any such aggrieved party has the right to judicial review under writ of *certiorari*.

Permit Case No. 2023-49

EXHIBIT 1

Re-submittal

ENTRANCE PERMIT/BOND
BLOOMINGDALE TOWNSHIP
ROAD DISTRICT

NAME VB BTS II, LLC (Vertical Bridge) DATE March 3, 2023

ADDRESS 750 Park of Commerce Drive, Suite 200 PERMIT # _____

Boca Raton, Florida 33487 RESIDENTS NAME Daniel Kalina

PHONE # (561) 923-0724 CELL # (630) 946-7741

LOCATION OF ENTRANCE

ADDRESS W End Spring Valley Drive, Medinah

WORK TO BE PERFORMED Access Driveway

SPECIAL INSTRUCTIONS

- NO BRICK MAILBOXES IN R O.W
- NO FILLING OF DITCHLINE AT ANY TIME
- KEEP MUD OFF OF STREET AT ALL TIMES
- WATER DISCHARGE OF ANY KIND MUST BE KEPT 6' FROM TOWNSHIP R.O.W.
- DRIVEWAYS SHALL BE PAVED FROM EDGE OF EXISTING PAVEMENT TO PROPERTY LINE PRIOR TO PAVING A MANDATORY PRE-POUR INSPECTION BY THE ROAD DISTRICT SHALL BE REQUIRED BOND WILL BE FORFEITED IF PRE-POUR INSPECTION IS NOT REQUESTED REQUESTS CAN BE MADE AT 630-529-5221 M-F 7:00 am – 3 30 pm.

A cash bond has been posted with the Road Distnct and will be *refunded less 10% processing fee* by same upon satisfactory completion of all work required as specified above. Contact the undersigned for a final inspection so that the balance of the bond can be released to you. This applies to all work other than new construction/home addrtions

FAILURE TO APPLY FOR A REFUND WITHIN ONE YEAR SHALL RESULT IN FORFEITURE OF SAID BOND TO THE ROAD DISTRICT PER ORDINANCE #15-03.

SIGNATURE [redacted]

Adam Ginder, VP

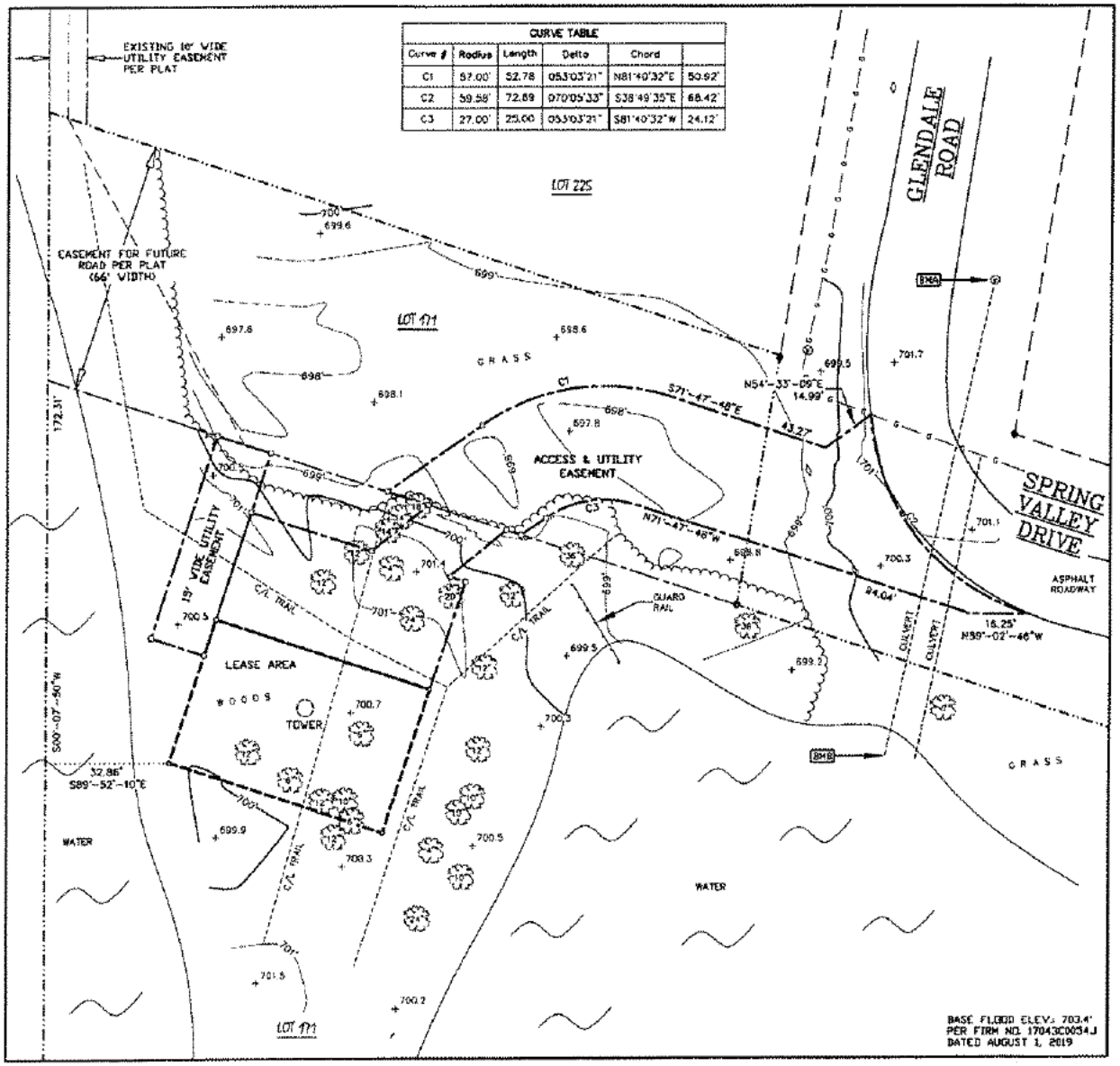
ENTRANCE BOND RECEIPT

Receipt of $_____ has been presented this date _____ to

Bloomingdale Township Road District, 6N030 Rosedale Avenue, Bloomingdale, IL 60108 #630-529-5221

SIGNATURE OF ROAD DISTRICT AUTHORITY _____

WHITE - APPLICANT **YELLOW** - BLOOMINGDALE TOWNSHIP ROAD DISTRICT **PINK** – BUILDING/ZONING



BENCHMARK INFORMATION
SITE BENCHMARK: (BM A)
SET CHISELED "X" ON WEST RIM OF CATCH BASIN
ELEVATION: 700.70'

BENCHMARK INFORMATION
SITE BENCHMARK: (BM B)
TOP OF CONCRETE CULVERT
ELEVATION: 699.77'

GRAPHIC SCALE
1 inch = 30 ft.
0 15 30 60

SURVEY NOTES:

-THE LOCATION OF THE EXISTING UTILITIES, AS SHOWN ON THIS PLAN, ARE APPROXIMATE ONLY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ACTUAL LOCATION AND DEPTH OF ALL EXISTING UTILITIES. THE OWNER AND THE SURVEYOR SHALL NOT BE RESPONSIBLE FOR ANY OMISSION OR VARIATION FROM THE LOCATION SHOWN.

-JULIE TICKET NO. X002892204.

-ACCORDING TO FEDERAL EMERGENCY AGENCY MAPS, THE PROPOSED TELECOMMUNICATIONS SITE IS LOCATED IN ZONE "AE", COMMUNITY PANEL NO. 17043C0054J, DATED AUGUST 1 2019, AND IS IN A SPECIAL FLOOD HAZARD AREA. ZONE "AE" IS DESIGNATED AS: "BASE FLOOD ELEVATION DETERMINED."

-NO WETLANDS AREAS HAVE BEEN INVESTIGATED BY THIS SURVEY.

-THIS IS NOT A BOUNDARY SURVEY OF THE PARENT PARCEL. THIS SURVEY REPRESENTS THE LEASE AREA, ACCESS & UTILITY EASEMENT AND 15' WIDE UTILITY EASEMENT ONLY.

-THE LEASE AREA, ACCESS & UTILITY EASEMENT AND 15' WIDE UTILITY EASEMENT LIE ENTIRELY WITHIN THE PARENT PARCEL.

-THERE ARE NO PHYSICAL ENCROACHMENTS AFFECTING THE LEASE AREA OR ACCESS & UTILITY EASEMENT.

-THE ACCESS & UTILITY EASEMENT RUNS TO SPRING VALLEY DRIVE RIGHT OF WAY (A PUBLIC RIGHT OF WAY).

-THE EASEMENT RIGHTS ARE BROADER THAN THE SURVEY DEPICTION PER THE OPTION AND LEASE AGREEMENT.

-NO ADDITIONAL FIELDWORK WAS PERFORMED SINCE 10-24-2018. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR ANY NEW IMPROVEMENTS OR DIFFERENT SITE CONDITIONS FROM THAT DATE.

—LEGEND—

- ○ = 1" X 18" IRON PIPE SET
- ● = 1" IRON PIPE FOUND
- □ = 6" NAIL SET
- = EXISTING POWER POLE
- = GAS VALVE
- = STORM INLET
- = SIGN
- = WOOD LATH
- OH — OH — = OVERHEAD ELECTRIC
- G — G — = BURIED GAS LINE
- = PROPERTY LINE
- = EXISTING TREE

BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM (NAD 83/2011) - EAST ZONE

PROFESSIONAL LAND SURVEYOR — CRAIG A. KEACH — 035-003530 — STATE OF ILLINOIS

SURVEYOR'S CERTIFICATE

I, Craig A. Keach, ILLINOIS Professional Land Surveyor of Meridian Surveying, LLC, certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

Dated this 28th day of FEBRUARY, 2023

[redacted]

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 035-003530
LICENSE EXPIRES NOVEMBER 30, 2024

DESIGN FIRM PROFESSIONAL LICENSE NO. 184.006590
LICENSE EXPIRES APRIL 30, 2023

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SURVEYED FOR:

Edge
Consulting Engineers, Inc.
624 Water Street
Prairie du Sac, WI 53578
608.644.1449 voice
608.644.1549 fax
www.edgeconsult.com

SURVEYED FOR:

verticalbridge
750 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

MERIDIAN SURVEYING, LLC
N9637 Friendship Drive Office: 920-963-0881
Kouksburg, WI 54130 Fax: 920-273-6037

SITE NAME:
LAKEVIEW

SITE NUMBER:
US-IL-5657

SITE ADDRESS:
SPRING VALLEY DR.
MEDINAH, IL 60157

PROPERTY OWNER:
MEDINAH SPRING
VALLEY LAKE INC.
PO BOX 564
MEDINAH, IL 60157

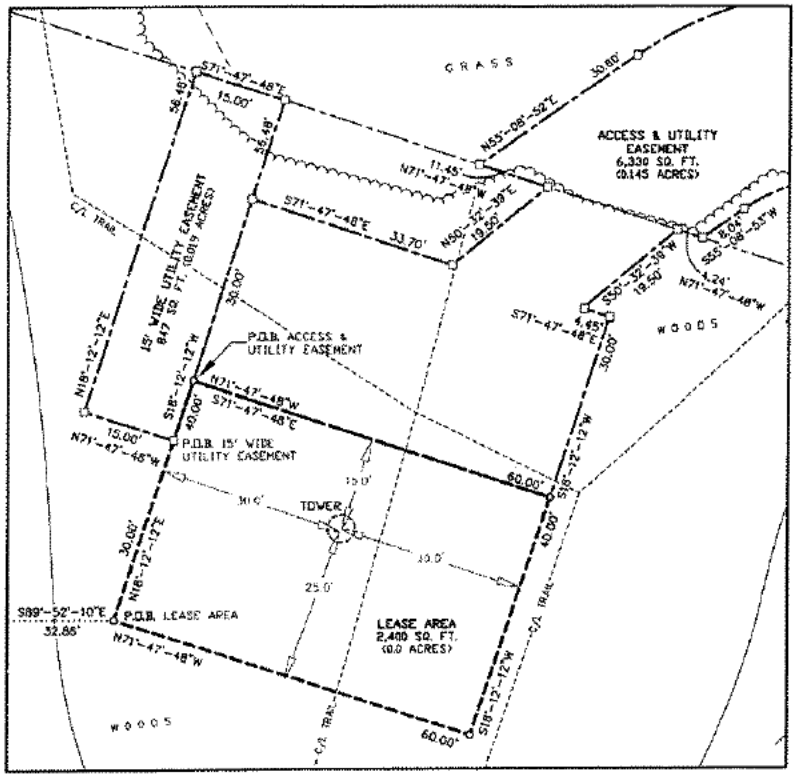
PARCEL NO.: 02-14-203-001

ZONED: R

SURVEY PLAT
FOR
VB BTS II, LLC.
LOT 171 OF BRANIGAR'S MEDINAH SPRING VALLEY, LOCATED IN NW1/4 OF SECTION 14, T.40N., R.10E., OF THE 3rd P.M., DUPAGE COUNTY, ILLINOIS

NO.	DATE	DESCRIPTION	BY
10	2/28/23	Revised Easement	JD
9	7/13/22	Revised Easement	JB
8	12/14/21	Added Existing Easement Info	JB
7	9/30/21	Added Benchmark Info	JB
6	2/25/21	Added New FEMA Info	JB
5	12/10/18	Added Text	JB

DRAWN BY: J.B.	FIELD WORK DATE: 10-24-18
CHECKED BY: C.A.K	FIELD BOOK: M-49, PG.49
JOB NO.: 10702	SHEET 2 OF 3



GRAPHIC SCALE
1 inch = 20 ft.
0 10 20 40

BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM (NAD 83/2011) - EAST ZONE

N

PROFESSIONAL LAND SURVEYOR
CRAIG A. KEACH
035-003528
MERIDIAN SURVEYING, LLC
STATE OF ILLINOIS

SURVEYOR'S CERTIFICATE

I, Craig A. Keach, ILLINOIS Professional Land Surveyor of Meridian Surveying, LLC, certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

Dated this 28th day of February, 2020

[redacted]

LICENSE EXPIRES NOVEMBER 30, 2021

DESIGN FIRM PROFESSIONAL LICENSE NO. 184.006660
LICENSE EXPIRES APRIL 30, 2023

THIS PROFESSIONAL SURVEY DOES CONFORM TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY

—LEGEND—

- ○ = 1" X 18" IRON PIPE SET
- ● = 1" IRON PIPE FOUND
- ⊡ = 6" NAIL SET
- = EXISTING POWER POLE
- = GAS VALVE
- = STORM INLET
- = SIGN
- = WOOD LATH
- OHL = OVERHEAD ELECTRIC
- G = BURIED GAS LINE
- = PROPERTY LINE
- = EXISTING TREE

LEASE AREA

Part of Lot 171 of Branigar's Medinah Spring Valley Unit Number 3 according to the plat thereof recorded April 21, 1955 as Document No. 753819 and Certificate of Correction Recorded May 2, 1955 and Certificate of Correction dated May 21, 1974 as Document No. R74-24443 and being a part of the Northwest Quarter (NW1/4) of Section Fourteen (14) Township Forty (40) North; Range Ten (10) East of the 3rd Principal Meridian, Dupage County, Illinois containing 2,400 square feet (0.055 acres) of land and being described by:

Commencing at the Northwest Corner of said Lot 171; thence S00°-07'-50"W 172.31 feet along the West line of said Lot 171 thence S89°-52'-10"E 32.86 feet to the point of beginning; thence N18°-12'-12"E 40.00 feet; thence S71°-47'-48"E 60.00 feet; thence S18°-12'-12"W 40.00 feet; thence N71°-47'-48"W 60.00 feet to the point of beginning; being subject to any and all easements of record.

ACCESS AND UTILITY EASEMENT

Part of Lot 171 of Branigar's Medinah Spring Valley Unit Number 3 according to the plat thereof recorded April 21, 1955 as Document No. 753819 and Certificate of Correction Recorded May 2, 1955 and Certificate of Correction dated May 21, 1974 as Document No. R74-24443 and also being a part of the Northwest Quarter (NW1/4) of Section Fourteen (14) Township Forty (40) North; Range Ten (10) East of the 3rd Principal Meridian, Dupage County, Illinois containing 6,330 square feet (0.145 acres) of land and being described by:

Commencing at the Northwest Corner of said Lot 171; thence S00°-07'-50"W 172.31 feet along the West line of said Lot 171 thence S89°-52'-10"E 32.86 feet; thence N18°-12'-12"E 40.00 feet to the point of beginning; thence continue N18°-12'-12"E 30.00 feet; thence S71°-47'-48"E 33.70 feet; thence N50°-32'-39"E 19.50 feet; thence N71°-47'-48"W 11.45 feet; thence N55°-08'-52"E 30.60 feet to the beginning of a curve to the right; thence 32.78 feet along the arc of said curve to the right having a radius of 57.00 feet and a chord which bears N81°-46'-32"E 50.92 feet; thence S71°-47'-48"E 43.27 feet; thence N50°-33'-09"E 14.99 feet to the beginning of a non-tangent curve to the left; thence 72.89 feet along the arc of said curve to the left having a radius of 59.58 feet and a chord which bears S38°-49'-35"E 68.42 feet; thence N89°-02'-46"W 16.25 feet; thence N71°-47'-48"W 94.04 feet to the beginning of a curve to the left; thence 25.00 feet along the arc of said curve to the left having a radius of 27.00 feet and a chord which bears S81°-40'-32"W 24.12 feet; thence S55°-08'-53"W 8.04 feet; thence N71°-47'-48"W 4.24 feet; thence S50°-32'-39"W 19.50 feet; thence S71°-47'-48"E 4.45 feet; thence S18°-12'-12"W 30.00 feet; thence N71°-47'-48"W 60.00 feet to the point of beginning; being subject to any and all easements of record.

15 FOOT WIDE UTILITY EASEMENT

Part of Lot 171 of Branigar's Medinah Spring Valley Unit Number 3 according to the plat thereof recorded April 21, 1955 as Document No. 753819 and Certificate of Correction Recorded May 2, 1955 and Certificate of Correction dated May 21, 1974 as Document No. R74-24443 and being a part of the Northwest Quarter (NW1/4) of Section Fourteen (14) Township Forty (40) North; Range Ten (10) East of the 3rd Principal Meridian, Dupage County, Illinois containing 847 square feet (0.019 acres) of land and being described by:

Commencing at the Northwest Corner of said Lot 171; thence S00°-07'-50"W 172.31 feet along the West line of said Lot 171 thence S89°-52'-10"E 32.86 feet; thence N18°-12'-12"E 30.00 feet to the point of beginning; thence N71°-47'-48"W 15.00 feet; thence N18°-12'-12"E 56.48 feet; thence S71°-47'-48"E 15.00 feet; thence S18°-12'-12"W 56.48 feet to the point of beginning; being subject to any and all easements of record.

PARENT PARCEL

Village of Roselle and State of Illinois the following described Real Estate, to wit: Part of the Northeast Quarter of Section Fourteen (14), Township Forty (40) North, Range Ten (10) East of the Third Principal Meridian, in DuPage County, Illinois.

AND BEING a portion of the same property conveyed to Medinah Spring Valley Lake, Inc., an Illinois corporation from The Branigar Organization, Inc. by Warranty Deed dated July 20, 1961 and recorded May 22, 1962 in Instrument No. R62-15637.

Tax Parcel No. 02-14-203-001

TITLE REPORT REVIEW

Title Report: Fidelity National Title Insurance Company

Commitment No. 28051142

Effective Date: October 10, 2018

Fee Simple Title Vested In: Medinah Spring Valley Lake, Inc., an Illinois corporation

NOTE: The Statement of Applicability refers to the Lease Site and any Easements pertinent Thereunto Where Specific Encumbrances affect the Lease Site and/or a Pertinent Easement, they are identified as such.

Schedule B-II

(1-7) These are general statements and not specific encumbrances.

(8) Matters as shown and noted on Plat recorded in Instrument No. 753819. **The plat discloses a 20' wide drainage easement that applies to the parent parcel and is plotted and shown. Does not affect the Lease Area, Access and Utility Easement or 15 foot wide Utility Easement.**

(9) Grant of Temporary Easement in favor of The Forest Preserve District of DuPage County, Illinois, a body politic and corporate, set forth in instrument recorded on 10/09/1987 in Instrument No. R87-148534. **This easement expired in 1989, does not apply.**

SURVEYED FOR:

Edge
Consulting Engineers, Inc.
624 Water Street
Prairie du Sac, WI 53578
608.644.1449 voice
608.644.1549 fax
www.edgeconsult.com

SURVEYED FOR:

verticalbridge

750 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

MERIDIAN SURVEYING, LLC
N9637 Friendship Drive Office: 920-993-0881
Kaukauna, WI 54130 Fax: 920-273-6037

SITE NAME:
LAKEVIEW

SITE NUMBER:
US-IL-5657

SITE ADDRESS:
SPRING VALLEY DR.
MEDINAH, IL 60157

PROPERTY OWNER:
MEDINAH SPRING
VALLEY LAKE INC.
PO BOX 564
MEDINAH, IL 60157

PARCEL NO.: 02-14-203-001

ZONED: R

SURVEY PLAT
FOR
VB BTS II, LLC.

LOT 171 OF BRANIGAR'S MEDINAH SPRING VALLEY, LOCATED IN NW1/4 OF SECTION 14, T.40N., R.10E., OF THE 3rd P.M., DUPAGE COUNTY, ILLINOIS

NO.	DATE	DESCRIPTION	BY
10	2/28/23	Revised Easement	JD
9	7/13/22	Revised Easement	JB
8	12/14/21	Added Existing Easement Info	JB
7	9/30/21	Added Benchmark Info	JB
6	2/25/21	Added New FEMA Info	JB
5	12/10/18	Added Text	JB

DRAWN BY: J.B.	FIELD WORK DATE: 10-24-18
CHECKED BY: C.A.K.	FIELD BOOK: M-49, PG 49
JOB NO.: 10702	SHEET 3 OF 3

DYKEMA GOSSETT PLLC
DISBURSEMENT ACCOUNT
4200 COMMERCE CT., SUITE 300
LISLE, IL 60532

2-88

Bank of America
Chicago, Illinois

1166

2-3/710 IL GLOBL

Details on Back. Security Features Included

DATE March 14, 2023

PAY Five Hundredd and 00/100ths---------- DOLLARS $ 500.00

TO THE ORDER OF
Bloomingdale Township Road District
6N030 Rosedale Avenue
Bloomingdale, IL 60108

[redacted]

MP

[redacted]

DYKEMA GOSSETT PLLC
DISBURSEMENT ACCOUNT
LISLE, IL 60532

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW. IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DATE	DESCRIPTION	AMOUNT
03/14/2023	Vertical Bridge 121815-000001 VB BTS II, LLC Entrance Permit Bond	$500.00

A2

Permit Case No. 2023-49

GROUP EXHIBIT 2

DocuSign Envelope ID: BABC3B84-7A0F-42A1-AC80-F26331CE3463

12824122

Form **LLC-45.5**
May 2018

Secretary of State
Department of Business Services
Limited Liability Division
501 S. Second St., Rm. 351
Springfield, IL 62756
217-524-8008
www.cyberdriveillinois.com

Payment must be made by certified check, cashier's check, Illinois attorney's check, C.P.A.'s check or money order payable to Secretary of State. If check is returned for any reason this filing will be void.

Illinois
Limited Liability Company Act

Application for Admission to Transact Business

SUBMIT IN DUPLICATE
Type or print clearly.

Filing Fee: $150
Penalty: $ 2500
Approved: me

FILE #

This space for use by Secretary of State.

FILED
MAR 2 1 2023
ALEXI GIANNOULIAS
SECRETARY OF STATE

1. Limited Liability Company name (see Note 1): VB BTS II, LLC

2. Assumed name: _____
(This item is only applicable if the company name in item 1 is not available for use in Illinois, in which case form LLC 1.20 must be completed and submitted with this application.)

3. Jurisdiction of organization: Delaware

4. Date of organization: 6/8/2022

5. Period of duration: Perpetual
(Enter perpetual unless there is a date of dissolution provided in the agreement, in which case enter that date.)

6. Address of the principal place of business: (P.O. Box alone or c/o is unacceptable.)

750 Park of Commerce Drive, Suite 200
Number Street Suite #

Boca Raton, FL 33487
City State ZIP

7. Registered agent: COGENCY GLOBAL INC.
First Name Middle Name Last Name

Registered office: 600 South Second Street, Suite 404
(P.O. Box alone or c/o is unacceptable.)
Number Street Suite #

Springfield IL 62704
City ZIP

Note: The registered agent must reside in Illinois. If the agent is a business entity, it must be authorized to act as agent in this state.

8. If applicable, date on which company first conducted business in Illinois: November 15, 2022

(continued on back)

LLC-45.5

9. Purpose(s) for which the company is organized and proposes to conduct business in Illinois (see Note 2):

Construct, operate and maintain telecommunications facilities.

10. The Limited Liability Company: (check one)

☒ is managed by the **manager(s)** or ☐ has management vested in the **member(s):**

11. List names and business addresses of all managers and any member with the authority of manager:

Daniel Marinberg 750 Park of Commerce Drive, Suite 200 Boca Raton, FL 33487

12. The Illinois Secretary of State is hereby appointed the agent of the Limited Liability Company for service of process under circumstances set forth in subsection (b) of Section 1-50 of the Illinois Limited Liability Company Act.

13. **This application is accompanied by a Certificate of Good Standing or Existence, duly authenticated within the last 60 days, by the officer of the state or country wherein the LLC is formed.**

14. The undersigned affirms, under penalties of perjury, having authority to sign hereto, that this application for admission to transact business is to the best of my knowledge and belief, true, correct and complete.

Dated: March 20, 2023
Month, Day, Year

[redacted]
2FEE49A5F4E8420...
Signature

Daniel Marinberg, Manager
Name and Title (type or print)

If applicant is signing for a company or other entity, state name of company or entity.

Note 1: The name must contain the term Limited Liability Company, LLC or L.L.C. The name cannot contain any of the following terms: "Corporation," "Corp." "Incorporated," "Inc.," "Ltd.," "Co.," "Limited Partnership" or "L.P." However, a limited liability company that will provide services licensed by the Illinois Department of Financial and Professional Regulation must instead contain the term Professional Limited Liability Company, PLLC or P.L.L.C. in the name.

Note 2: A professional limited liability company must state the specific professional service or related professional services to be rendered by the professional limited liability company.

DocuSign

Certificate Of Completion

Envelope Id: BABC3B847A0F42A1AC80F26331CE3463
Subject: Complete with DocuSign: Prepared Illinois Qualification - VB BTS II, LLC.pdf
SiteTracker Project ID:
Source Envelope:
Document Pages: 2
Certificate Pages: 1
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-05:00) Eastern Time (US & Canada)

Signatures: 1
Initials: 0

Status: Completed

Envelope Originator:
Brandy Hill
750 Park of Commerce Drive
Boca Raton, FL 33487
Brandy.Hill@verticalbridge.com
IP Address: 76.229.128.185

Record Tracking

Status: Original
3/20/2023 1:28:13 PM

Holder: Brandy Hill
Brandy.Hill@verticalbridge.com

Location: DocuSign

Signer Events	Signature	Timestamp
Dan Marinberg dan.marinberg@verticalbridge.com SVP & General Counsel Vertical Bridge Holdings Security Level: Email, Account Authentication (None)	DocuSigned by: Dan Marinberg 2FEE49A3F4E8420...	Sent: 3/20/2023 1:29:55 PM Viewed: 3/20/2023 1:30:30 PM Signed: 3/20/2023 1:30:34 PM
	Signature Adoption: Pre-selected Style Using IP Address: 64.152.139.150	

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	**Status**	**Timestamp**
Agent Delivery Events	**Status**	**Timestamp**
Intermediary Delivery Events	**Status**	**Timestamp**
Certified Delivery Events	**Status**	**Timestamp**
Carbon Copy Events	**Status**	**Timestamp**
Witness Events	**Signature**	**Timestamp**
Notary Events	**Signature**	**Timestamp**

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	3/20/2023 1:29:55 PM
Certified Delivered	Security Checked	3/20/2023 1:30:30 PM
Signing Complete	Security Checked	3/20/2023 1:30:34 PM
Completed	Security Checked	3/20/2023 1:30:34 PM

Payment Events	Status	Timestamps

Office of the Secretary of State
ilsos.gov

Corporation/LLC Search/Certificate of Good Standing

LLC File Detail Report

File Number	12824122
Entity Name	VB BTS II, LLC
Status	ACTIVE

Entity Information

Principal Office
750 PARK OF COMMERCE DR. STE 200
BOCA RATON, FL 334870000

Entity Type
LLC

Type of LLC
Foreign

Organization/Admission Date
Tuesday, 21 March 2023

Jurisdiction
DE

Duration
PERPETUAL

Agent Information

Name
COGENCY GLOBAL INC.

Address
600 SOUTH SECOND ST, SUITE 404
SPRINGFIELD , IL 62704

Change Date
Tuesday, 21 March 2023

Annual Report

For Year

Filing Date
00/00/0000

Managers

Name
Address
DANIEL MARINBERG
750 PARK OF COMMERCE DR. STE 200
BOCA RATON, FL 334870000

Series Name

NOT AUTHORIZED TO ESTABLISH SERIES

Return to Search

File Annual Report

Adopting Assumed Name

Articles of Amendment Effecting A Name Change

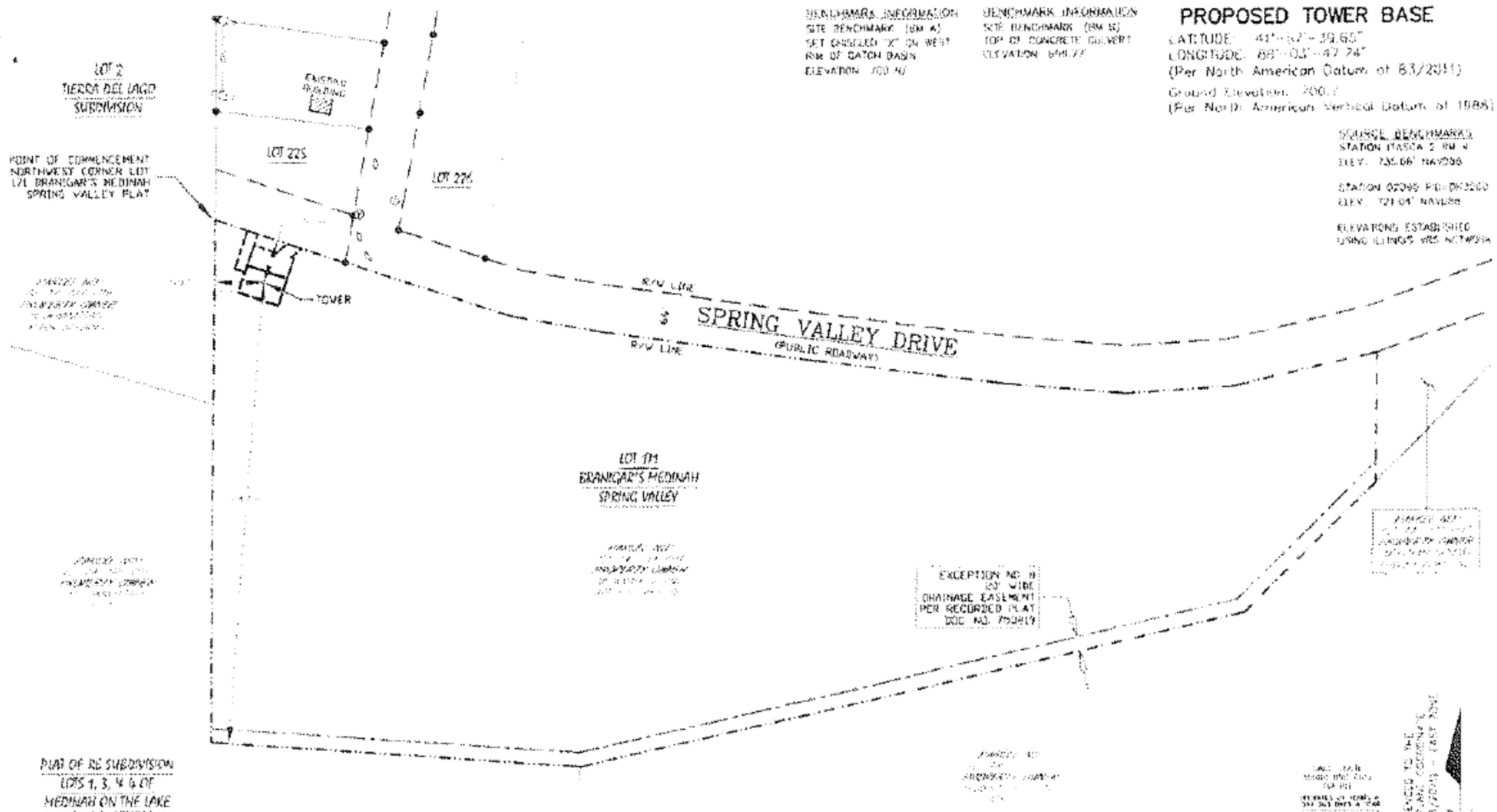
Change of Registered Agent and/or Registered Office

(One Certificate per Transaction)

This information was printed from www.ilsos.gov, the official website of the Illinois Secretary of State's Office. Mon Apr 10 2023

Permit Case No. 2023-49

GROUP EXHIBIT 3



BENCHMARK INFORMATION

SITE BENCHMARK (BM A)
SET CHISELED "X" ON WEST RIM OF CATCH BASIN
ELEVATION 700.40

BENCHMARK INFORMATION

SITE BENCHMARK (BM B)
TOP OF CONCRETE CULVERT
ELEVATION 698.77

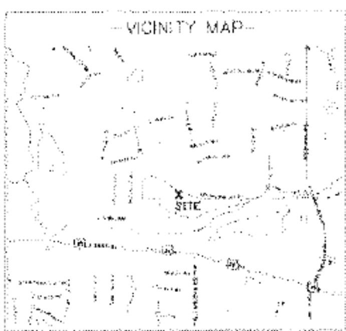
PROPOSED TOWER BASE

LATITUDE: 41°-57'-39.65"
LONGITUDE: 88°-03'-47.74"
(Per North American Datum of 83/2011)
Ground Elevation: 700.7
(Per North American Vertical Datum of 1988)

SOURCE BENCHMARKS
STATION MASCA 2 RM 4
ELEV. 735.06' NAVD88

STATION 02095 PID-DH3260
ELEV. 721.04' NAVD88

ELEVATIONS ESTABLISHED USING ILLINOIS VRS NETWORK



CERTIFICATION:

I, CRAIG A. REACH, P.L.S., A ILLINOIS PROFESSIONAL LAND SURVEYOR, LICENSE NO. 035-003528, HEREBY CERTIFY TO VERTICAL BRIDGE REIT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SUBSIDIARIES, AND THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS, TORONTO DOMINION (TEXAS) LLC, AS ADMINISTRATIVE AGENT, FOR ITSELF AND ON BEHALF OF THE LENDERS PARTIES FROM TIME TO TIME TO THAT CERTAIN SECOND AMENDED AND RESTATED LOAN AGREEMENT DATED JUNE 17, 2016 WITH VERTICAL BRIDGE HOLDCO, LLC, AS BORROWER, AND VERTICAL BRIDGE HOLDCO PARENT, LLC, AS PARENT, AS MAY BE AMENDED, RESTATED, MODIFIED OR RENEWED, THEIR SUCCESSORS AND ASSIGNS AS THEIR INTERESTS MAY APPEAR, AND FIDELITY NATIONAL TITLE INSURANCE COMPANY.

THIS SURVEYOR HAS RECEIVED AND REVIEWED THAT CERTAIN TITLE COMMITMENT NO. [illegible] ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF OCTOBER 10, 2018 WHICH PROPOSES TO INSURE THE LANDS DESCRIBED UNDER ITS SCHEDULE A.

—LEGEND—

- = 1" X 18" IRON PIPE SET
- = 1" IRON PIPE FOUND
- = 6" NAIL SET
- = EXISTING POWER POLE
- = GAS VALVE
- = STORM INLET
- = SIGN
- = WOOD LATH
- = OVERHEAD ELECTRIC
- = BURIED GAS LINE
- = PROPERTY LINE
- = EXISTING TREES

PROFESSIONAL LAND SURVEYOR — STATE OF ILLINOIS (seal)

PROPERTY DETAIL
NOT TO SCALE

CALL JULIE — Call Before You Dig

BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM (NAD 83/2011) — EAST ZONE

SURVEYOR'S CERTIFICATE

I, Craig A. Reach, Illinois Professional Land Surveyor of Meridian Surveying, LLC, certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

Dated this 30th day of SEPTEMBER 2021

[redacted]

[illegible] LICENSE EXPIRES NOV 30 2022

DESIGN FIRM PROFESSIONAL LICENSE NO. [illegible]
LICENSE EXPIRES APRIL 30 2023

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY

SURVEYED FOR:

Edge
Consulting Engineers, Inc.
624 Water Street
Prairie du Sac, WI 53578

SURVEYED FOR:

verticalbridge
750 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

MERIDIAN
SURVEYING, LLC
N8637 Friendship Drive, Kaukauna, WI 54130 — Office 920-993-0881 — Fax 920-273-6037

SITE NAME:
LAKEVIEW

SITE NUMBER:
US-IL-5657

SITE ADDRESS:
SPRING VALLEY DR.
MEDINAH, IL 60157

PROPERTY OWNER:
MEDINAH SPRING VALLEY LAKE INC.
PO BOX 564
MEDINAH, IL 60157

PARCEL NO.: 02-14-203-001

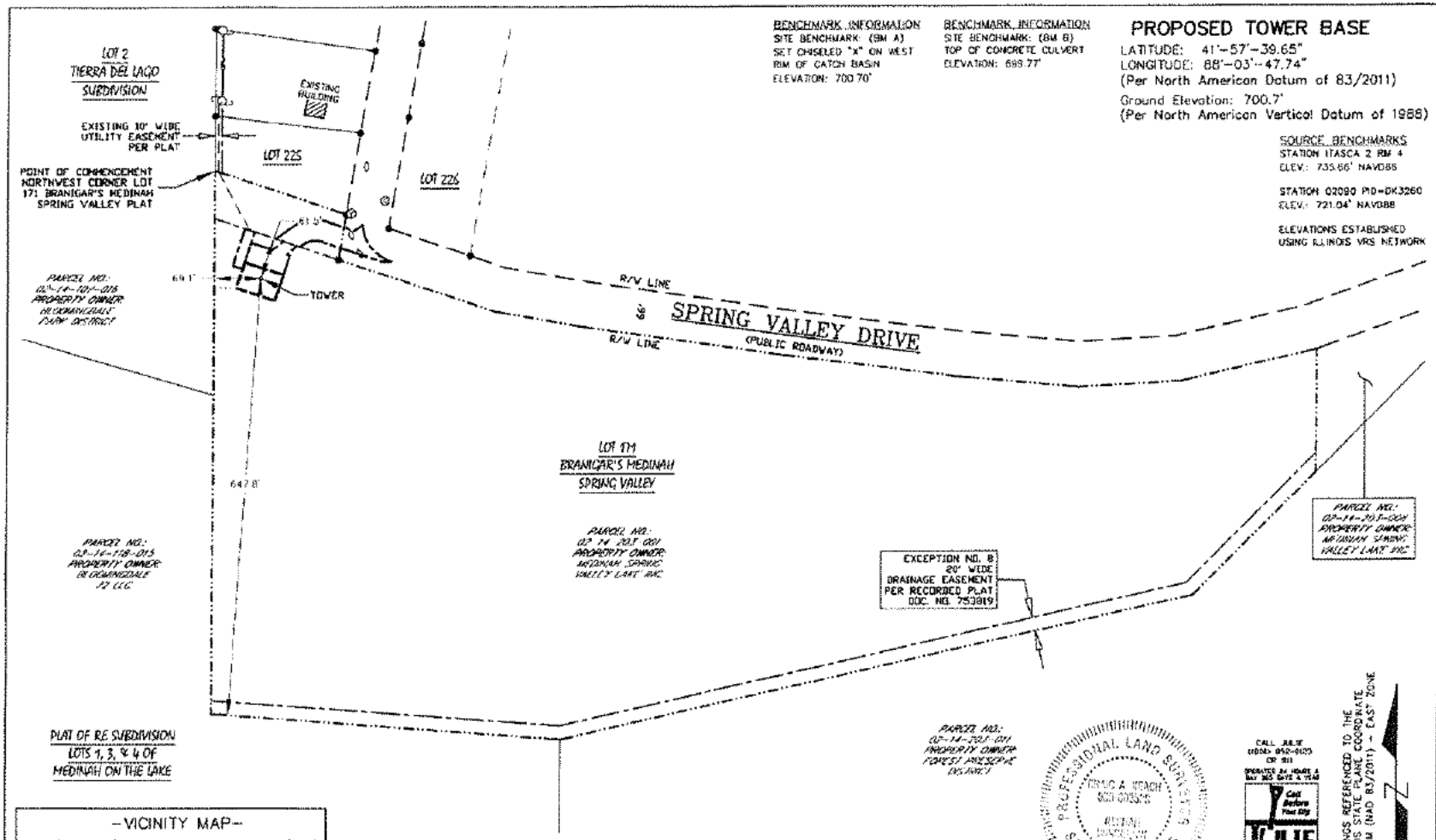
ZONED: R

SURVEY PLAT
FOR
VERTICAL BRIDGE DEVELOPMENT, LLC
LOT 171 OF BRANIGAR'S MEDINAH SPRING VALLEY, LOCATED IN NW1/4 OF SECTION 14, T.40N., R.10E., OF THE 3rd P.M., DUPAGE COUNTY, ILLINOIS

NO.	DATE	DESCRIPTION	BY
7	9/30/21	Added Benchmark info	JG
6	2/25/21	Added New FEMA Info	JB
5	12/10/18	Added Text	JG
4	11/26/18	Revised Tower, Lease & Esmt	JG
3	11/21/18	Added Title Report	JG

DRAWN BY	[illegible]	FIELDWORK DATE	10-24-18
CHECKED BY	[illegible]	FIELD BOOK	N 49, PG 49
JOB NO.	[illegible]	SHEET	1 OF 1

EXHIBIT E



BENCHMARK INFORMATION
SITE BENCHMARK: (BM A)
SET CHISELED "X" ON WEST RIM OF CATCH BASIN
ELEVATION: 700.70'

BENCHMARK INFORMATION
SITE BENCHMARK: (BM B)
TOP OF CONCRETE CULVERT
ELEVATION: 699.77'

PROPOSED TOWER BASE

LATITUDE: 41°-57'-39.65"
LONGITUDE: 88°-03'-47.74"
(Per North American Datum of 83/2011)
Ground Elevation: 700.7'
(Per North American Vertical Datum of 1988)

SOURCE BENCHMARKS
STATION ITASCA 2 RM 4
ELEV.: 735.66' NAVD88

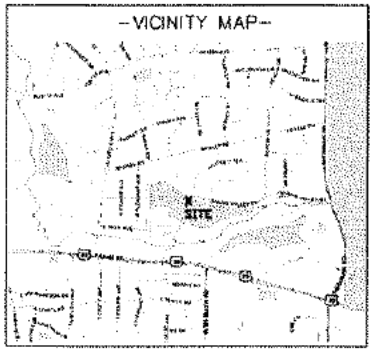
STATION 02090 PID=DK3260
ELEV.: 721.04' NAVD88

ELEVATIONS ESTABLISHED USING ILLINOIS VRS NETWORK

BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM (NAD 83/2011) - EAST ZONE

CALL JULIE (800) 892-0123 OR 811
OPERATES 24 HOURS A DAY, 365 DAYS A YEAR
Call Before You Dig
JULIE ILLINOIS ONE-CALL SYSTEM

-VICINITY MAP-



CERTIFICATION:

I, CRAIG A. KEACH, PLS, A ILLINOIS PROFESSIONAL LAND SURVEYOR, LICENSE NO. 035-003528, HEREBY CERTIFY TO: VERTICAL BRIDGE REIT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SUBSIDIARIES, AND THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS; TORONTO DOMINION (TEXAS) LLC, AS ADMINISTRATIVE AGENT, FOR ITSELF AND ON BEHALF OF THE LENDERS PARTIES FROM TIME TO TIME TO THAT CERTAIN SECOND AMENDED AND RESTATED LOAN AGREEMENT DATED JUNE 17, 2016 WITH VERTICAL BRIDGE HOLDCO, LLC, AS BORROWER, AND VERTICAL BRIDGE HOLDCO PARENT, LLC, AS PARENT, AS MAY BE AMENDED, RESTATED, MODIFIED OR RENEWED, THEIR SUCCESSORS AND ASSIGNS AS THEIR INTERESTS MAY APPEAR; AND FIDELITY NATIONAL TITLE INSURANCE COMPANY.

THIS SURVEYOR HAS RECEIVED AND REVIEWED THAT CERTAIN TITLE COMMITMENT NO. 28051142 ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF OCTOBER 10, 2018 WHICH PROPOSES TO INSURE THE LANDS DESCRIBED UNDER ITS SCHEDULE A.

-LEGEND-

- ○ = 1" X 18" IRON PIPE SET
- ● = 1" IRON PIPE FOUND
- □ = 6" NAIL SET
- = EXISTING POWER POLE
- ⊗ = GAS VALVE
- ⊙ = STORM INLET
- ◊ = SIGN
- = WOOD LATH
- OHL = OVERHEAD ELECTRIC
- G = BURIED GAS LINE
- = PROPERTY LINE
- = EXISTING TREE

PROPERTY DETAIL
NOT TO SCALE

SURVEYOR'S CERTIFICATE

I, Craig A. Keach, ILLINOIS Professional Land Surveyor of Meridian Surveying, LLC, certify that I have surveyed the described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

[redacted]

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003528
LICENSE EXPIRES NOVEMBER 30, 2024

DESIGN FIRM PROFESSIONAL LICENSE NO. 184.008869
LICENSE EXPIRES APRIL 30, 2023

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SURVEYED FOR:
Edge
Consulting Engineers, Inc.
524 Water Street
Prairie du Sac, WI 53578
608.644.1469 voice
608.644.1549 fax
www.edgeconsult.com

SURVEYED FOR:
verticalbridge
750 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

MERIDIAN
SURVEYING, LLC
W6637 Friendship Drive Office: 920-993-0881
Reedsburg, WI 53959 Fax: 920-273-6037

SITE NAME:
LAKEVIEW

SITE NUMBER:
US-IL-5657

SITE ADDRESS:
SPRING VALLEY DR.
MEDINAH, IL 60157

PROPERTY OWNER:
MEDINAH SPRING
VALLEY LAKE INC
PO BOX 564
MEDINAH, IL 60157

PARCEL NO.: 02-14-203-001

ZONED: R

SURVEY PLAT
FOR
VB BTS II, LLC.
LOT 171 OF BRANIGAR'S MEDINAH SPRING VALLEY, LOCATED IN NW1/4 OF SECTION 14, T.40N., R.10E., OF THE 3rd P.M., DUPAGE COUNTY, ILLINOIS

NO.	DATE	DESCRIPTION	BY
10	2/28/23	Revised Easement	JD
9	7/13/22	Revised Easement	JB
8	12/14/21	Added Existing Easement Info	JB
7	9/30/21	Added Benchmark Info	JB
6	2/25/21	Added New FEMA Info	JB
5	12/10/18	Added Text	JB

DRAWN BY: J.B.	FIELD WORK DATE: 10-24-18
CHECKED BY: C.A.K.	FIELD BOOK: M-49, PG 49
JOB NO.: 10702	SHEET 1 OF 3

EXHIBIT 4

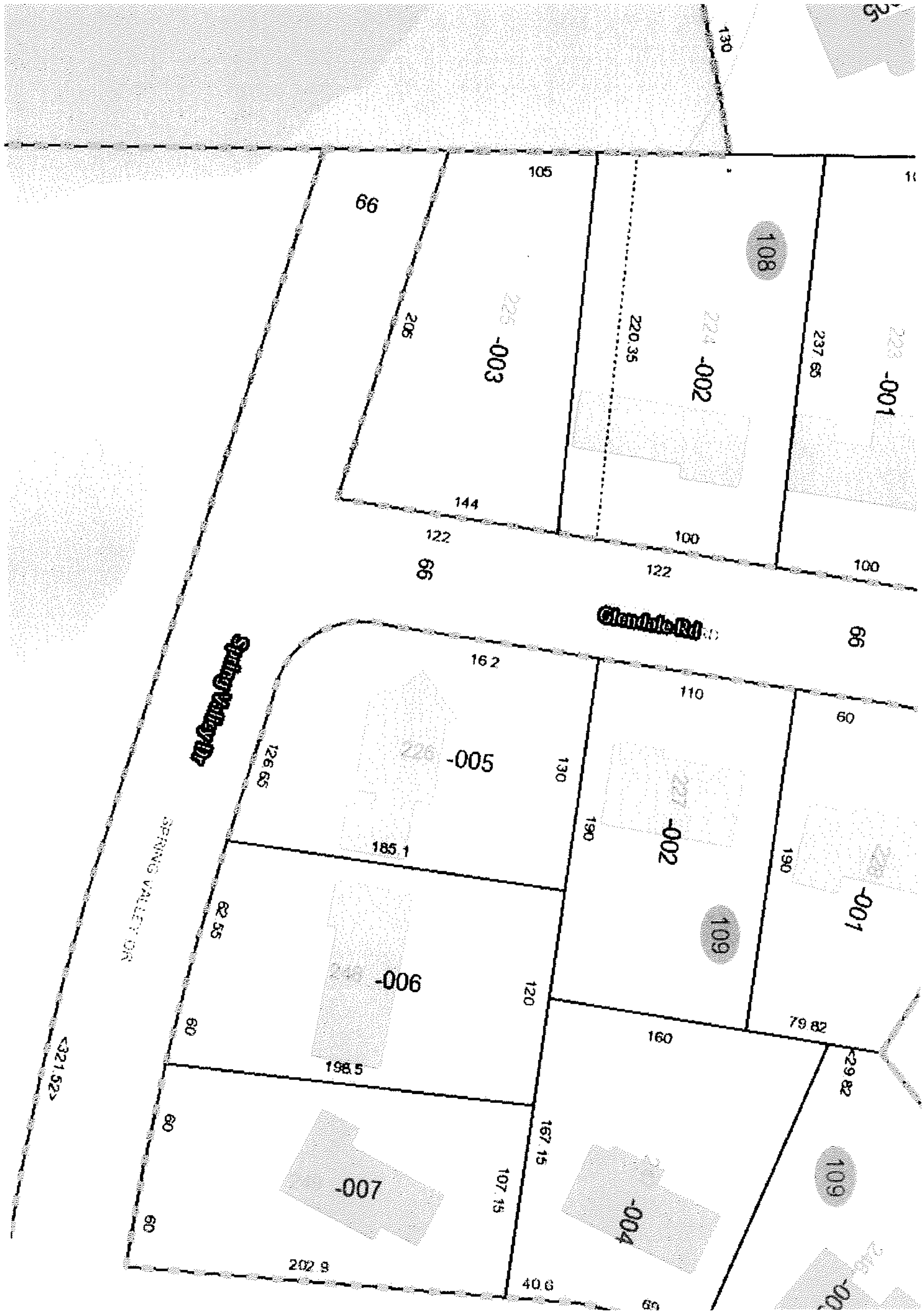

Glendale Rd
Spring Valley Dr
SPRING VALLEY DR
-001
-002
-003
-004
-005
-006
-007
108
109
66
105
206
220.35
237.65
144
122
100
16.2
110
60
126.65
130
190
185.1
82.55
120
160
79.82
198.5
167.15
107.15
202.9
40.6
<321.52>
<29.82

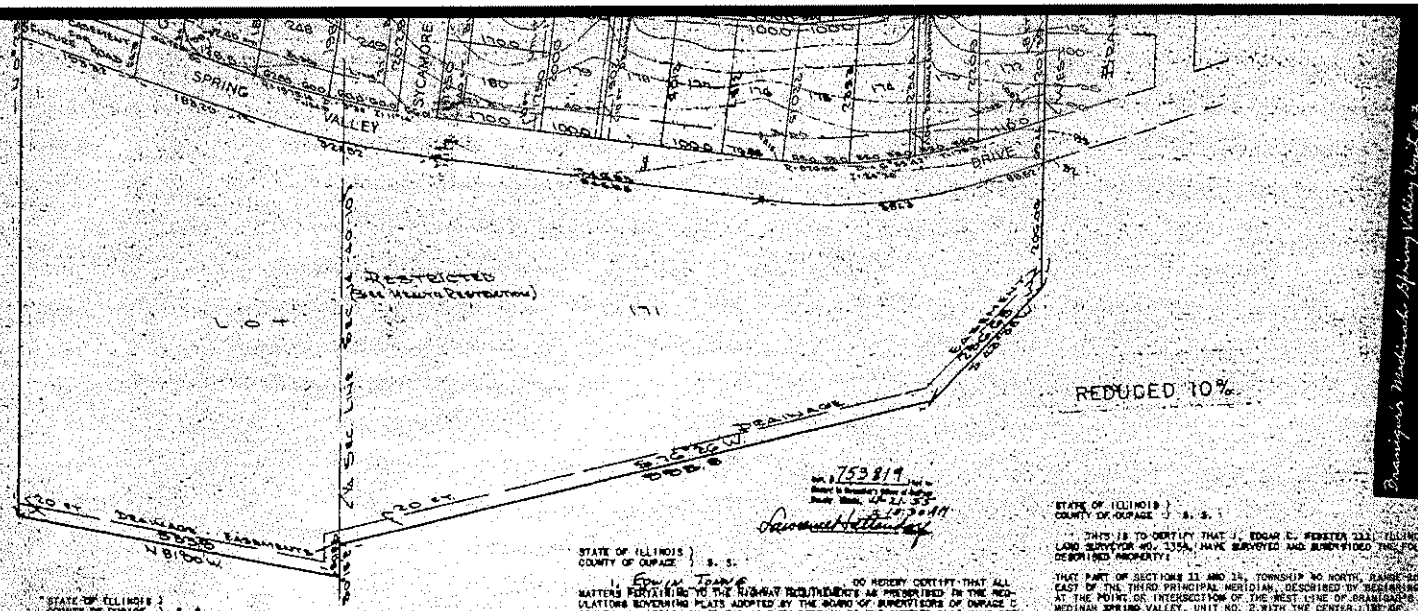
EXHIBIT 5

BRANIGAR'S MEDINAH SPRING VALLEY

UNIT NO. THREE

A SUBDIVISION OF PART OF SECTIONS 23 AND 24, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

REDUCED 10%


SPRING
VALLEY
SYCAMORE
DRIVE
Restricted
(See Written Restriction)
Easement
Easement
20 FT. DRAINAGE EASEMENT
20 FT. DRAINAGE EASEMENT
S 89° 56' W
S 89° 56' W
N 89° 56' E
N 89° 56' E
S 0° 35' W
S 0° 35' W
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S 0° 35' W

Permit Case No. 2023-49

EXHIBIT 6

OFFICIAL ENTRY IN THE PUBLIC RECORDS OF THE DISTRICT CLERK

Pursuant to section 6-315 of the Illinois Highway Code, there has been a dedication of certain property for public road purposes to Bloomingdale Township concerning any and all highways and roads and future highways and roads whether identified by highway or road name, referenced as an easement or otherwise identified in the plats of subdivision attached hereto and incorporated herein as Exhibit A, which dedication is according to the intent of statutory requirements.

Such dedications have been accepted by Bloomingdale Township and are further established by Bloomingdale Township's maintenance and repair activities as well as other Bloomingdale Township records indicating ownership attached as Group Exhibit B and incorporated herein.

Such dedications are additionally established by Bloomingdale Township's acceptance of motor fuel tax proceeds, GIS boundary line maps, and professional surveyor records indicating property line boundaries of lots, which materials are attached as Group Exhibit C and incorporated herein.

Dated this 17th Day of February, 2023

BLOOMINGDALE TOWNSHIP CLERK,
ex-officio Clerk of the Bloomingdale
Township Road District

[redacted]

Branka Poplonski

EXHIBIT A

Addendum to Clerk's Notice of Adoption of Roads Pursuant to Section 6-315 of the Highway Code

All roads, easements, highways, rights of way, and other items dedicated to Bloomingdale Township listed in the Plat book maintained at the Bloomingdale Township Highway Department, including but not limited to the plats listed below:

R1873-017251
Subdivision Name:
Lewis Farm Sub.

R1923-162849
Subdivision Name:
Woodworth Add. Owners Div.

R1925-199480
Subdivision Name:
Owners' Assmt. Plat 1

R1925-199481
Subdivision Name:
Owners' Assmt. Plat 2

R1925-199481
Subdivision Name:
Owners' Assmt. Plat 2

R1925-199482
Subdivision Name:
Owners' Assmt. Plat 3

R1927-245664
Subdivision Name:
Seven Oaks Sub.

R1928-265625
Subdivision Name:
Forest View Estates

R1932-328341
Subdivision Name:
Keeney's Lake St. Farms

R1934-346220
Subdivision Name:
Co. Clerk's Assmt. Div. Pt. N 1/2 Sec. 10

R1936-368194
Subdivision Name:
Keeney's Lake St. Farms, 1st Add.

R1939-406589
Subdivision Name:
Lies Homesites

R1940-412900
Subdivision Name:
Pleasant Hill Gardens Sub.

R1940-412900
Subdivision Name:
Pleasant Hill Gardens Sub.

R1941-420934
Subdivision Name:
Ritter's Div.

R1946-493608
Subdivision Name:
Bloomingdale Twp. Supervisor's A.P. 3

R1946-498103
Subdivision Name:
Henry Siems Farm Assmt. Plat 1

R1946-500287
Subdivision Name:
William A. Fenz' Country View Acres

R1946-500295
Subdivision Name:
Roselle Countryside

R1946-510851
Subdivision Name:
Blecke's Resub. of Pt. Army Trail Ests.

R1947-514195
Subdivision Name:
Rosenwinkel's Plat

R1947-518433
Subdivision Name:
Dave Carlino's Survey

R1947-519683
Subdivision Name:
Old Army Trail Estates

R1947-519683
Subdivision Name:
Old Army Trail Estates

R1947-533902
Subdivision Name:
Medinah Lake Estates

R1947-533902
Subdivision Name:
Medinah Lake Estates

R1948-551835
Subdivision Name:
Roselle Countryside 2nd Add.

R1948-556280
Subdivision Name:
Roselle Countryside 1st Add.

R1949-561388
Subdivision Name:
Henry Siems Farm Assmt. Plat 4

R1949-570333
Subdivision Name:
Bojens' Survey

R1951-618946
Subdivision Name:
R. Szapranko's Survey

R1951-639053
Subdivision Name:
Branigar's Medinah Terr. Unit 2

R1951-639344
Subdivision Name:
Itasca Ranchettes

R1953-694669
Subdivision Name:
Branigar's Brookwood

R1953-695560
Subdivision Name:
Walter Plass Survey

R1953-701129
Subdivision Name:
Branigar's Medinah Hills Unit 3

R1953-704124
Subdivision Name:
Marquardt's Assmt. Plat

R1953-704125
Subdivision Name:
Itasca Ranchettes 2nd Add.

R1954-715780
Subdivision Name:
Branigar's Brookwood Unit 2

R1954-716553
Subdivision Name:
Branigar's Medinah Spring Valley Unit 1

R1954-730223
Subdivision Name:
Branigar's Medinah Spring Valley Unit 2

R1955-753819
Subdivision Name:
Branigar's Medinah Spring Valley Unit 3

R1955-762440
Subdivision Name:
Branigar's Medinah Spring Valley Unit 4

R1955-765253
Subdivision Name:
William Stock's Survey of Lot 3 of Army Trail Est.

R1955-765974
Subdivision Name:
Harold Brundage Plat Survey
R1955-767242
Subdivision Name:
Lilac Hedge Sub.

R1956-797015
Subdivision Name:
Skyline Estates Unit 1

R1956-805032
Subdivision Name:
Skyline Estates Unit 2

R1956-805820
Subdivision Name:
McIntosh Bros., Inc. Fairway Park

R1956-813143
Subdivision Name:
Edward Kvavli's A.P. Lot A, Stebens Survey

R1956-817194
Subdivision Name:
Skyline Estates Unit 3

R1956-824492
Subdivision Name:
Hillcrest Woods

R1956-824493
Subdivision Name:
Hillcrest Woods Unit 2

R1957-832068
Subdivision Name:
Hillcrest Medinah Countryside Estates

R1957-845932
Subdivision Name:
Hillcrest Woods Unit 3

R1957-854545
Subdivision Name:
Medinah Country Estates Unit 2

R1958-905242
Subdivision Name:
H.S. Brundage's A.P. of Pt. Sec. 24

R1959-908082
Subdivision Name:
Kammes Industrial Park

R1959-937468
Subdivision Name:
Branigar's Medinah Spring Hills Unit 2

R1959-937468
Subdivision Name:
Branigar's Medinah Spring Hills Unit 2

R1959-940450
Subdivision Name:
Medinah Country Estates Resub.

R1959-947924
Subdivision Name:
Army Trail Assmt. Plat

R1960-958849
Subdivision Name:
Branigar's Greenwood Valley

R1960-965783
Subdivision Name:
Acre View Estates

R1960-965783
Subdivision Name:
Acre View Estates

R1960-980939
Subdivision Name:
Branigar's Medinah Spring Hills Unit 4

R1960-980939
Subdivision Name:
Branigar's Medinah Spring Hills Unit 4

R1962-007991
Subdivision Name:
Branigar's Brookwood Unit 3

R1963-017076
Subdivision Name:
Branigar's Brookwood, Resub. Lot 8 Block 1

R1963-037045
Subdivision Name:
Moty's Partition Plat

R1969-027847
Subdivision Name:
Nelson-Good Sub.

R1972-038399
Subdivision Name:
Walnut Ct. Sub. 10-40-10

R1973-009610
Subdivision Name:
Kowaliuk's Assmt. Plat

R1973-041816
Subdivision Name:
Medinah Baptist Church A.P.

R1976-065396
Subdivision Name:
Co. Clerk, R.W. MacDonald, Kowaczyk A.P

R1976-065396
Subdivision Name:
Co. Clerk, R.W. MacDonald, Kowaczyk A.P

R1978-043450
Subdivision Name:
Annoreno-Irmen Medinah Ests. Unit 4

R1979-032295
Subdivision Name:
Mallard Lake East

R1982-053746
Subdivision Name:
Lake St. Commercial Sub.

R1995-066781
Subdivision Name:
Agatep's A.P.

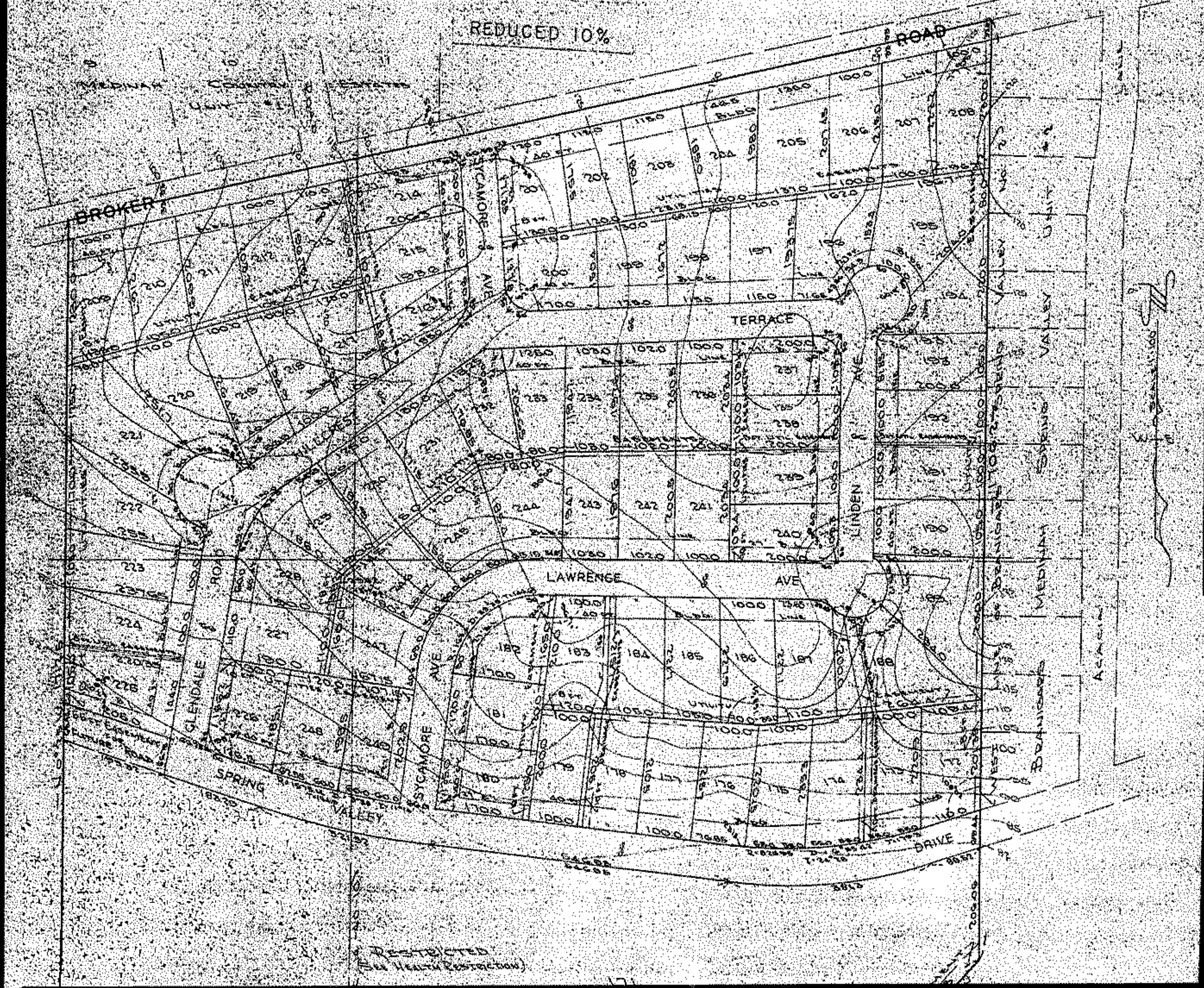
R2008-043277
Subdivision Name:
Johnson's Resub.

R2019-052000
Subdivision Name:
Bloomingdale Estates Sub.

BRANIGAR'S MEDINAH SPRING VALLEY

UNIT NO. THREE

A SUBDIVISION OF PART OF SECTIONS 13 AND 14, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

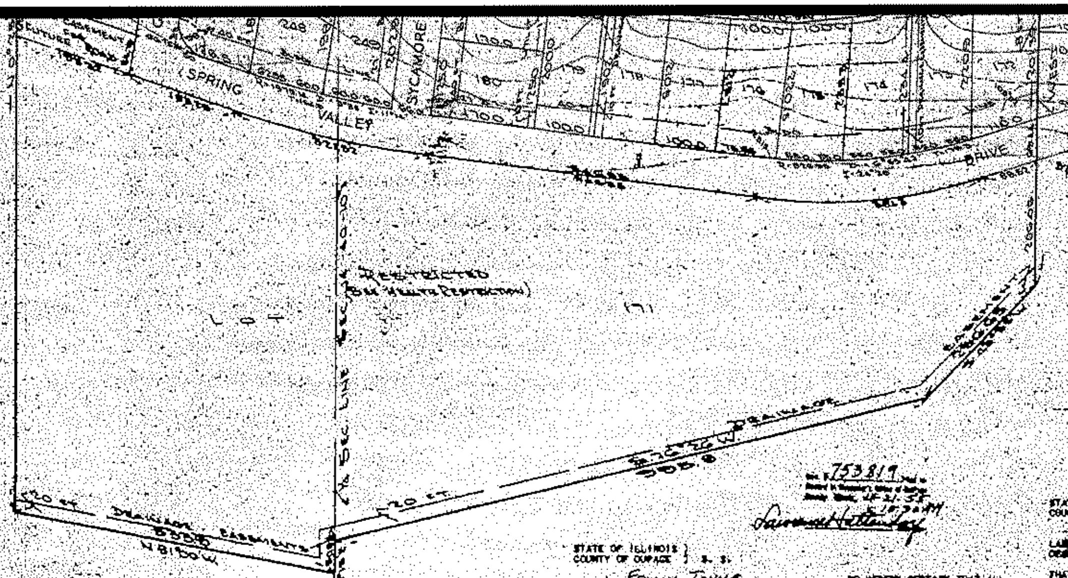


For balance of Plat see Page 101 "A"

For Vac. of Drainage Easement see Doc.# 777591 Plat Book 34 Page

Doc. # 753819
Page 101

Branigar's Medinah Spring Valley Unit #3



REDUCED 10%

Doc. # 753819 Filed in Recorder's Office of DuPage County, Illinois 4-21-55 [illegible]
Lawrence Hattendorf

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

THIS IS TO CERTIFY THAT "THE BRANIGAR ORGANIZATION, INC." IS THE OWNER OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED AT BENSENVILLE, ILLINOIS, THIS 12th DAY OF April A. D. 1955.

THE BRANIGAR ORGANIZATION, INC.

BY: H. W. Branigar Jr. PRESIDENT.

ATTEST: [illegible] SECRETARY.

STATE OF ILLINOIS }
COUNTY OF ~~DUPAGE~~ COOK } S. S.

I, Walter H. Schwarz, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT H. W. BRANIGAR JR. AND W. J. BOGOTT, PRESIDENT AND SECRETARY, RESPECTIVELY, OF THE BRANIGAR ORGANIZATION, INC., PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH PRESIDENT AND SECRETARY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND THE SAID SECRETARY DID ALSO THEN AND THERE ACKNOWLEDGE THAT HE AS CUSTODIAN OF THE CORPORATE SEAL OF SAID CORPORATION, DID AFFIX SAID CORPORATE SEAL TO SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL AT Bensenville, ILLINOIS, THIS 12 DAY OF April A. D. 1955.

Walter H. Schwarz
NOTARY PUBLIC.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

I, CLARENCE V. RADEMANN, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY COURT AT WHEATON, ILLINOIS, THIS 22 DAY OF APRIL A. D. 1955.

[illegible]
COUNTY CLERK.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

I, Edwin Towne, DO HEREBY CERTIFY THAT ALL MATTERS PERTAINING TO THE HIGHWAY REQUIREMENTS AS PRESCRIBED IN THE REGULATIONS GOVERNING PLATS ADOPTED BY THE BOARD OF SUPERVISORS OF DUPAGE COUNTY, ILLINOIS, IN SO FAR AS THEY PERTAIN TO THE ANNEXED PLAT HAVE BEEN COMPLIED WITH.

DATED THIS 18th DAY OF April A. D. 1955.

Edwin Towne
BLOOMINGDALE TOWNSHIP HIGHWAY COMMISSIONER.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

I, O. E. DOLD, COUNTY SUPERINTENDENT OF HIGHWAYS, OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ANNEXED PLAT HAS BEEN EXAMINED BY ME AND FOUND TO COMPLY WITH THE HIGHWAY REQUIREMENTS AS SET FORTH IN THE REGULATIONS GOVERNING PLATS OF SUBDIVIDED LAND ADOPTED BY THE BOARD OF SUPERVISORS OF DUPAGE COUNTY, ILLINOIS.

DATED AT WHEATON, ILLINOIS, THIS 18th DAY OF April A. D. 1955.

O. E. Dold
COUNTY SUPERINTENDENT OF HIGHWAYS.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

APPROVED THIS 19 DAY OF [illegible] A. D. 1955.

DUPAGE COUNTY ZONING COMMITTEE.

BY: [illegible] CHAIRMAN.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

APPROVED THIS 18th DAY OF April A. D. 1955, SUBJECT TO THE FOLLOWING HEALTH RESTRICTIONS.

1. DUE TO THE ROLLING TERRAIN OF THIS SUBDIVISION THE RIGHT IS RESERVED BY THIS DEPARTMENT TO REQUIRE ENGINEERING DESIGN AND SUPERVISION OF THE INSTALLATION OF ANY SEPTIC SYSTEM ON ANY LOT IN THIS SUBDIVISION WHERE IT IS DEEMED NECESSARY.

2. THE REQUIRED SEEPAGE AREA FOR EACH LOT WILL BE DETERMINED ON THE BASIS OF ADDITIONAL SEEPAGE TESTS TAKEN WHEN THE APPLICATION FOR A PERMIT TO INSTALL THE SEPTIC SYSTEM IS SUBMITTED TO THIS DEPARTMENT.

3. LOTS 171, 200 AND 225 ARE NOT SUITABLE FOR BUILDING PURPOSES UNTIL SUCH TIME AS THEY HAVE BEEN FILLED AND/OR DRAINED, AND ADDITIONAL SEEPAGE TESTS ARE SUBMITTED TO THIS DEPARTMENT.

DUPAGE COUNTY HEALTH DEPARTMENT.

BY: [illegible] Meyer

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

THIS IS TO CERTIFY THAT I, EDGAR E. WEBSTER III, ILLINOIS LAND SURVEYOR NO. 1356, HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF SECTIONS 11 AND 14, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE POINT OF INTERSECTION OF THE WEST LINE OF BRANIGAR'S MEDINAH SPRING VALLEY, UNIT NO. 2 WITH THE CENTER LINE OF BROKER ROAD AND RUNNING THENCE SOUTHERLY ALONG THE WEST LINE OF SAID BRANIGAR'S MEDINAH SPRING VALLEY, UNIT NO. 2, 1206.[illegible] FEET TO THE SOUTHWEST CORNER OF SAID BRANIGAR'S MEDINAH SPRING VALLEY, UNIT NO. 2; THENCE SOUTH 43° 35' WEST, 256.65 FEET; THENCE SOUTH 76° 26' WEST 995.8 FEET TO A POINT IN THE NORTH AND SOUTH QUARTER SECTION LINE OF SAID SECTION 14, [illegible] FEET SOUTH OF THE NORTH QUARTER CORNER OF SAID SECTION; THENCE SOUTH 0° 25' EAST ON SAID QUARTER SECTION LINE 50.00 FEET; THENCE NORTH 81° 0' WEST 533.9 FEET; THENCE NORTH 0° 25' WEST 1712.5 FEET MORE OR LESS, TO THE CENTER LINE OF SAID BROKER ROAD (SAID CENTER LINE BEING ALSO THE SOUTH LINE OF MEDINAH COUNTRY ESTATES, UNIT NO. 1); THENCE EASTERLY ON SAID CENTER LINE AND SOUTH LINE OF MEDINAH COUNTRY ESTATES FEET TO THE SOUTHEAST CORNER OF SAID MEDINAH COUNTRY ESTATES, UNIT NO. 1; THENCE CONTINUING EASTERLY ALONG SAID CENTER LINE FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

AS SHOWN BY THE ANNEXED PLAT WHICH IS A CORRECT AND TRUE REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF. IRON STAKES AT ALL LOT CORNERS UNLESS OTHERWISE SHOWN. DISTANCES ON CURVED LINES ARE MEASURED ON 100 FOOT CHORDS OR FRACTIONS THEREOF AS SHOWN ON THE ANNEXED PLAT, EXCEPT FOR THOSE DISTANCES SHOWN ON THE THREE CUL-DE-SACS WHICH ARE ARC MEASUREMENTS.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS ELEVENTH DAY OF APRIL, A. D. 1955.

Edgar E. Webster
ILLINOIS LAND SURVEYOR NO. 1356

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

APPROVED AND ACCEPTED THIS [illegible] DAY OF [illegible] A. D. 1955.

BOARD OF SUPERVISORS OF DUPAGE COUNTY, ILLINOIS.

BY: [illegible] CHAIRMAN.

ATTEST:

[illegible] CLERK.

For balance of plat see Page 101

Doc. # 753819
Page 101A

Book 33

GROUP EXHIBIT B

BLOOMINGDALE TOWNSHIP
SPECIAL TOWN MEETING

NOTICE IS HEREBY GIVEN

to the legal voters, residents of the **Town of Bloomingdale** in the County of DuPage and the State of Illinois, that the **Special Town Meeting** of said Town will take place on:

Wednesday, October 12, 2022
At the hour of 6:30 PM

At **Medinah Park District, 22W130 Thorndale Avenue, Medinah, Illinois** for the transaction of the miscellaneous business of the township; and after a Moderator has been elected, will proceed to hear, and consider reports of officers, and decide on such measures as may, in pursuance of law, come before the meeting, in accordance with the following agenda:

Call to order

Pledge of Allegiance

Supervisor's Comments

Elect Moderator to Conduct Meeting

Vote to Adopt Resolution to Delegate Authority to Township Board to enter into License or Lease

Comments from the Electors (Limited to 3 minutes per person)

Adjourn

Dated September 20, 2022

[redacted]
[redacted]
Town Clerk

RESOLUTION NO. 2022-10-12
ELECTORS OF BLOOMINGDALE TOWNSHIP, DuPAGE COUNTY, ILLINOIS

RESOLUTION AUTHORIZING DELEGATION OF AUTHORITY TO TOWNSHIP BOARD TO NEGOTIATE A LICENSE ON TOWNSHIP REAL PROPERTY

THIS RESOLUTION is made this 12th day of October, 2022, at a Special Township Meeting of the Electors of Bloomingdale Township, DuPage County, Illinois, duly noticed and called for, among other things, the purposes set forth herein:

WITNESSETH:

WHEREAS, the Township was approached by representatives of an entity known as Vertical Bridge seeking use of the undeveloped Western terminus of Spring Valley Drive (the "Property") as an access point to adjacent, private property; and

WHEREAS, Vertical Bridge specifically seeks the construction of an access drive on the Property to allow it access to and from that private property on which it plans to construct, maintain, and use a communications monopole; and

WHEREAS, the Bloomingdale Township Board of Trustees (the "Board"), out of respect for its residents and its obligations under the Township Code, determined granting any access rights on and across Township real property (including the delegation of that authority to the Board) requires consultation with and permission from the Township's Electors; and

WHEREAS, the Board further respected Vertical Bridge's desire to discuss this issue before the next Annual Township Meeting which is not scheduled until April 2023; and

WHEREAS, 60 ILCS 1/35-5 of the Township Code provides a Special Township Meeting shall be held when the Township Board (or at least 15 voters of the township) file a request with the Township Clerk for such a meeting; and

WHEREAS, on September 20, 2022, the Bloomingdale Township Board of Trustees (the "Board") at a duly noticed and called for regular meeting of said Board voted in the affirmative to request a Special Township Meeting to:

> Consider, discuss, and vote on the delegation of the elector power to the Township Board of Trustees to negotiate a potential agreement for the use of Township real property (the undeveloped Western terminus of Spring Valley Drive) and any related issues; and

WHEREAS, upon receiving said request from the Board, the Township Clerk provided notice of the Special Township Meeting as required by 60 ILCS 1/35-10 and 1/30-10 of the Township Code; and

WHEREAS, 60 ILCS 1/35-25 of the Township Code provides the Electors may take any action at a Special Township Meeting that could be taken at an Annual Township Meeting as set forth in Article 30 of the Township Code; and

WHEREAS, Article 30 of the Township Code (specifically 60 ILCS 1/30-50) grants the electors the authority to "...make all orders for the purchase, sale, conveyance, regulation, or use of the township's corporate property..."; and

WHEREAS, 60 ILCS 1/30-50 further states the electors may delegate such power to the township board "...for a period of up to 12 months..."

NOW IT IS, THEREFORE, RESOLVED by the Electors of Bloomingdale Township, after motion duly made and seconded, AS FOLLOWS:

Section 1. Incorporation of Whereas Clauses. The foregoing "WHEREAS" clauses are hereby declared integral parts of this Resolution and incorporated herein.

Section 2. Authority. This Resolution is made pursuant to the Illinois Township Code, and any other related statute(s) providing power for the actions approved and taken.

Section 3. Power Delegated to Township Board by Electors.

(a) The Electors hereby authorize the delegation of their power to the Township Board under Illinois law to negotiate a license or similar access on and across the Property. The Property is better reflected on the attached Exhibit A, which is incorporated into this Resolution.

(b) Consistent with this Resolution, 60 ILCS 1/30-50, and elsewhere provided under Illinois law, the Township Board is specifically authorized by the electors (for a period of up to 12 months from the date of this Resolution) to:

(i) Negotiate a formal agreement with representatives of Vertical Bridge regarding its request for access and use of the Property;

(ii) If the Board deems prudent, to approve any agreement and/or related documentation conveying a license or similar access on and across the Property; and

(iii) If the Board approves the conveyance of a license or similar access on and across the Property, be authorized to expend all additional, reasonable costs related thereto, including, but not limited to, any necessary survey and engineering work, and Township attorney fees.

(c) While delegating their authority, the Electors further instruct the Township Board that it is under no obligation to finalize and execute any agreement with Vertical Bridge or any of its related entities should the Board determine such agreement is not in the best interests of the people of Bloomingdale Township.

Section 4. Additional Powers/Authority Granted to Township by Electors. In addition to the powers expressly set forth in this Resolution, the Township Board is hereby granted full power and authority to take such steps necessary to carry out the intent of this Resolution. This shall include, but is not limited to, the execution by the Township Supervisor and Township Clerk of any and all documentation if an agreement is reached with Vertical Bridge and/or any of its related entities, including the right to amend and/or supplement any such documentation in the future consistent with this Resolution, and to pay for all related costs and legal fees.

Section 5. Reporting Back to Electors. The Township Supervisor shall provide a report regarding the status of the Property and any potential agreement at the 2023 Annual Town Meeting of the Electors, and reserves the right to seek additional authority from the Electors at that time (or at any duly other noticed and called Special Township Meeting) regarding the Property, if necessary.

Section 6. If any portion of this Resolution is held invalid, the remaining portions shall remain in full force and effect.

APPROVED by a vote of ____ AYES, ____ NAYS, and _____ ABSTENTIONS on the 12th day of October, 2022.

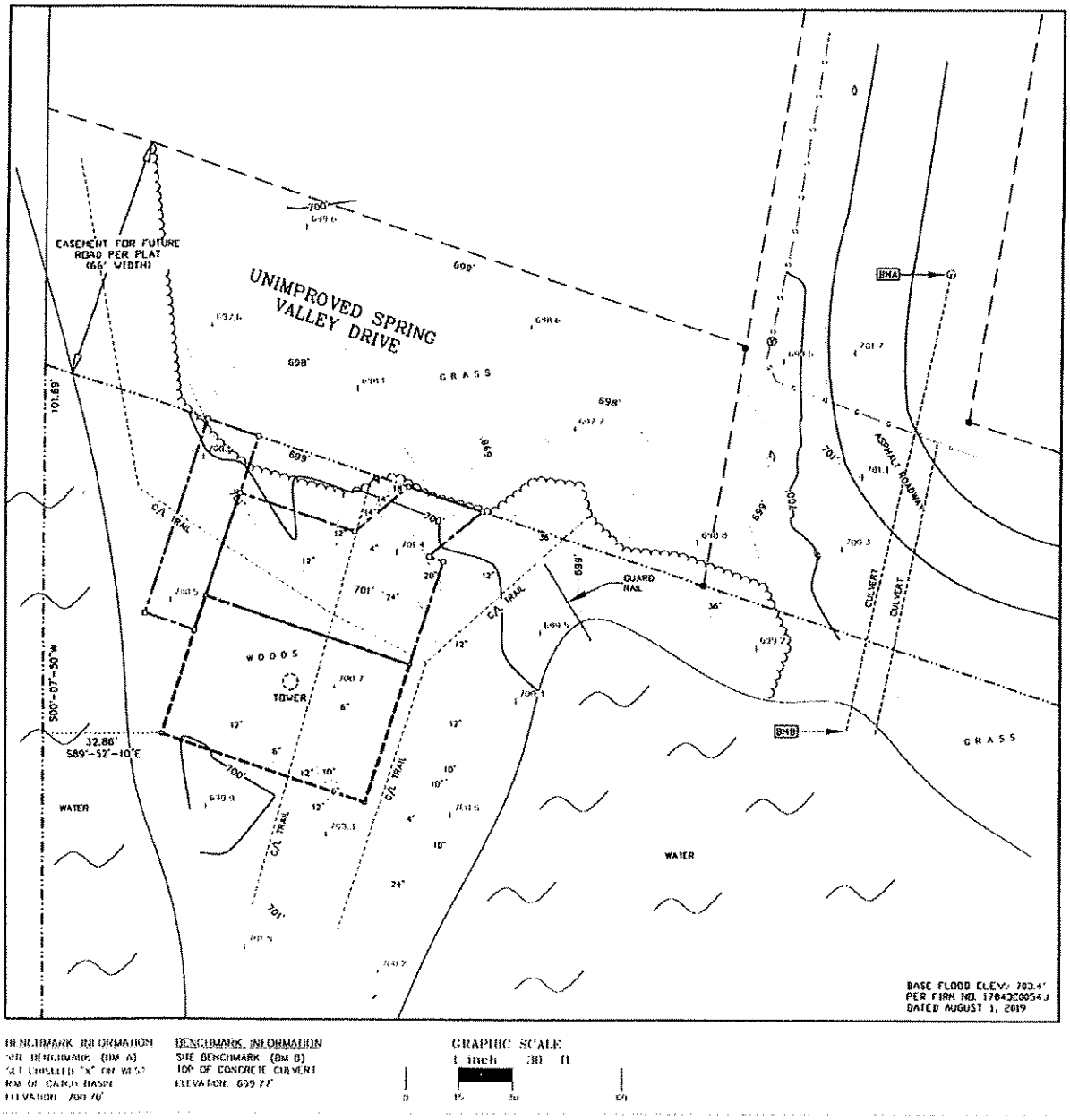
_____
Moderator, Special Township Meeting

ATTEST:

_____
Township Clerk

EXHIBIT A – the Property

(shown as "Unimproved Spring Valley Drive" on a Survey provided by Vertical Bridge and created by its Professional Land Surveyor, Craig Keach)



bloomingdale • township •

SPECIAL TOWNSHIP MEETING OF THE ELECTORS

Date: 10/12/2022

Time: From 6:30 PM to 8:00 PM

Location: Medinah Park District 22W130 Thorndale Ave, Medinah, IL 60157

Bloomingdale Township will be holding a Special Township Meeting of the Electors, at 6:30pm on October 12, 2022 at the Medinah Park District, for a vote by all registered voters in Bloomingdale Township to either approve or deny authorization for the Township Board to enter into a lease agreement for the use of Township property on Spring Valley Drive in Medinah for an access road to a Cell Tower.

A company known as Vertical Bridge has requested permission to lease and occupy Bloomingdale Township property at Spring Valley Drive in Medinah for a multi year period, to construct an access road to a proposed Cell Tower.

The registered voters of Bloomingdale Township who attend the meeting and sign in will be able to vote for or against giving the Township Board authority to negotiate and enter into a lease agreement for the use of Township property on Spring Valley Drive in Medinah for an access road to a Cell Tower.

Only voters who attend the meeting in person are allowed to vote, there are no absentee ballots, no mail in ballots, and no early voting.

123 Rosedale Avenue,
Bloomingdale, IL 60108
Monday - Friday 8:30 – 4:30
Phone: 630-529-7715
Fax: 630-529-8074

ELECTED OFFICIALS
EVENTS
NEWS & RESOURCES
HOW DO I?
CONTACT

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RESULTS OF SPECIAL TOWNSHIP MEETING OF THE ELECTORS

SPECIAL TOWNSHIP MEETING OF THE ELECTORS

Date: 10/12/2022
Time: From 6:30 PM to 8:00 PM
Location: Medinah Park District 22W130 Thorndale Ave. Medinah. IL 60157

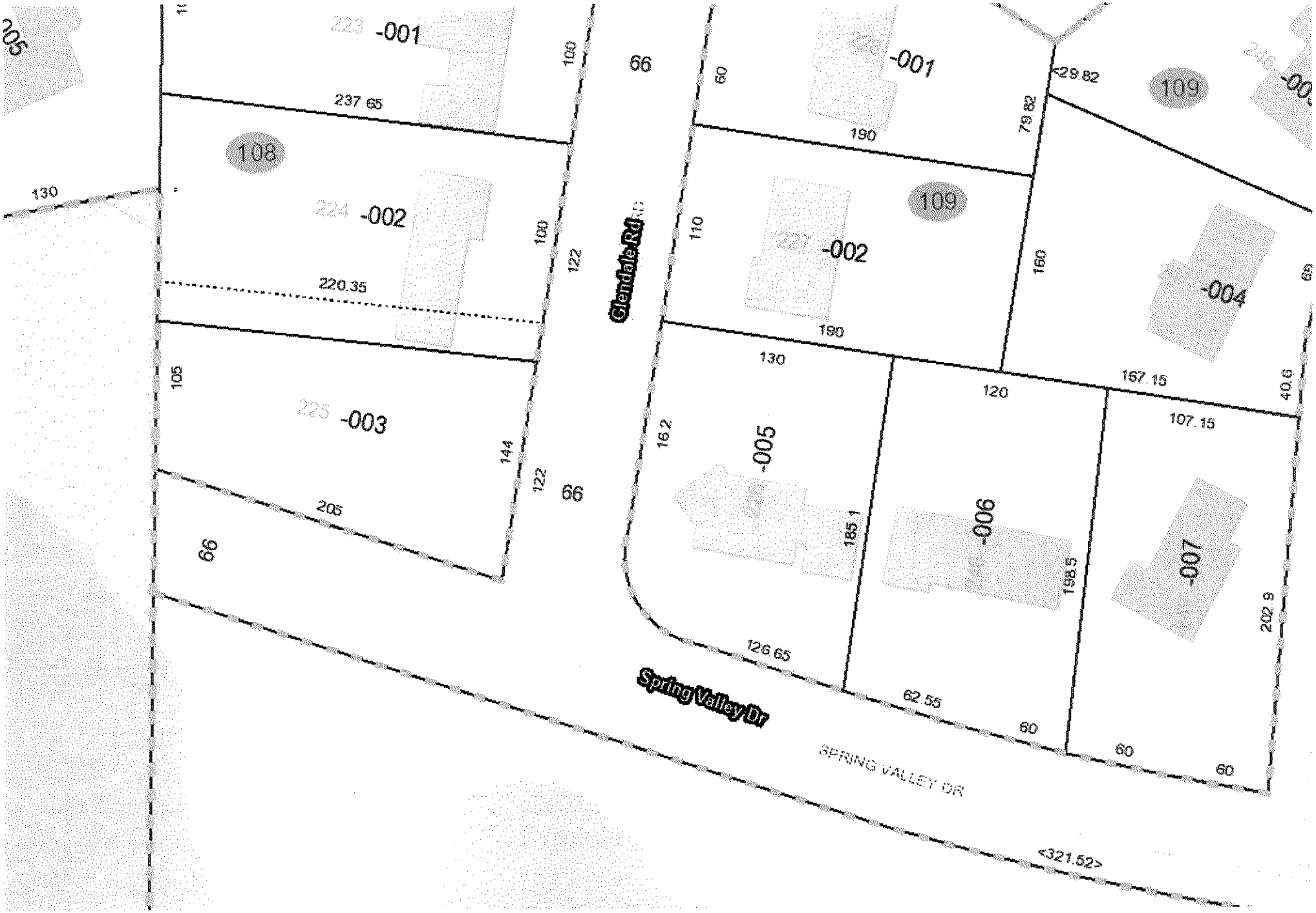
Bloomingdale Township held a Special Township Meeting of the Electors. at 6:30pm on October 12. 2022 at the Medinah Park District. for a vote by all registered voters in Bloomingdale Township to either approve or deny authorization for the Township Board to enter into a lease agreement for the use of Township property on Spring Valley Drive in Medinah for an access road to a Cell Tower.

220 Electors voted against the proposed resolution. and 7 Electors voted for the resolution. and the resolution was not passed. A copy of the proposed resolution is below.

resolution.2022-10-12.pdf

EXHIBIT 15

GROUP EXHIBIT C



223 -001
237.65
108
224 -002
220.35
225 -003
205
66
100
122
144
Glendale Rd
60
-001
190
<29.82
79.82
109
110
227 -002
160
-004
167.15
40.6
130
120
107.15
16.2
-005
185.1
-006
198.5
-007
202.9
126.65
62.55
Spring Valley Dr
SPRING VALLEY DR
<321.52>

County: DUPAGE TOWNSHIP: BLOOMINGDALE

ADJ County	INV County	Key Route #	Street Name	Begin Station	Begin Reference Point	End Station	End Reference Point	Miles	Maint.	INV TWP	ADJ TWP
	022	TR 667 022 70667 000000	Hillcrest Dr	0.16		0.29	FAU 3815 - Broker Rd	0.130	09	02	
	022	TR 668 022 70668 000000	Sycamore Ave	0.00	TR 670 - Spring Valley Dr	0.09		0.090	09	02	
	022	TR 668 022 70668 000000	Lawrence Ave	0.09		0.21	TR 666 - Linden Ave	0.120	09	02	
	022	TR 669 022 70669 000000	Hickory Ct	0.00	TR 654 - Laurel Dr	0.06	EOR or BOR N Dead End	0.060	09	02	
	022	TR 670 022 70670 000000	Spring Valley Dr	0.00	TR 672 - Glendale Rd	0.57	EOR or BOR N Dead End	0.570	09	02	
	022	TR 672 022 70672 000000	Glendale Rd	0.00	EOR or BOR N Dead End	0.32	FAU 3815 - Broker Rd	0.320	09	02	
	022	TR 673 022 70673 000000	Glendale Rd	0.00	TR 670 - Spring Valley Dr	0.09		0.090	09	02	
	022	TR 673 022 70673 000000	Hillcrest Terr	0.09		0.32	TR 666 - Linden Ave	0.230	09	02	
	022	TR 674 022 70674 000000	Harvey Rd	0.00	FAU 3814 - Foster Av	0.40	FAU 3815 - Broker Rd	0.400	09	02	
	022	TR 675 022 70675 000000	Linden Ave	0.00	TR 662 - Woodview Dr	0.21		0.210	09	02	
	022	TR 675 022 70675 000000	Sunset Terrace	0.21		0.31	TR 674 - Harvey Rd	0.100	09	02	
	022	TR 676 022 70676 000000	Acacia Ln	0.23		0.93	TR 670 - Spring Valley Dr	0.700	09	02	
	022	TR 678 022 70678 000000	Spring Ct	0.00	FAU 3814 - Foster Av	0.12	TR 662 - Woodview Dr	0.120	09	02	
	022	TR 680 022 70680 000000	Maple Ct	0.00	EOR or BOR N Dead End	0.04	TR 670 - Spring Valley Dr	0.040	09	02	
	022	TR 681 022 70681 000000	Fairway Ln	0.00	TR 687 - Temple Dr	0.37		0.370	09	02	
	022	TR 681 022 70681 000000	Woodview Dr	0.37		0.86	FAU 2578 - Rohlwing Rd	0.490	09	02	
	022	TR 682 022 70682 000000	Neva Terrace	0.00	TR 687 - Temple Dr	0.35	TR 681 - Woodview Dr	0.350	09	02	
	022	TR 683 022 70683 000000	Baker Dr	0.00	FAU 1321 - Irving Park Rd	0.37	TR 681 - Woodview Dr	0.370	09	02	
	022	TR 684 022 70684 000000	Andrene Ln	0.00	TR 681 - Woodview Dr	0.07	EOR or BOR N Dead End	0.070	09	02	
	022	TR 685 022 70685 000000	Andrene Ln	0.00	FAU 1321 - Irving Park Rd	0.36	TR 681 - Woodview Dr	0.360	09	02	

Permit Case No. 2023-49

GROUP EXHIBIT 7

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT, DUPAGE COUNTY, ILLINOIS

VB BTS II, LLC, Plaintiff, vs. BLOOMINGDALE TOWNSHIP and THE COUNTY OF DUPAGE, Defendants.	Case No.: 2022 MR 752 Hon. Anne T. Hayes

AFFIDAVIT OF DAVID L. STRECK

I, David L. Streck, being first duly sworn on oath states that I have personal knowledge of the following facts and, if called upon as a witness, could competently testify as follows:

1. I am the current President, a Board Member, and shareholder of Medinah Spring Valley Lake, Inc. ("MSVL"). MSVL manages and maintains the common areas which all shareholders have a right to use, including Lot 171 of Branigar's Medinah Spring Valley Unit No. Three subdivision recorded in 1955 ("Plat"). See Exhibit A.

2. I have been a resident of Medinah since 2000. I have utilized the area on the Plat, which includes the description "66 FT. EASEMENT FOR FUTURE ROAD" ("Access Area"), for accessing the trail behind the lake and other areas owned and managed by MSVL.

3. In addition, MSVL's shareholders have regularly traversed Spring Valley Drive and Glendale Road, then crossed Lot 171 to hike, walk their dogs, and get to the lake.

4. The Access Area is vacant land planted in grass.

5. The shareholders of MSVL are the only ones allowed to use the two lakes that were reclaimed from an abandoned quarry, including the lake located to the east which is part of Lot 171. These shareholders access the lakes and other areas owned and managed by MSVL.

6. On April 25, 2019, MSVL entered into an Option and Lease Agreement with VB BTS II, LLC to lease a small portion of the property that is owned by MSVL within Lot 171, which was subsequently amended by a First Amendment to Option and Lease Agreement and First Amendment to Memorandum of Option to Lease effective April 1, 2021 and a Second Amendment to Option and Lease Agreement and Second Amendment to Memorandum of Option to Lease effective April 24, 2022. The Option and Lease Agreement, First Amendment, and Second Amendment were approved by MSVL's Board.

Further affiant sayeth not.

[redacted]

David L. Streck

Subscribed and Sworn to before
me this 31st day of February, 2023.

[redacted]

Notary Public

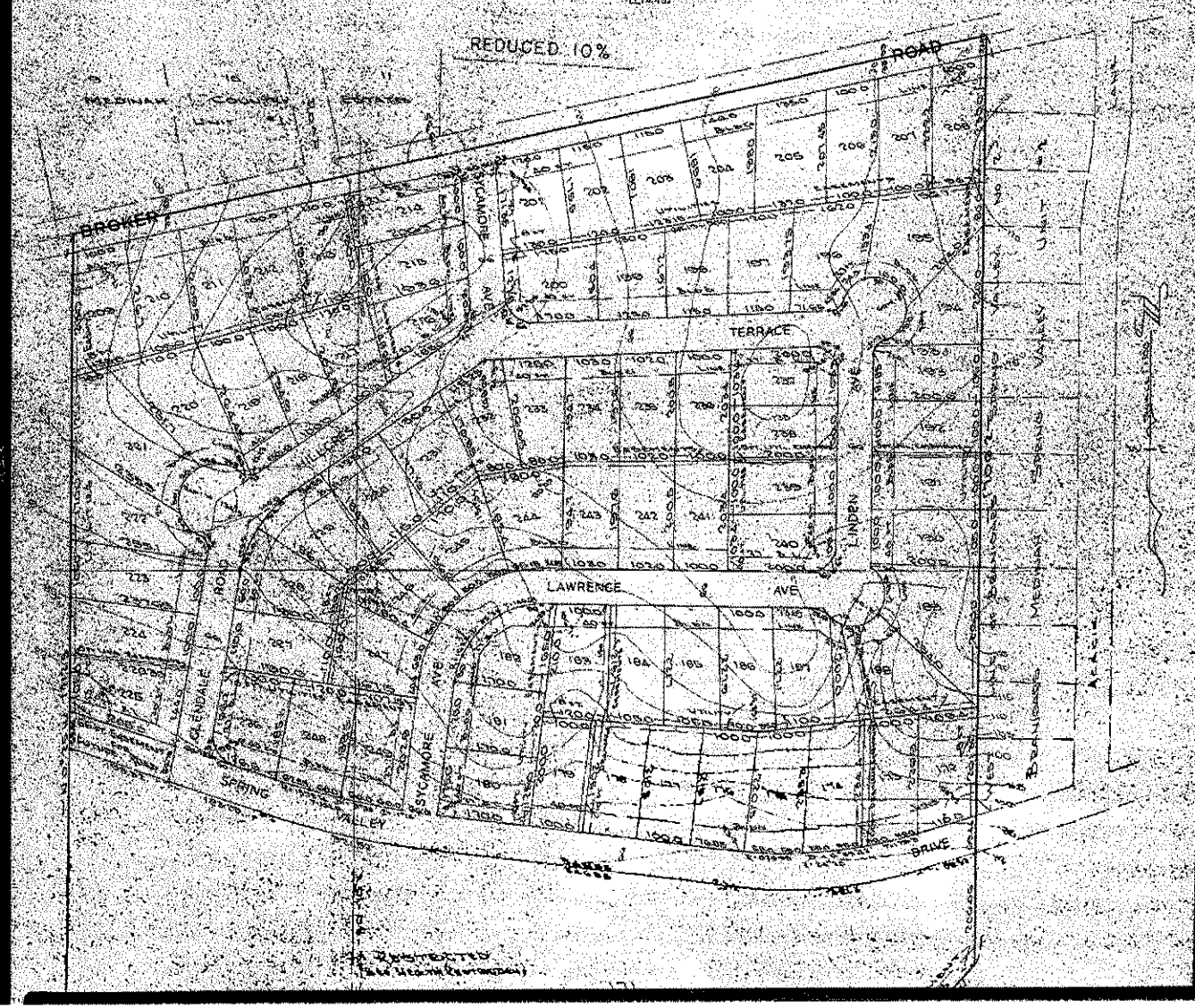
ITZEL R SIERRA FAUSTO
Official Seal
Notary Public - State of Illinois
My Commission Expires Feb 11, 2023

EXHIBIT A

BRANIGAR'S MEDINAH SPRING VALLEY

UNIT NO. THREE

A SUBDIVISION OF PART OF SECTIONS 11 AND 14, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.



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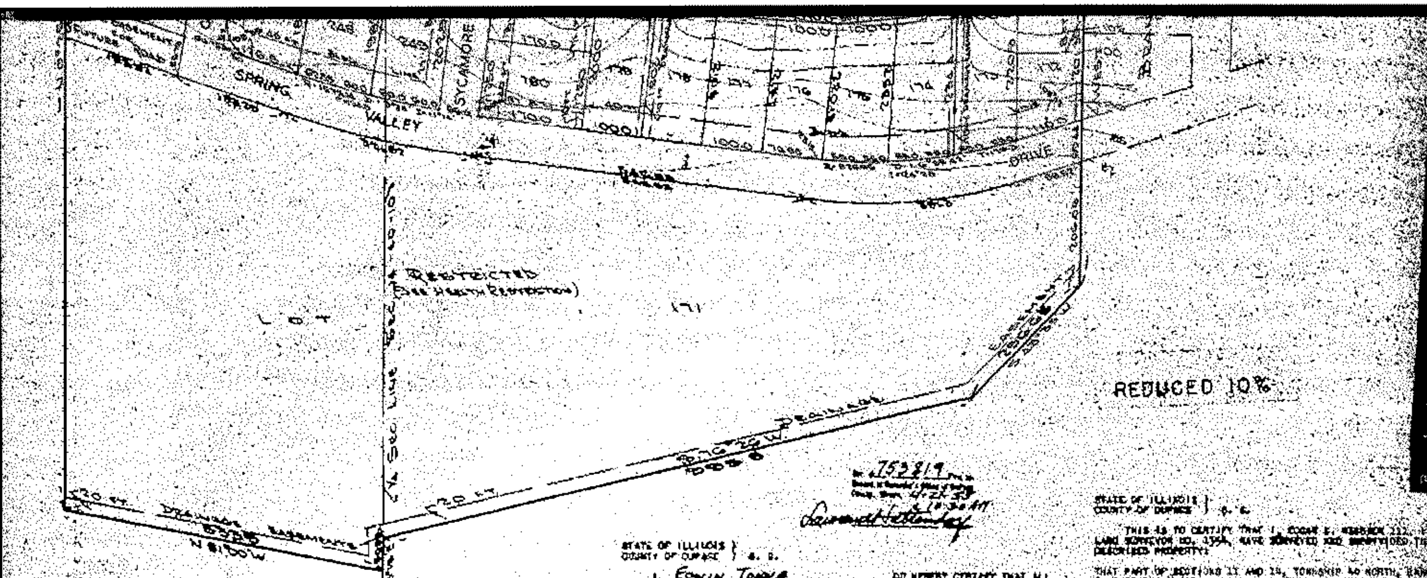
Page 101

Branigar's Medinah Spring Valley Unit #3



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No. 753819 Recorder's Office
Filed 4-22-55 10:30 AM

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

THIS IS TO CERTIFY THAT "THE BRANIGAR ORGANIZATION, INC." IS THE OWNER OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES THERE IN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED AT [illegible], ILLINOIS, THIS 11th DAY OF April A. D. 1955.

THE BRANIGAR ORGANIZATION, INC.

BY: __________ PRESIDENT.

ATTEST: __________ SECRETARY.

STATE OF ILLINOIS }
COUNTY OF COOK } S. S.

I, __________, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT H. W. BRANIGAR JR. AND W. J. SCOTT, PRESIDENT AND SECRETARY, RESPECTIVELY, OF THE BRANIGAR ORGANIZATION, INC., PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH PRESIDENT AND SECRETARY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THERE IN SET FORTH, AND THE SAID SECRETARY DID ALSO THEN AND THERE ACKNOWLEDGE THAT HE AS CUSTODIAN OF THE CORPORATE SEAL OF SAID CORPORATION, DID AFFIX SAID CORPORATE SEAL TO SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL AT [illegible], ILLINOIS, THIS 12 DAY OF April A. D. 1955.

__________ NOTARY PUBLIC.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

I, CLARENCE V. BACCMAN, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT WHEATON, ILLINOIS, THIS 22 DAY OF APRIL A. D. 1955.

__________ COUNTY CLERK.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

I, Edwin Towne DO HEREBY CERTIFY THAT ALL MATTERS PERTAINING TO THE HIGHWAY REQUIREMENTS AS PRESCRIBED IN THE REGULATIONS GOVERNING PLATS ADOPTED BY THE BOARD OF SUPERVISORS OF DUPAGE COUNTY, ILLINOIS, IN SO FAR AS THEY PERTAIN TO THE ANNEXED PLAT HAVE BEEN COMPLIED WITH.

DATED THIS 18th DAY OF April A. D. 1955.

__________ TOWNSHIP HIGHWAY COMMISSIONER.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

I, O. B. BOLD, COUNTY SUPERINTENDENT OF HIGHWAYS, OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ANNEXED PLAT HAS BEEN EXAMINED BY ME AND FOUND TO COMPLY WITH THE HIGHWAY REQUIREMENTS AS SET FORTH IN THE REGULATIONS GOVERNING PLATS OF SUBDIVIDED LAND ADOPTED BY THE BOARD OF SUPERVISORS OF DUPAGE COUNTY, ILLINOIS.

DATED AT WHEATON, ILLINOIS, THIS 18th DAY OF April A. D. 1955.

__________ COUNTY SUPERINTENDENT OF HIGHWAYS.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

APPROVED THIS 12 DAY OF [illegible] A. D. 1955.

DUPAGE COUNTY ZONING COMMITTEE,

BY: __________ CHAIRMAN.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

APPROVED THIS 18th DAY OF April A. D. 1955, SUBJECT TO THE FOLLOWING HEALTH RESTRICTIONS:

1. DUE TO THE ROLLING TERRAIN OF THIS SUBDIVISION THE RIGHT IS RESERVED BY THIS DEPARTMENT TO REQUIRE ENGINEERING DESIGN AND SUPERVISION OF THE INSTALLATION OF ANY SEPTIC SYSTEM ON ANY LOT IN THIS SUBDIVISION WHERE IT IS DEEMED NECESSARY.

2. THE REQUIRED SEEPAGE AREA FOR EACH LOT WILL BE DETERMINED ON THE BASIS OF ADDITIONAL SEEPAGE TESTS TAKEN WHEN THE APPLICATION FOR A PERMIT TO INSTALL THE SEPTIC SYSTEM IS SUBMITTED TO THIS DEPARTMENT.

3. LOTS 171, 200 AND 228 ARE NOT SUITABLE FOR BUILDING PURPOSES UNTIL SUCH TIME AS THEY HAVE BEEN FILLED AND/OR DRAINED, AND ADDITIONAL SEEPAGE TESTS ARE SUBMITTED TO THIS DEPARTMENT.

DUPAGE COUNTY HEALTH DEPARTMENT.

BY: __________

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

THIS IS TO CERTIFY THAT I, EDGAR E. [illegible], ILLINOIS LAND SURVEYOR NO. 1354, HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF SECTIONS 11 AND 14, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE POINT OF INTERSECTION OF THE WEST LINE OF BRANIGAR'S MEDINAH SPRING VALLEY, UNIT NO. 2 WITH THE CENTER LINE OF BROKER ROAD AND RUNNING THENCE SOUTHERLY ALONG THE WEST LINE OF SAID BRANIGAR'S MEDINAH SPRING VALLEY, UNIT NO. 2, [illegible] FEET TO THE SOUTHWEST CORNER OF SAID BRANIGAR'S MEDINAH SPRING VALLEY, UNIT NO. 2; THENCE SOUTH [illegible] WEST, [illegible] FEET; THENCE SOUTH 76° 25' WEST 995.8 FEET TO A POINT IN THE NORTH AND SOUTH QUARTER SECTION LINE OF SAID SECTION 14, [illegible] FEET SOUTH OF THE NORTH QUARTER CORNER OF SAID SECTION 14; THENCE SOUTH 0° 35' EAST ON SAID QUARTER SECTION LINE [illegible] FEET; THENCE NORTH 81° 0' WEST 533.9 FEET, THENCE NORTH [illegible] 05' WEST 1710.5 FEET MORE OR LESS, TO THE CENTER LINE OF SAID BROKER ROAD (SAID CENTER LINE BEING ALSO THE SOUTH LINE OF MEDINAH COUNTRY ESTATES, UNIT NO. 1); THENCE EASTERLY ON SAID CENTER LINE AND SOUTH LINE OF MEDINAH COUNTRY ESTATES FEET TO THE SOUTHEAST CORNER OF SAID MEDINAH COUNTRY ESTATES, UNIT NO. 1; THENCE CONTINUING EASTERLY ALONG SAID CENTER LINE FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

AS SHOWN BY THE ANNEXED PLAT WHICH IS A CORRECT AND TRUE REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF. IRON STAKES AT ALL LOT CORNERS UNLESS OTHERWISE SHOWN. DISTANCES ON CURVED LINES ARE MEASURED ON 100 FOOT CHORDS OR FRACTIONS THEREOF AS SHOWN ON THE ANNEXED PLAT, EXCEPT FOR THOSE DISTANCES SHOWN ON THE THREE CUL-DE-SACS WHICH ARE ARC MEASUREMENTS.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS ELEVENTH DAY OF APRIL, A. D. 1955.

__________ ILLINOIS LAND SURVEYOR NO. 1354

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

APPROVED AND ACCEPTED THIS [illegible] DAY OF [illegible] A. D. 1955.

BOARD OF SUPERVISORS OF DUPAGE COUNTY, ILLINOIS

BY: __________ CHAIRMAN.

ATTEST:

__________ CLERK.

For balance of Plat see Page 101

Doc. #753819
Page 101 A

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT, DUPAGE COUNTY, ILLINOIS

VB BTS II, LLC,

Plaintiff,

vs.

BLOOMINGDALE TOWNSHIP and THE COUNTY OF DUPAGE,

Defendants.

Case No.: 2022 MR 752
Hon. Anne T. Hayes

AFFIDAVIT OF MIKE FILIPSKI
Professional Surveyor

I, Mike Filipski, being first duly sworn on oath states that I have personal knowledge of the following facts and, if called upon as a witness, could competently testify as follows:

1. I am an Illinois licensed surveyor with over 50 years of experience and also President of Compass Surveying.

2. Early in my land surveying career, I was taught how to review and draw survey plats by the Surveyor of Record for Branigar's Medinah Spring Valley Unit No. Three Subdivision and since that time, have reviewed thousands of subdivision plats during the course of performing hundreds of retracement surveys. I have also personally created over one hundred residential subdivision plats throughout the Chicagoland area as a licensed Professional Land Surveyor.

3. My CV is attached to this affidavit. (See Exhibit A) I would note that among my accomplishments, is assisting in the writing of a book on land title issues with Richard Bales, who was at that time a Vice President at Chicago Title and Trust Company and is widely recognized as an authority on title issues.

EXHIBIT C

4. I was asked to review the Plat of Subdivision of Branigar's Medinah Spring Valley Unit No. Three subdivision recorded in 1955 ("Plat"). A copy of the Plat is attached to this affidavit as Exhibit B.

5. The Medinah Springs development is located in unincorporated DuPage County.

6. The Plat shows Lot 171. Google maps for this area show a lake and shoreline falling within Lot 171 (See Exhibit C).

7. It is my understanding from reading the Affidavit of David Streck that MSVL owns and maintains Lot 171 for the benefit of the shareholders of MSVL.

8. At the Northwesternmost portion of Lot 171 in the aforesaid subdivision, there is a "66 FT. EASEMENT FOR FUTURE ROAD", which abuts the northern property line of Lot 171. The Northerly line of Lot 171 adjoins Lot 225 in this location.

9. This easement is identified as a part of Lot 171 by the fact that the southern boundary of the easement is a dashed line.

10. Moreover, an easement for a future road would not create a separate legal parcel, as an easement is always tied to an underlying parcel owned by the grantor of the easement. In this case, the developer was the grantor and the grantee is not identified.

11. It is my understanding from reviewing the Affidavit of David Streck that Medinah Spring Valley Lake, Inc. ("MSVL") owns Lot 171 as identified on the Plat. As such, Lot 171 is a common area maintained by MSVL for the benefit of its shareholders.

12. Given the development of the property to the west, there clearly is no reason to extend Spring Valley Drive through the easement, as it would dead end in a lake west of Lot 171 not owned by MSVL.

13. I also note there a residential development with a cul-de-sac to the west and Spring Valley Drive in that subdivision does not line up with the future easement area so there is no point of connection.

All opinions expressed in the Affidavit are being presented with reasonable certainty in the field of land surveying and land title and are based upon my education, training, and experience in the land surveying and title industries.

Further affiant sayeth not.

[redacted]
Mike Filipski P.L.S.

Subscribed and Sworn to before
me this 31st day of January, 2023.

[redacted]
Notary Public

EXHIBIT A

Michael Filipski, Professional Land Surveyor

Mike Filipski, P.L.S., is president of Compass Surveying Ltd, an Illinois professional service corporation established to provide professional land surveying services. Mike has over 50 years of practical land surveying experience and has been practicing as a professional land surveyor (licensed) in northeastern Illinois for 40 years. His specialized area of practice includes ALTA surveys, land boundary problems, and right-of-way / easement determination for commercial, industrial and residential projects. Mike is past president of the Northeast Chapter of the Illinois Professional Land Surveyors Association (IPLSA) and is a member in good standing with the Illinois Professional Land Surveyors Association (IPLSA); The Missouri Association of Registered Land Surveyors (MARLS); The National Society of Professional Land Surveyors (NSPS); and The Wisconsin Society of Land Surveyors (WSLS).

In 1992, Mike worked with West Publishing and the northeast chapter of the Illinois Professional Land Surveyors Association, as executive editor of the book entitled "Illinois Laws relating to Surveys, Title and Real Property".

In 1995, Mike worked with Mr. Richard Bales of Chicago Title Insurance Company, and the northeast chapter of the Illinois Professional Land Surveyors Association to publish a handbook entitled "Illinois Land Boundaries".

In 2003, Mike assisted Mr. Richard Bales of Chicago Title Insurance Company with "Residential Real Estate", an IICLE Handbook.

In 2004, Mike assisted Mr. Richard Bales of Chicago Title Insurance Company with "Commercial Real Estate – 2004 edition", an IICLE Handbook.

In 2005, Mike assisted Mr. Richard Bales of Chicago Title Insurance Company in reprinting "Real Estate Titles in Illinois" by Logan D. Fitch.

From 2004 – 2008, Mike was the Illinois Governor to the National Society of Professional Surveyors (NSPS) representing Illinois Land Surveyors at the National level.

In 2010, Mike received the "Pat" Patterson Surveyor of the Year Award (out of 1,200 Illinois Surveyors) presented by the Illinois Professional Land Surveyors Association.

In 2012, Mike was the executive editor for the 640-page book entitled "Illinois Boundary Law" authored by Jeffery Lucas, Surveyor and Attorney.

In 2013, Mike gave a presentation on "Commercial Surveys" at the Illinois Institute for Continuing Legal Education (IICLE) 9th Annual Real Estate Short Course.

From 2015 -2022, Mike was appointed to the Land Surveyors Licensing Board of the Illinois Department of Financial and Professional Regulation (IDFPR).

In 2016, Mike completed the POB / Jeff Lucas "Land Boundary Master Class"

In 2018, Mike was appointed chairperson of the Illinois Department of Financial and Professional Regulation Land Surveyors Licensing Board.

In 2022, Mike was the executive editor of the 530 page book entitled "Land Boundaries and Easements in Illinois", a compilation of land survey related articles and presentations authored by Richard Bales, Esquire.

In 2022, Mike received the Carter Jenkins Award (out of 1200 Illinois surveyors) for lifetime dedication to the land surveying profession, presented by the Illinois Professional Land Surveyors Association.

In 2023, Mike is currently on the IDFPR Land Surveyors Licensing Board.

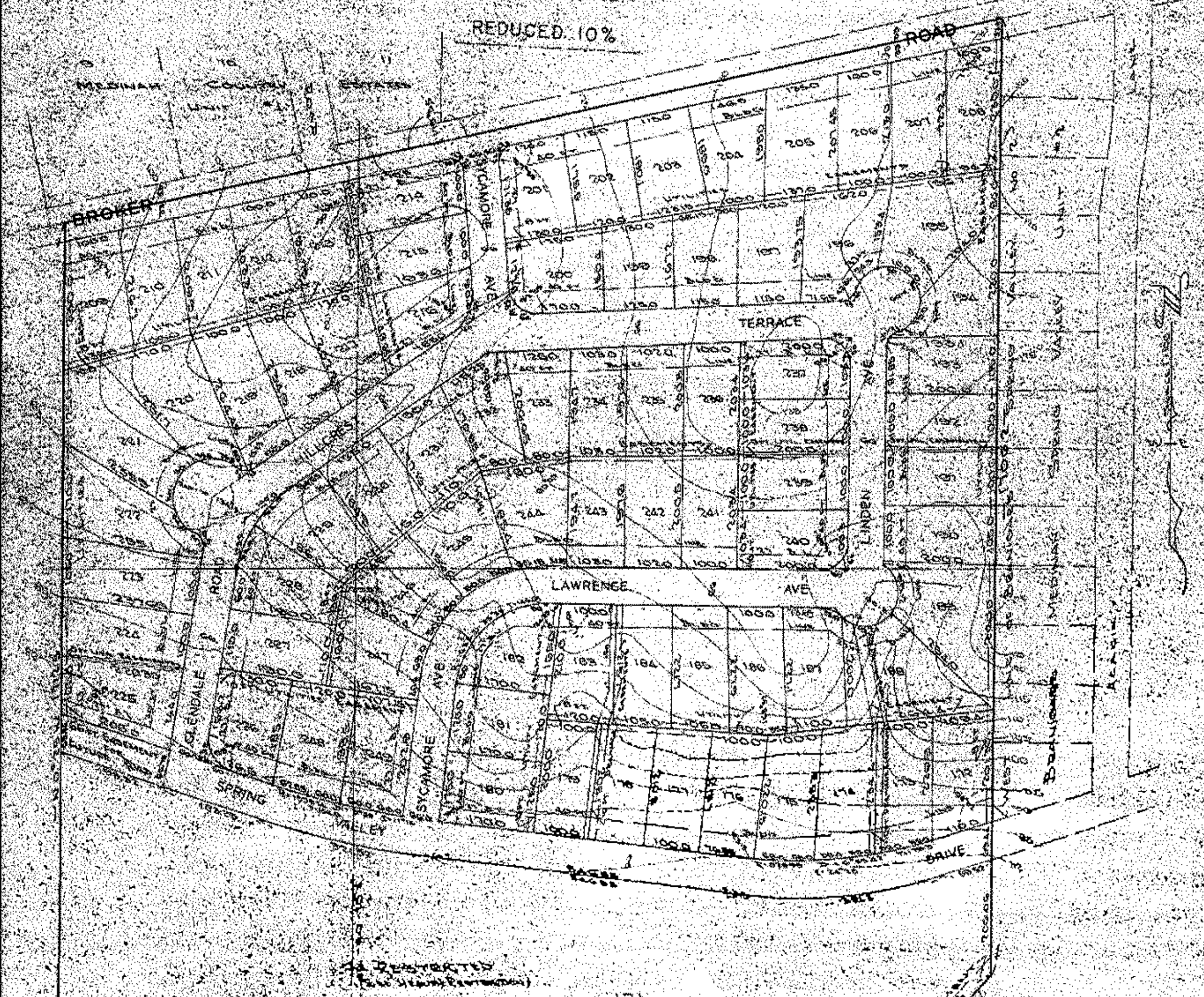
EXHIBIT B

BRANIGAR'S MEDINAH SPRING VALLEY

UNIT NO. THREE

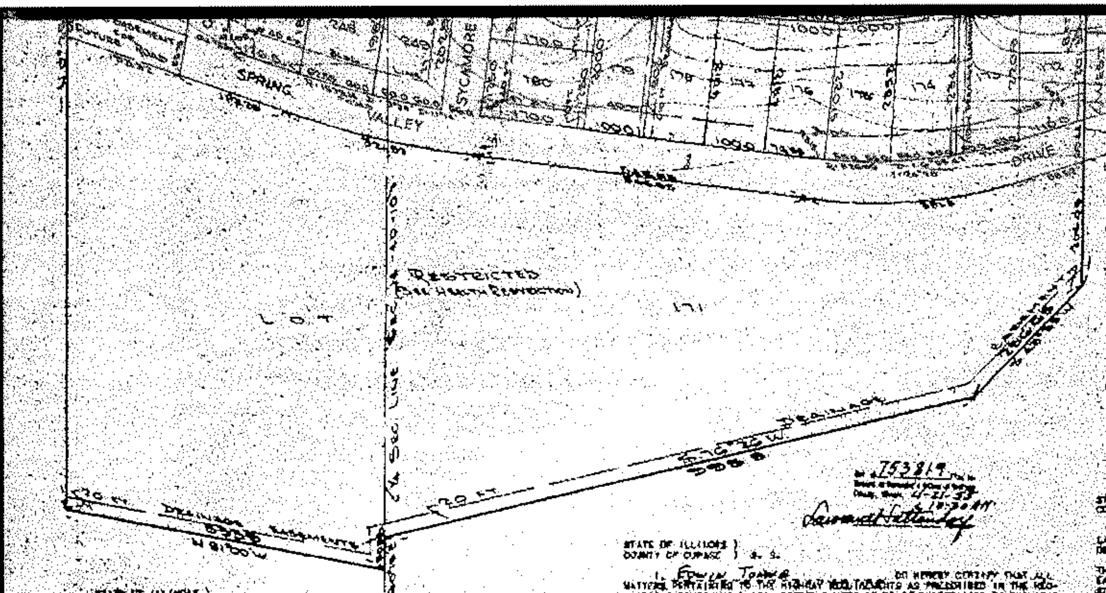
A SUBDIVISION OF PART OF SECTIONS 11 AND 14, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

REDUCED 10%



Doc # 753819
Page 101

Branigar's Medinah Spring Valley Unit #3



REDUCED 10%

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

THIS IS TO CERTIFY THAT "THE BRANIGAR ORGANIZATION, INC." IS THE OWNER OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED AT [illegible]VILLE, ILLINOIS, THIS 14th DAY OF April A. D. 1955.

THE BRANIGAR ORGANIZATION, INC.
BY H. W. Branigar Jr. PRESIDENT.
ATTEST: [signature] SECRETARY.

STATE OF ILLINOIS }
COUNTY OF ~~DUPAGE~~ COOK } S. S.

I, [signature], A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT H. W. BRANIGAR JR. AND W. J. SCOTT, PRESIDENT AND SECRETARY, RESPECTIVELY, OF THE BRANIGAR ORGANIZATION, INC., PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH PRESIDENT AND SECRETARY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND THE SAID SECRETARY DID ALSO THEN AND THERE ACKNOWLEDGE THAT HE AS CUSTODIAN OF THE CORPORATE SEAL OF SAID CORPORATION, DID AFFIX SAID CORPORATE SEAL TO SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL AT [signature], ILLINOIS, THIS 14 DAY OF April A. D. 1955.

[signature]
NOTARY PUBLIC.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

I, CLARENCE V. WAGEMANN, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY COURT AT WHEATON, ILLINOIS, THIS 22 DAY OF APRIL A. D. 1955.

[signature]
COUNTY CLERK.

No. 753819
[illegible]
4-21-55
10:30 AM
Leonard Hattendorf

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

I, Edwin Towne DO HEREBY CERTIFY THAT ALL MATTERS PERTAINING TO THE HIGHWAY REQUIREMENTS AS PRESCRIBED IN THE REGULATIONS GOVERNING PLATS ADOPTED BY THE BOARD OF SUPERVISORS OF DUPAGE COUNTY, ILLINOIS, IN SO FAR AS THEY PERTAIN TO THE ANNEXED PLAT HAVE BEEN COMPLIED WITH.

DATED THIS 18th DAY OF April A. D. 1955.

Edwin Towne
[illegible] TOWNSHIP HIGHWAY COMMISSIONER.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

I, O. B. BOLD, COUNTY SUPERINTENDENT OF HIGHWAYS, OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE ANNEXED PLAT HAS BEEN EXAMINED BY ME AND FOUND TO COMPLY WITH THE HIGHWAY REQUIREMENTS AS SET FORTH IN THE REGULATIONS GOVERNING PLATS OF SUBDIVIDED LAND ADOPTED BY THE BOARD OF SUPERVISORS OF DUPAGE COUNTY, ILLINOIS.

DATED AT WHEATON, ILLINOIS, THIS 18th DAY OF April A. D. 1955.

O.B. Bold
COUNTY SUPERINTENDENT OF HIGHWAYS.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

APPROVED THIS 12 DAY OF April A. D. 1955.

DUPAGE COUNTY ZONING COMMITTEE
BY [signature] CHAIRMAN.

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

APPROVED THIS 14th DAY OF April A. D. 1955, SUBJECT TO THE FOLLOWING HEALTH RESTRICTIONS.

1. DUE TO THE ROLLING TERRAIN OF THIS SUBDIVISION THE RIGHT IS RESERVED BY THIS DEPARTMENT TO REQUIRE ENGINEERING DESIGN AND SUPERVISION OF THE INSTALLATION OF ANY SEPTIC SYSTEM ON ANY LOT IN THIS SUBDIVISION WHERE IT IS DEEMED NECESSARY.

2. THE REQUIRED SEEPAGE AREA FOR EACH LOT WILL BE DETERMINED ON THE BASIS OF ADDITIONAL SEEPAGE TESTS TAKEN WHEN THE APPLICATION FOR A PERMIT TO INSTALL THE SEPTIC SYSTEM IS SUBMITTED TO THIS DEPARTMENT.

3. LOTS 171, 180 AND 229 ARE NOT SUITABLE FOR BUILDING PURPOSES UNTIL SUCH TIME AS THEY HAVE BEEN FILLED AND/OR DRAINED, AND ADDITIONAL SEEPAGE TESTS ARE SUBMITTED TO THIS DEPARTMENT.

DUPAGE COUNTY HEALTH DEPARTMENT.
BY [signature]

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

THIS IS TO CERTIFY THAT I, EDGAR E. [illegible], ILLINOIS LAND SURVEYOR NO. 1356, HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF SECTIONS 13 AND 14, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE POINT OF INTERSECTION OF THE WEST LINE OF BRANIGAR'S MEDINAH SPRING VALLEY, UNIT NO. 2 WITH THE CENTER LINE OF BROKER ROAD AND RUNNING THENCE SOUTHERLY ALONG THE WEST LINE OF SAID BRANIGAR'S MEDINAH SPRING VALLEY, UNIT NO. 2, [illegible] FEET TO THE SOUTHWEST CORNER OF SAID BRANIGAR'S MEDINAH SPRING VALLEY, UNIT NO. 2; THENCE SOUTH 85° 35' WEST, 256.64 FEET; THENCE SOUTH 76° 26' WEST 995.0 FEET TO A POINT IN THE NORTH AND SOUTH QUARTER SECTION LINE OF SAID SECTION 14, [illegible] FEET SOUTH OF THE NORTH QUARTER CORNER OF SAID SECTION 14; THENCE SOUTH 0° 15' EAST ON SAID QUARTER SECTION LINE [illegible] FEET; THENCE NORTH 83° 0' WEST 533.9 FEET, THENCE NORTH [illegible] 45' WEST 1210.5 FEET MORE OR LESS, TO THE CENTER LINE OF SAID BROKER ROAD (SAID CENTER LINE BEING ALSO THE SOUTH LINE OF MEDINAH COUNTRY ESTATES, UNIT NO. 1); THENCE EASTERLY ON SAID CENTER LINE AND SOUTH LINE OF MEDINAH COUNTRY ESTATES, FEET TO THE SOUTHEAST CORNER OF SAID MEDINAH COUNTRY ESTATES, UNIT NO. 1; THENCE CONTINUING EASTERLY ALONG SAID CENTER LINE FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

AS SHOWN BY THE ANNEXED PLAT WHICH IS A CORRECT AND TRUE REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF. IRON STAKES AT ALL LOT CORNERS UNLESS OTHERWISE SHOWN. DISTANCES ON CURVED LINES ARE MEASURED ON 100 FOOT CHORDS OR FRACTIONS THEREOF AS SHOWN ON THE ANNEXED PLAT, EXCEPT FOR THOSE DISTANCES SHOWN ON THE THREE CUL-DE-SACS WHICH ARE ARC MEASUREMENTS.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS, THIS ELEVENTH DAY OF APRIL, A. D. 1955.

[signature]
ILLINOIS LAND SURVEYOR NO. [illegible]

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S. S.

APPROVED AND ACCEPTED THIS 11th DAY OF [illegible] A. D. 1955.

BOARD OF SUPERVISORS OF DUPAGE COUNTY, ILLINOIS
BY [signature] CHAIRMAN.

ATTEST:
CLERK.

For balance of Plat see Page 101

Doc #753819
Page 101 A

Book 33

EXHIBIT C

Lakeview Park

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT, DUPAGE COUNTY, ILLINOIS

VB BTS II, LLC, Plaintiff, vs. BLOOMINGDALE TOWNSHIP and THE COUNTY OF DUPAGE, Defendants.	Case No.: 2022 MR 752 Hon. Anne T. Hayes

AFFIDAVIT OF PAUL PETERSON

I, Paul Peterson, being first duly sworn on oath states that I have personal knowledge of the following facts and, if called upon as a witness, could competently testify as follows:

I was employed at Chicago Title Insurance Company and its affiliates, including Fidelity National Title Insurance Company, for 48 years as a title examiner in several units, including the condemnation unit, supervisor of the later date department, researcher in the legal research department, claims attorney, title officer, and Vice President and Senior Underwriter. I have been an author of several chapters for the Illinois Institute of Continuing Legal Education and a chapter for the Illinois State Bar Association, been published in the Illinois Bar Journal, have written numerous articles for Illinois State Bar Association newsletters and am the author of Rights of Heirs and Legatees in Illinois Real Estate published by Chicago Title Insurance Company. I am a member of the American College of Real Estate Attorneys, the Society of Illinois Construction Attorneys, the Illinois Bar Association, the Chicago Bar Association, the Illinois Land Title Association and the Illinois Real Estate Lawyers Association. I am a frequent speaker for the above groups. My CV is attached as Exhibit A.

1. I was asked to review the Plat of Subdivision of Branigar's Medinah Spring Valley Unit No. Three subdivision recorded in 1955 as document ("Plat"). All opinions expressed in this

Affidavit are being presented with reasonable certainty in the field of land title and are based upon my education, training, and experience in the title industries. I have not reviewed any documentation of Medinah Spring Valley Lake, Inc, which I understand manages and maintains Lot 171, or any county ordinances, rules, regulations, applications, permits or records that may affect the property labeled "66 Ft. Easement for Public Road" or the use of Lot 171. Accordingly, I express no opinion about them.

2. The plat was signed by The Branigar Organization, Inc. by its president and secretary as owner on April 14, 1955 and recorded as document 753819 by the DuPage County Recorder. The plat contained a certification that it was found in compliance with "...all matters pertaining to the Highway Requirements...adopted by the Board of Supervisors of DuPage County, Illinois..." by the Bloomingdale Township Highway Commissioner and the County Superintendent of Highways of Du Page County, Illinois. It was approved by the Du Page Zoning Committee. The plat was approved by the DuPage County Health Department subject to health restrictions for Lot 171 and other lots. Said plat does not reference any monuments set into the ground.

A copy of the Plat is attached to this affidavit as Exhibit B.

3. The Medinah Springs development is located in unincorporated DuPage County ("County")

4. The Plat show a Lot 171. Most of Lot 171 is bordered on the north by Spring Valley Drive. Per the Google map attached as Exhibit C, the part of Lot 171 in question consists of a lake, the north shore of that lake and the east shore of that lake. To the west of Lot 171 is the east shore of another lake.

5. On the northern shoreline of the lake there is a reservation of an "66 foot easement for future road." (hereinafter the "66 Foot Easement").

6. A careful review of the plat of subdivision indicates that 66 Foot Strip is a part of Lot 171 in said Branigar's Medinah Spring Valley Unit No. Three. The northerly line of the 66 Foot Easement is shown as a solid line designating the southerly boundary of Lot 225 in said subdivision, the easterly line of the 66 Foot Strip is shown as a solid line that is the boundary of the dedication of Spring Valley Drive and Glendale Road and the westerly line of the 66 Foot Easement is shown as a solid line indicating the westerly line of Branigar's Medina Spring Valley Unit No. Three. The southerly line of the 66 Foot Easement, however, is the same dotted line that is used by the surveyor to indicate the boundary of an easement or a building line on the Plat. Thus the northerly line of Lot 171 runs along Spring Valley Drive until it reaches the west end of dedicated Spring Valley Drive, then goes north along the west line of dedicated Spring Valley Drive to the southeast corner of Lot 225 in Branigar's Medinah Spring Valley Unit No. 3 and thence westerly to the southwest corner of said Lot 225 on the west line of said Branigar's Medinah Spring Valley Unit No. 3. The westerly line of Lot 171 begins at the southwest corner of said Lot 225 and proceeds south along the west line of said Branigar's Medinah Spring Valley Unit No. 3 to the most westerly south line of Branigar's Medinah Spring Valley Unit No. 3. This easement is identified as a part of Lot 171 by the fact that the southern boundary of the easement is a dashed line.

7. The designation Easement for Future Road indicates there was not a current offer by the owner and an acceptance of title to that 66 Foot Strip as a highway to the county by the plat of Branigar's Medinah Spring Valley Unit No. 3. There must be an offer to the governmental unit to use the land for public use, and there then must be an acceptance of the offer. See *Village of*

Riverside v. MacLain, 210 Ill. 308 (1904). An easement is not a grant of fee simple title to a party. There is a dominant estate that is benefited by the easement and a subservient estate that underlies the easement. The dominant estate gets rights but not title. Thus title to the 66 Foot Strip was not conveyed to the County by the Plat pursuant to 765 ILCS 205/3. Title to the 66 Foot Strip would be conveyed by any deed conveying lot 171 in said Branigar's Medinah Spring Valley Unit No. 3.

8. It is unlikely that the County or the township will utilize the 66 Foot Easement for a paved road. There clearly is no reason to extend Spring Valley Drive along the easement, as it would dead end in a triangular piece of land lying west of Branigar's Medinah Spring Valley Unit No. 3 that does not have any other vehicular access. The southwesterly boundary of said triangular parcel is a lake, the northerly boundary is the rear of lots from the adjoining subdivision with their access being a cul-de-sac at the front of those lots, and the east part being the rear of homes along the west line of Branigar's Medinah Spring Valley Unit No 3. Per the Google map attached as Exhibit C, there is no other road that would tie into the 66 Foot Easement from the west.

9. A gravel road put in the 66 Foot Easement would not hinder pedestrian access. The owner of a subservient estate may use the land burdened by the easement for other purposes as long as it does not hinder the original easement. Consider, for example, the multiple underground easements granted by a railroad. Consider the multiple utilities that use generic utility easements created by plats of subdivision. In my opinion, the owner of Lot 171, who is the owner of the underlying subservient estate of the 66 Foot Easement, may use the land for a gravel road as long as it does not prohibit pedestrian access. Further, a gravel road is more likely to have been contemplated by the term "Future Road" in the 1955 plat than simple pedestrian access.

Further affiant sayeth not.

[redacted]
Paul Peterson

Subscribed and Sworn to before
me this 3rd day of February, 2023.

[redacted]
Notary Public

Official Seal
Mary Jo Peterson
Notary Public State of Illinois
My Commission Expires 10/26/2025

EXHIBIT A

BIOGRAPHY

PAUL L. S. PETERSON

WORK ADDRESS
902 S. I Oka Ave.
Mount Prospect, IL 60056

HOME ADDRESS
902 S. I Oka Ave.
Mount Prospect, IL 60056

DESCRIPTION OF CURRENT PRACTICE

Paul retired in April, 2020 as a Vice President and Senior Underwriter of Chicago Title Insurance Company, Fidelity National Title Insurance Company and several affiliated companies after 48 years with Chicago Title. He began as a title examiner, worked as a trainer, moved into the legal research department, was a claims attorney and returned to underwriting to become a Title Officer. In the 1980s he became a national mechanics lien underwriter. As such, he did auditing and training in over a dozen states on their state specific mechanics lien law, disbursing procedures and mechanics lien endorsements. He is known for his numerous construction project workouts, several of which involved recorded mechanics lien claims in excess of $10 million. Recently he has worked on Illinois legislation, for which he received the Illinois Land Title Association's President's Award. He currently is the Secretary of the American College of Real Estate Lawyer's Construction Law Committee, a member of ACREL's Title Insurance Committee, the chair of the legislative subcommittee of the Illinois State Bar Association's Real Estate Law Section Council, the co-chair of the CLE subcommittee of the ISBA Construction Law Section Council, and a member of the Society of Illinois Construction Attorneys and a member of the Illinois Land Title Association. Paul has consulted and done closings since his retirement in 2020.

EDUCATIONAL BACKGROUND

- 1975 J.D. from IIT Chicago Kent College of Law
- 1971 B.A. from University of Illinois
- 1967 Graduate, Lane Technical High School

BAR MEMBERSHIPS AND DATES

AMERICAN COLLEGE OF REAL ESTATE LAWYERS

- Admitted as a Fellow in 2021
- Secretary of the Construction Law Committee
- Member of the Title Insurance Committee
- Presenter to both the Construction Law Committee and the Title Insurance Committee

SOCIETY OF ILLINOIS CONSTRUCTION ATTORNEYS

- Member 1999 to present
- Founding member, Secretary for multiple years, Treasurer, Vice President and President
- Chair of the Society of Illinois Construction Attorneys subcommittee that reviewed and prepared a chart of the statutes for 50 states relating to bonding over recorded mechanics lien claims.
- Multiple luncheon presentations

ILLINOIS STATE BAR ASSOCIATION

- Member 1975 to present
- Founding member of the Construction Law Section.
- Member of the Construction Law Section, and former Secretary, Vice Chair, and Chair, and currently CLE Co-Coordinator of the Construction Law Section Council
- Member of the Real Estate Law Section and currently chair of the legislative subcommittee

Of the Real Estate Law Section Council

- As a member of the legislative subcommittee, Paul successfully
  - chaired a group and testified before the Illinois House Judicial Committee to negotiate the passage of the Illinois statute to authorize bonding over a recorded mechanics lien claims
  - worked on the passage of a bill and testified before the Illinois House Judicial Committee to provide a 2 year adverse possession statute where mortgagors had vacated the residence for more than 2 years and then filed suit to set aside the foreclosure sale based on defective service
  - worked and met with legislators to block the use of blockchain for the public record by the Cook County Recorder of Deeds
  -currently reviewing and has suggested amendments to Illinois' Remote Online Notarization bill and the proposed Electronic Wills bill.
- As noted in the Presentation section, Paul has been a frequent speaker for the ISBA

CHICAGO BAR ASSOCIATION

- Member 1975 to present
- Member of the Real Estate Law Committee
- Member and prior chair of the Construction Law Subcommittee
  - Chair of the Construction Law subcommittee that worked on the bonding over a recorded mechanics lien claim bill that became Section 38.1 of the Illinois Mechanics Lien Act
  - Frequent speaker for subcommittee luncheons
  - Speaker at the annual day long CBA Mechanics Lien Seminar for at least 15 years

ILLINOIS LAND TITLE ASSOCIATION

- Member 2012 to present
- Member of the Title Counsel Committee
- Member of the Legislative Committee
- As a member of the Legislative Committee
  -Chaired the subcommittee that, in conjunction with the committees of the Illinois State Bar Association and the Chicago Bar Association that he also chaired, helped make Illinois the 50th state to enact a statutory bond over a recorded mechanics lien claim
  -Received the ILTA President's award for his work on the passage of the bonding bill at Section 38.1 of the Illinois Mechanics Lien Act
  -Chaired the subcommittee that, in conjunction with the subcommittee of the Illinois State Bar Association, sponsored a bill that amended the Illinois Civil Procedure Act to provide a 2 year statute of limitations against attacks on judicial foreclosure sales based upon technical defects in service in the proceedings
  -Met with several key legislators on the use of blockchain by the Cook County Recorder.

ILLINOIS REAL ESTATE LAWYER ASSOCIATION

- Member 2019 to present
- Speaker on Blockchain and probate

AMERICAN BAR ASSOCIATION

- Member 2005 to 2020
- Member of the Construction Law Forum

CHICAGO MORTGAGE ATTORNEYS ASSOCIATION

- Member 2007 to present
- Speaker

EMPLOYMENT HISTORY

- Chicago Title Insurance Company 1971 to April, 2020
- Joined Chicago Title Insurance Company out of college as a title paralegal and went to law school at night.
- worked in the legal research department and the claims department before becoming a Title Officer where he wrote the company's booklet *Rights of Heir and Devisees and Their Purchasers in Illinois Real Estate*
- Transferred to the National Mechanics Lien Underwriting Department in the 1980s.
- Developed a 50 state construction lender priority spreadsheet
- Developed a spreadsheet to calculate financial ratios and compare them with industry standards
- Developed a claims report that showed that mechanics lien losses by policy year spiked over 10 times the prior 5 year average in 2005
- Developed a claims report showing that on a yearly basis 10 states accounted for roughly 3/4ths of the company's mechanics lien losses
- Specialized in and taught credit analysis, mechanics lien documentation and review and mechanics lien coverage nationally
- Specialized in analysis and work outs of projects with multi-million dollar recorded mechanics lien claims. Included in his workouts were four files with recorded mechanics lien claims in excess of $20 million.
- Provided expert witness testimony on a construction disbursing file was cited in a favorable appellate court ruling on the duties of a construction disbursing escrow officer
- Chair of the underwriting group for the Fidelity Family that reduced the mechanics lien coverage given to construction lenders in Illinois after several appellate court cases reconstruing the plain language of title company lien waiver forms.
- Chaired successful legislative efforts relative to a bonding over recorded mechanics lien claims statute and a statute of limitations relative to mortgage foreclosure attacks on arguably defective service on the mortgagors

SPEAKING ENGAGEMENTS – (the last 20 years)

- *Electronic Lien Waivers* at the American College of Real Estate Lawyers Construction Law Section
- *Lessons that Blockchain can Learn from the Torrens System* – American College of Real Estate Lawyers Title Insurance Committee
- *Mechanics Lien Risks – Looking at the Big Picture* at NorthPoint Builders - 2020
- *The Proper Payment System* at Chicago Bar Association annual Mechanics Lien Seminar -1995(?) to 2019

- *Recorder's Use of Blockchain and Orders Declaring Heirship* at Illinois Real Estate Lawyers Association - 2019
- *231 W. Scott, LLC v. Lakeside Bank: Comments on the duties of construction loan escrow agents, owners, and lenders* at Misuda Funai law firm – 2019
- *Post 2010 Mechanics Lien Coverage and Workouts* at Fidelity National Title Insurance Co underwriter training – 2019
- *Post 2010 Mechanics Lien Coverage and Workouts* at Society of Illinois Construction Attorneys - 2019
- *Illinois' Proper Payment System, Construction Disbursing Escrows & Bonds* at Fidelity National Title Insurance Co underwriter training - 2019
- *Mechanics Lien Documentation and Underwriting in Illinois* at Fidelity National Title Insurance Co underwriter training – 2019
- *Title Problems that Blockchain May not Answer* at Illinois Real Estate Lawyers Association – 2019
- *Exclusions 3a Panel* for ACREL - 2018
- *Title Problems that Blockchain May not Answer* at Chicago Mortgage Attorneys Association - 2018
- *Enhancement – A Bigger Second Bite* at Chicago Mortgage Attorneys Association – 2018
- *231 W. Scott - Illinois Construction Concerns for Owners and Lenders* at Chicago Bar Association Mechanics Lien Subcommittee – 2018
- *Construction Lender's Mechanics Lien Title Coverage in Illinois* at Society of Illinois Construction Attorneys, 2018
- *Illinois Statements and Lien Waivers* at Carlson Dash law firm – 2018
- *Illinois Lien Waivers* at LendLease construction disbursers meeting – 2018
- *Illinois Lien Waivers* at NewCastle construction disbursers meeting - 2018
- *Transfers of Real Estate on Death* at 4th Annual Elder Law Bootcamp by the Illinois State Bar Association - 2017
- *Transfers of Real Estate on Death* at Neal and Leroy law firm -2017
- *231 W. Scott, LLC v. Lakeside Bank: Comments on the duties of construction loan escrow agents, owners, and lenders* at Chicago Bar Association Mechanics Lien Subcommittee – 2017
- *Construction Contracts and Construction Risks* at Fidelity National Title national credit underwriting training meeting – 2017
- *231 W. Scott - Owner and Lender Considerations* at Greater Illinois Title customer breakfast – 2017
- *Construction Escrows, Statements and Lien Waivers in Illinois* at Illinois State Bar Association webinar 2017
- *Illinois Payment Considerations* at Illinois State Bar Association Contract Concerns Seminar – 2017
- *The Proper Payment System* at Freeborn Peters law firm – 2017
- *Financial Analysis Overview* at Fidelity National Title Insurance Co - Illinois underwriter training webinar (3 hours) – 2017
- *Financial Analysis of Contractors* at Fidelity National Title Insurance Co - Illinois underwriter training webinar (3 hours) – 2017
- *Financial Analysis Residential Builders* at Fidelity National Title Insurance Co – Illinois underwriter training webinar (3 hours) – 2017

- *Financial Analysis Shopping Centers* at Fidelity National Title Insurance Co – Illinois underwriter training webinar (3 hours) – 2017
- *Financial Analysis Authority Issues* at Fidelity National Title Insurance Co – Illinois underwriter training webinar (3 hours) – 2017
- *Mechanics Lien Endorsements* at Fidelity National Title national credit underwriting training meeting – 2017
- *Payment Provisions –National Contracts –AIA A-201 and G702/703* at Illinois State Bar Association Construction Contracts Seminar 2017
- *Illinois' Proper Payment System, Florida's Notices, Texas Two Step* at Locke Lord law firm – 2017
- *770 ILCS 60/38.1 Bonding Over Illinois Mechanics Lien Claims* at Chicago Bar Association Mechanics Lien Subcommittee – 2017
- *Mechanics Lien Underwriting and Documentation in Illinois* at Fidelity National Title Insurance Co Illinois agency presentation 2016
- *Mechanics Lien Endorsements* at Fidelity National Title Insurance Co State Counsel Meeting - 2015
- *Risk Allocation with 30 Day Delays* at Chicago Bar Association Mechanics Lien Subcommittee – 2015
- *Construction Disbursing in Illinois* (6 hours) at Illinois Land Title Association Title Tracks Seminar - 2015
- *Review of Construction Statements and Waivers* at Fidelity National Financial Insurance Co Region 5 underwriter meeting - 2015
- *HB 4657 - Bonding Over Illinois Mechanics Lien Claims* at CBA Mechanics Lien Subcommittee - 2014
- *Mechanics Lien Bonds, Endorsements, and Construction Escrows in Illinois* at CBA Real Property Committee – 2014
- *Adjusting to Decreased Construction Lender's Priorities and Title Coverage in Illinois* at Chicago Mortgage Attorney's Association – 2014
- *Mechanics Lien and Construction Issues in Illinois* at ISBA Construction Law seminar – 2013
- *Mechanics Liens and Construction Issues in Illinois* at Chicago Title Insurance Co Illinois agency seminar and at Illinois Land Title Association - 2013
- *Mechanics Liens* at Allstate Insurance Company - 2013
- *General Contractor Financial Analysis at Chicago Bar Association Mechanics Lien Subcommittee – 2013*
- *Mechanics Lien and Construction Issues in Illinois* at 6 hour Illinois Land Title Association Construction Escrow Training Program in 2013
- *Construction Payouts and Related Issues* at Much Shelist law firm - 2013
- *Approved Builders* at Fidelity National Title Insurance Co Regional Counsel Meeting - 2013
- *Payouts, Sworn Statements, Waivers and Dealing With the Title Company* in The Construction Project from Womb to Tomb (and Back Again) seminar by the ISBA Construction Law Section - 2012
- *Construction Lender Concerns* at Schiff Hardin law firm – 2012
- *Illinois Construction Lender Concerns in Illinois* at Illinois Mortgage Attorneys Association - 2012
- *Construction Payouts and Related Issues* at Carlson Dash law firm – 2012
- *Construction Payouts and Related Issues* at Pedersen Houpt law firm - 2012
- *Construction Loan Escrows in Illinois* at CBA Mechanics Lien Subcommittee – 2012

- *Fidelity's New Mechanics Lien Endorsements for Illinois Construction Lenders* at Chicago Bar Association Mechanics Lien Subcommittee – 2010
- *Post 2010 Mechanics Lien Coverage and Workouts* at Masuda Funai law firm – 2010
- *Mechanics Liens and Documentation Review* at Sherman and Sterling law firm - 2010
- *Mechanics Lien Coverage for Construction Lenders* at Milbank Tweed law firm - 2009
- *Construction Payouts and Related Issues* at Fidelity National Title Insurance Co's Illinois Claims Department 2009
- *Financial Analysis Overview* at Fidelity National Title Insurance Co Illinois underwriters – 2007
- *Financial Analysis Problems involved in Creditor's Rights Review* at Fidelity National Title Insurance Company underwriters – 2007
- *Mechanics Lien Endorsements* at Fidelity National Title Insurance Co -2007
- *Insuring Construction Loans in Florida* at In-Depth Title Insurance Principles, NBI -2007
- *Creditors Rights Considerations* at Fidelity National Title Insurance Co – 2005
- *Mechanics Lien Underwriting* for Munich Re Insurance -2001

LEGAL PUBLICATIONS

Chapters in legal publication books:

- *Payouts, Waivers, Sworn Statements, Statutory and Constructive Trusts, and Wrongful Payments* by Howard Turner and Paul Peterson in Turner on Illinois Mechanics Liens, 2nd Edition, ISBA 2019, currently updating for 2023 edition;
- *2006 ALTA Loan Policy with Mechanics Lien Endorsements for Construction Lenders* in Title Insurance, ICLE, 2019, currently updating for 2023 edition;
- *The Illinois Statutory Construction Payment Procedure – Contract Concerns in Constructional Law – Contract Concerns* in Construction Law: Transactional Considerations, IICLE 2017 and 2010 editions
- *Mechanics Lien Issues in Residential Real Estate Transactions* by William Lyman and Paul Peterson in Residential Real Estate (IICLE, 2008 and 2010).

Title company publications available to the general public include

- *Rights of Heirs and Legatees and their Purchasers in Illinois Real Estate* (first published in 1980, last updated 2019)
- *Practical Aspects of Illinois Mechanics Liens* (2018 update edited by Paul Peterson)
- *Creditor's Rights and Illinois Real Estate-Determining Solvency, Unreasonably Small Capital or Intent to Incur Debts beyond the Debtor's Ability to Pay*

Article for the American College of Real Estate Attorneys

- *Lessons from the Illinois Torrens System for Blockchain, 2022*

Articles for the Illinois State Bar Association include

- *Problems Blockchain Doesn't Solve*, Illinois Bar Journal, Feb. 2019 dealing with why Blockchain would not replace the Illinois race notice system.
- *Luxury Condominium Mechanics' Lien Issues*, Real Property Law newsletter August 2020
- *Potential Real Estate Concerns under the New Illinois Trust Code*, Real Property Law newsletter, April 2020, Trusts and Estates newsletter March 2020
- *The Effect of an Order Declaring Heirship*, Real Property Law newsletter, January 2020

- *From the Ex-Officio, the Year in Review*, Construction Law newsletter, July 2020
- *Retention Limitations: Another Wrinkle to the Illinois Contractor's Prompt Payment Act*, Construction Law newsletter, October 2019
- *Presumptive Void Transfers to Caregivers – A Bit of Mercy Please*, Trusts and Estates October 2018
- *231 W. Scott – What is an Attorney Supposed to Do?,* Construction Law newsletter, October 2017
- *The Sworn Contractors' and Subcontractors' Sworn Statements*, Construction Law newsletter, March 2017
- *Implementing the Bond as Substitute Security for a Mechanics' Lien Claim*, Construction Law newsletter March 2016
- *North Shore Bank and the Ever Changing Work Completion Date*, Construction Law newsletter June 2015
- *To Bond or Not to Bond – Why is There a Question?* Construction Law newsletter October 2013
- *Cypress Creek Decision Legislatively Reversed*, Construction Law newsletter July 2013
- *The Illinois Sworn Contractor's Sworn Statement: An Owner's Defense and an Owner's Obligation Construction* Law newsletter May 2012

COMMUNITY SERVICE AND PRO BONO

- See Bar Associations, Speaking Engagements and Legal Publications
- Foster parent for Catholic Charities newborn adoption program
- Foster parent for 2 sisters whom we adopted and father of 4 other children
- Extraordinary Minister of Communion, St. Raymond's Catholic Church
- Chair, Blood Drives, St. Celestine's Catholic Church
- Whole blood and apheresis donor, probably over 100 units
- Green and White Soccer Coach
- Cub Master

HONORS

- President's Award, Illinois Land Title Association for his work in the passage of the bonding statute that is now Section 38.1 of the Illinois Mechanics Lien Act.
- See Bar Association positions

PUBLICATIONS AVAILABLE ON REQUEST

- Problems Blockchain Doesn't Solve, Illinois Bar Journal, Feb. 2019 dealing with why Blockchain would not replace the Illinois race notice system.
- To Bond or Not to Bond – Why is There a Question? Construction Law newsletter October 2013
- Payouts, Waivers, Sworn Statements, Statutory and Constructive Trusts, and Wrongful Payments by Howard Turner and Paul Peterson in Turner on Illinois Mechanics Liens, 2nd Edition, ISBA 2019;
- 2006 ALTA Loan Policy with Mechanics Lien Endorsements for Construction Lenders in Title Insurance, ICLE, 2019

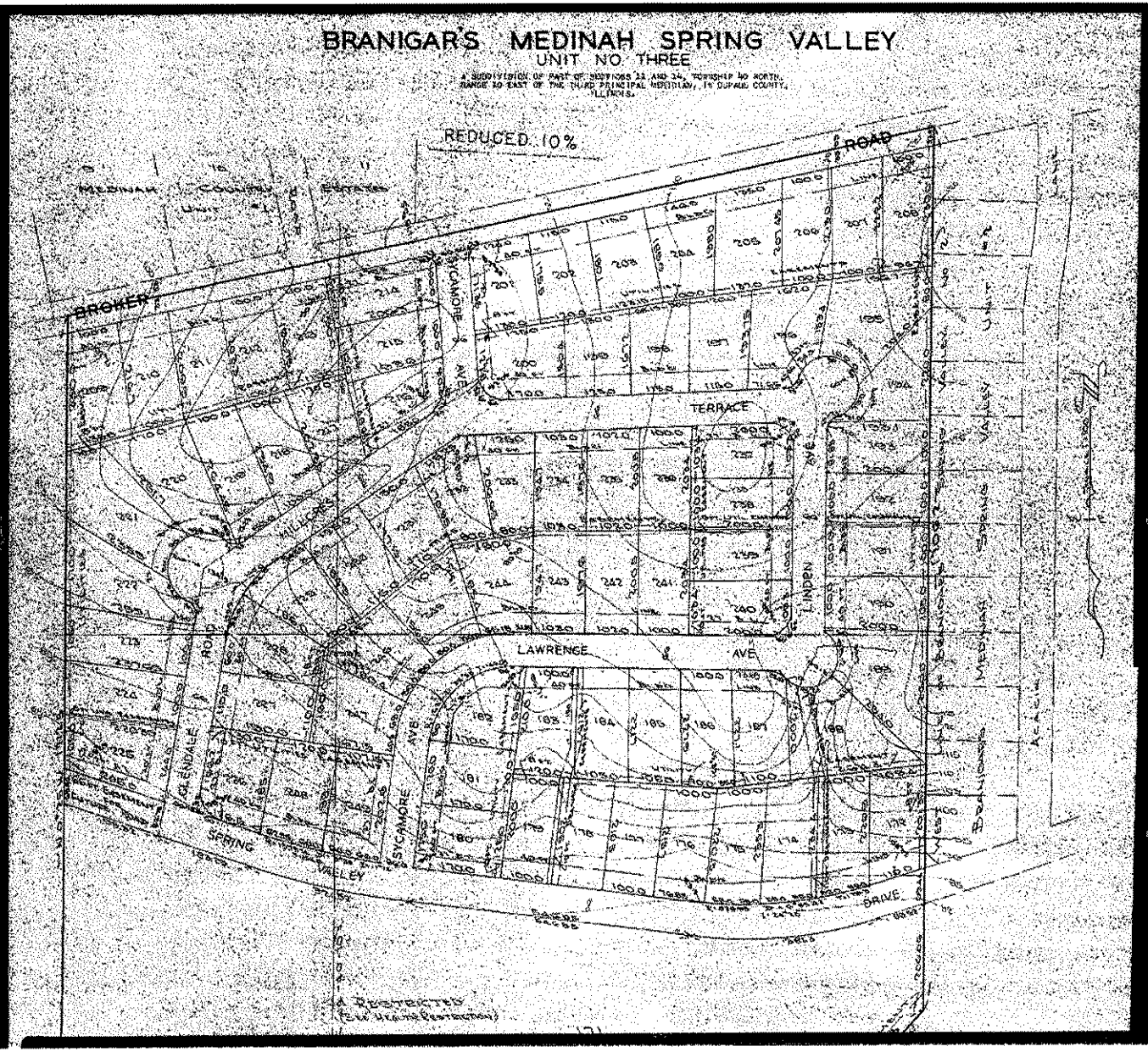
- The Illinois Statutory Construction Payment Procedure – Contract Concerns in Constructional Law – Contract Concerns in Construction Law: Transactional Considerations, IICLE 2017 and 2010 editions
- Rights of Heirs and Legatees and Their Purchasers in Illinois Real Estate, Chicago Title Insurance Company booklet

EXHIBIT B

BRANIGAR'S MEDINAH SPRING VALLEY

UNIT NO. THREE

A SUBDIVISION OF PART OF SECTIONS 33 AND 34, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.



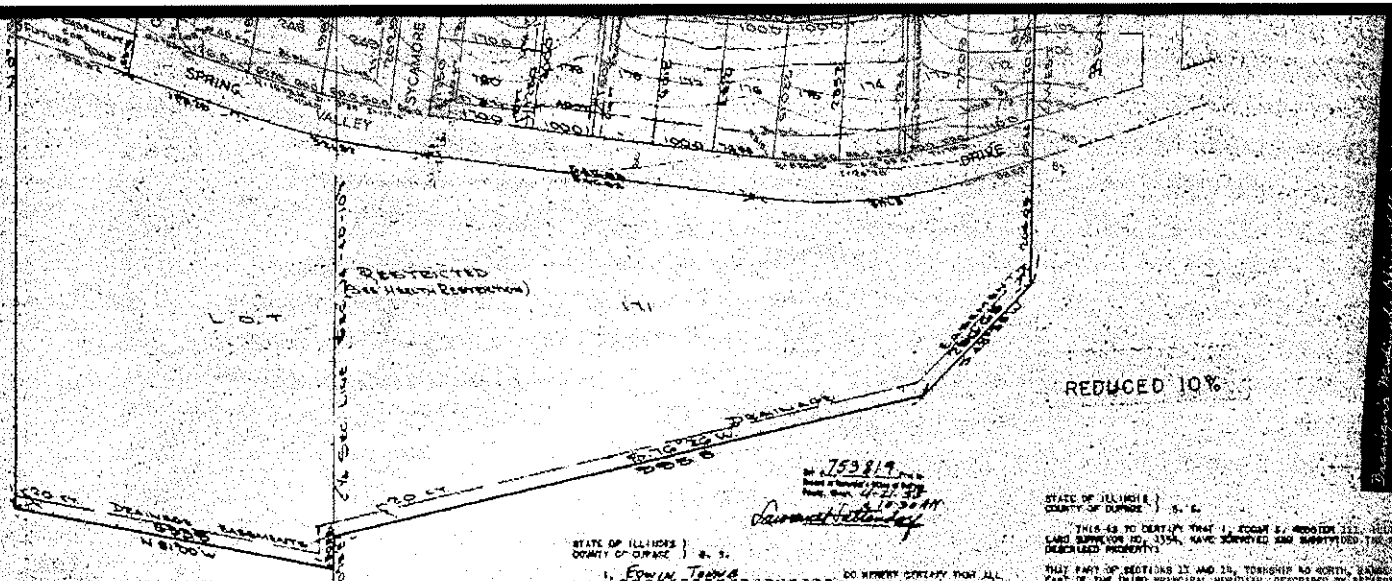

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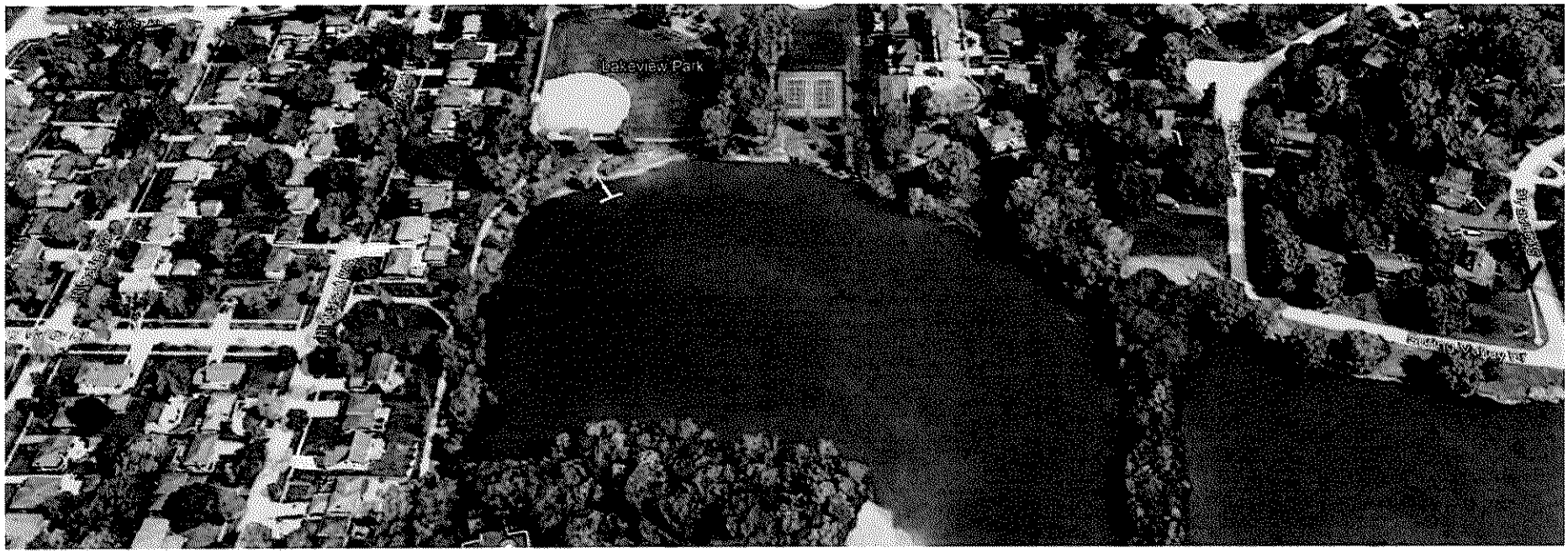
EXHIBIT C


Lakeview Park